

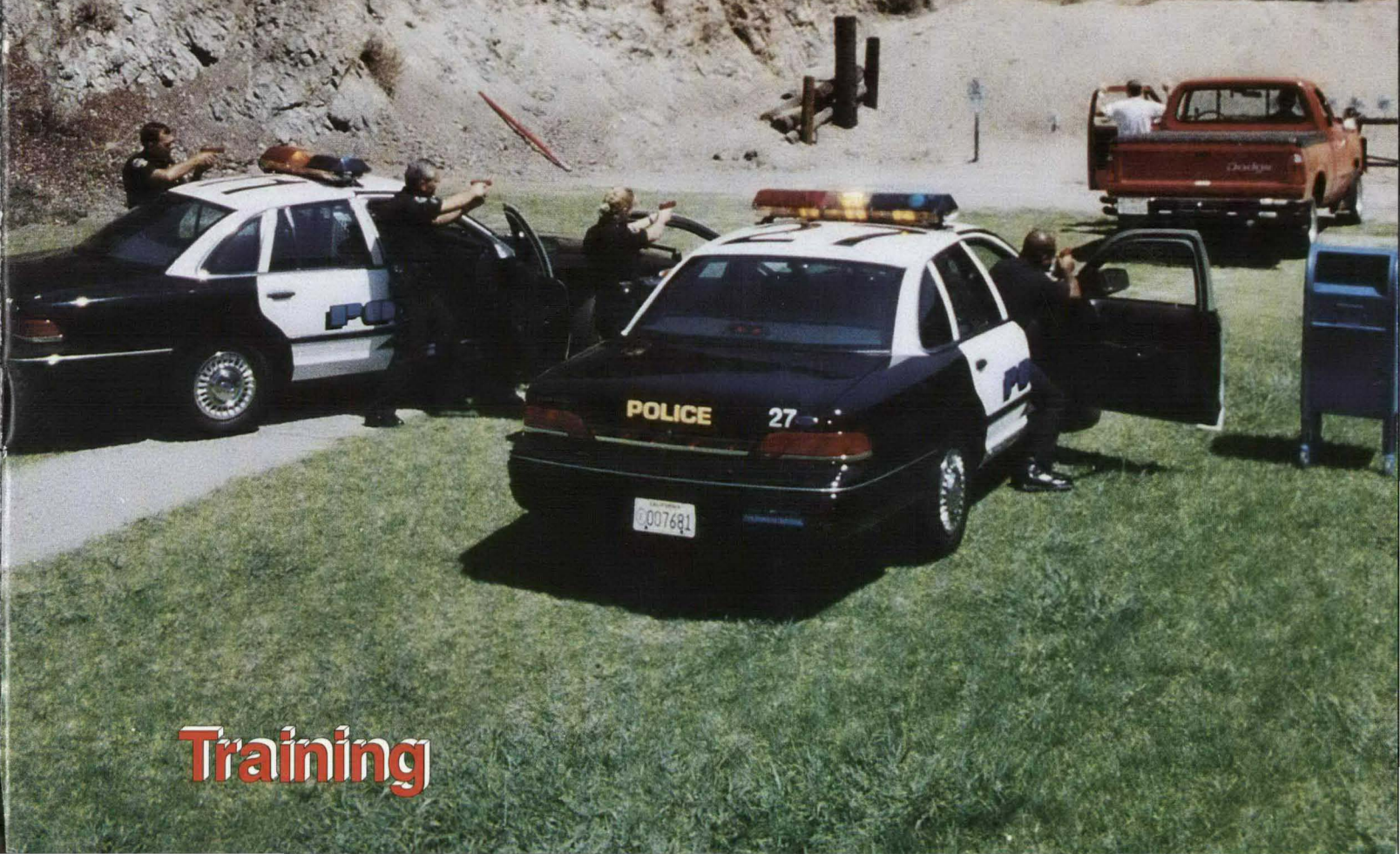
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Louis J. Freeh
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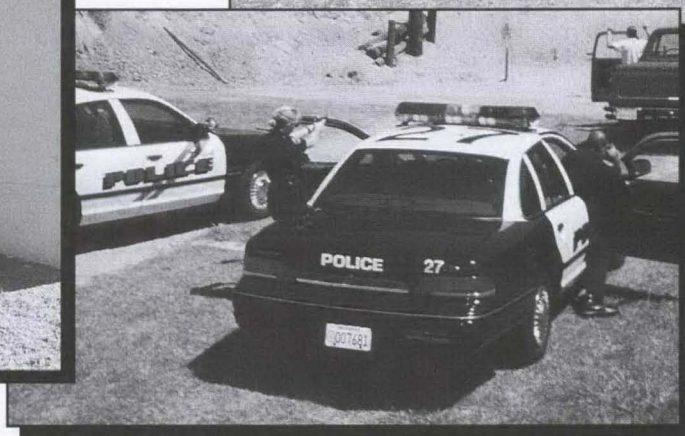
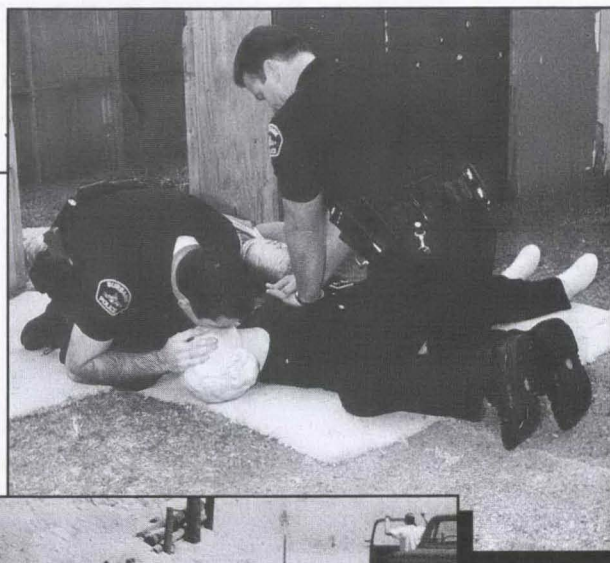
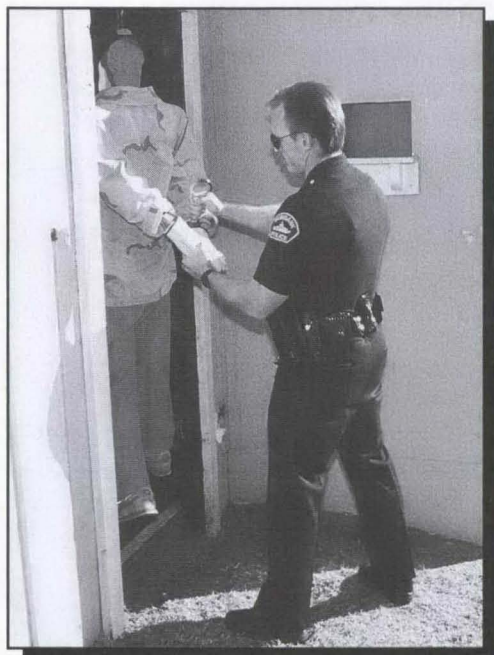
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Integrated Use-of-Force Training Program

By BRIAN R. ARNSPIGER
and GORDON A. BOWERS, M.A.



Law enforcement use-of-force training traditionally has been rather disjointed. Officers learn shooting as an isolated skill, PR-24 baton qualification occurs annually, handcuffing skills are taught rarely, and defensive tactics training often takes place only to try out a new technique or weapon. Departments frequently depend on field training officers to teach rookies decision-making skills and how to select the appropriate level of force. In addition, most instruction focuses on increasing the efficiency of an isolated element in the force continuum but often fails

to demonstrate other techniques, such as verbalization and the use of cover.

As demonstrated by recent high-profile cases, law enforcement needs to adopt a training paradigm that encompasses the entire scope of the use of force and that also teaches officers how to present (in reports or courtroom testimony, for example) the rationale and justification for the levels of force they apply. Providing realistic training that covers the full use-of-force continuum, from command presence to deadly force, should be the training objective.

Police officers can be thrust into any point on the force continuum without warning. Their training should give them the skills to make and implement appropriate decisions that consider the safety of both officers and subjects, as well as the constantly changing conditions. The training must be realistic, updated regularly, and contain a system of proficiency testing and evaluation. It must include the use of cognitive (knowledge), affective (attitude), and psychomotor (physical) skills.

The Burbank, California, Police Department (BPD) developed an integrated use-of-force training

program in response to a department-wide assessment of training needs. This article explains the development of the program, reviews two sample scenarios, and describes the department's experiences thus far. It also suggests a direction for future training development and addresses some budget implications of this type of program.

PROGRAM DEVELOPMENT

In a department-wide poll taken in 1993 by the Burbank Police Department's instructional staff, officers expressed a need for more defensive tactics training. Officers reported an initial tendency to back off during field contacts with threatening subjects because they did not feel confident in their ability to address such threats without resorting to deadly force.

The instructors then examined the department's reports on incidents in which officers used force.

They found that many injuries to officers and subjects occurred because officers did not apply contact and control techniques properly. This information confirmed the need for additional training.

Next, the instructors gathered material about numerous training programs throughout the country. They reviewed the programs and evaluated each one to determine whether it met their department's needs. Eventually, staff members designed their own integrated use-of-force training program, drawing on the best components of the courses they had examined.

In the summer of 1995, the police department began using its new curriculum. The program employs 15 training scenarios to integrate the following topics:

- Command presence and verbalization (including Verbal Judo)

- Use of cover
- Weaponless defense (emphasizing Krav Maga, an Israeli system of self-defense that enables students to achieve a relatively high level of proficiency within a short period of instruction)
- Chemical weapons
- PR-24 side-handle baton
- Firearms (duty handgun and shotgun)
- Standardized high-risk vehicle stop
- Search of subjects
- Handcuffing techniques (including speedcuffing)
- First aid and CPR
- Officer rescue techniques.

This type of training rests on the premise that officers never should face a situation in the field completely unlike anything previously faced in training. Integrated use-of-force training seeks to develop in each officer the knowledge, skills, and techniques necessary to:

- Apply verbalization properly as a tactic to reduce the need for physical force in controlling situations
- Maximize officer and suspect safety through the correct identification and use of cover available to officers during citizen contacts
- Minimize the liabilities associated with the use of force by understanding the available range of possible responses, selecting the appropriate force level, constantly reevaluating



Detective Arnspiger is the primary law enforcement trainer for the Burbank, California, Police Department.



Captain Bowers commands the Special Operations Division of the Burbank Police Department.

the level of force required in a situation, and accurately verbalizing the rationale and justification for each use of force.

SAMPLE SCENARIOS

The use of scenarios provides a viable system for presenting the entire spectrum of use-of-force training. Each scenario incorporates several topics in a way that gives students practical experience in both critical judgment and technical skills.

Simulations replicate many common calls to which officers respond. The following typify the scenarios used in the BPD's program.

Ambush

In one scenario, two officers in a police car, armed with a shotgun and a handgun, respond to an ambush. They must physically restrain, search, and handcuff a combative suspect, played by a trainer in protective gear. They then rescue an injured officer (a 165-pound drag dummy). The dummy is switched with a training mannequin in full police uniform, and the officers must perform CPR (one or two person) on the rescued officer.

At the trainer's discretion, this all might take place under fire, using blanks fired from a specially designed robotic unit. To conclude the exercise, each officer must testify to a court of fellow officers, explaining the rationale for each use-of-force decision throughout the scenario.

High-Risk Vehicle Stop

A second scenario replicates a high-risk vehicle stop. Three police

units, a civilian vehicle belonging to a trainer, and a scrap vehicle donated by a city towing service are used in this exercise, which is conducted on the outdoor shooting range of the Burbank Police Training Facility. Metal pop-up targets activated by compressed air have been installed in both the front and rear seats of the donated scrap vehicle.

“Each scenario incorporates several topics in a way that gives students practical experience in both critical judgment and technical skills.”

In a 2-hour session, four to six on-duty officers complete a cycle comprised of three training elements—classroom instruction, two dry runs using inoperative training guns, and one “hot” run using service weapons and live ammunition.

In the classroom, instructors introduce the standardized high-risk vehicle stop developed for the department. They emphasize vehicle and officer positioning, individual officer assignments, and the specific techniques needed by each team member to conduct the stop successfully.

The officers then practice the stop twice. The practice runs use the three police units and the trainer's

civilian vehicle, which is occupied by two or more suspects played by actors. To maximize safety, the students use only inoperative training handguns and shotguns. They rehearse the entire process, including positioning the cars, calling the suspects out of their vehicle individually, positioning suspects properly for the designated arrest officer or team, and bringing suspects back behind the police cars. There, the officers search the suspects, who usually have two or more hidden weapons, and place them into the police units for transportation.

If suspects resist, the officers must use the appropriate force to subdue them. For every stage of the scenario—from deploying the officers to preparing the suspects for transport—each officer must verbalize the reason for performing each action or technique, justify any use of force, and discuss tactical considerations.

Finally, each team of officers conducts a stop using live ammunition. This time, the scrap vehicle containing pop-up targets serves as the suspect vehicle. Each officer must use the proper verbal commands, as if ordering actual suspects to exit the vehicle. At some time during the verbal commands, one or more steel targets pop up. Each officer must make a shooting decision based on the target presented. (The trainers designate white targets as threats and targets of any other color as innocent victims.) The survival shooting situation adds an element of stress to the scenario. After the hot run, the officers critique their own performances, facilitated by the trainers.

RESULTS

Course evaluations by the students, including BPD's regular and reserve officers, as well as guest officers from a federal agency, several nearby police departments, and at least one large out-of-state agency, have indicated positive outcomes. Students regularly mention the trainers' enthusiasm, the simple but effective techniques, and the overall value of the training. The realistic integrated use-of-force scenarios have increased officers' confidence in their abilities. This confidence has translated into their handling more field incidents with lower levels of force than before the training.

When officers are confronted with a threat, the instructors teach them to move toward the threat and disarm it rather than move away and respond to it. Shortly after receiving this training, a BPD officer used this technique, and it probably saved his life.

As the officer spoke with a driver during a traffic stop for an equipment violation, the subject drew a handgun from under the front seat and began turning it toward the officer. The officer immediately moved toward the threat, simultaneously striking an offensive blow and deflecting, then restraining, the gun hand. He disarmed the subject and controlled him until assisting officers arrived. The subject, an armed-robbery parolee with 19 bundles of "flash money" in the car, later admitted he was en route to pull a cocaine rip-off when stopped.

This situation clearly could have justified deadly force, and if the officer had made any initial move backward, there would have

been no alternative. Because of the officer's immediate reaction to move toward the threat to reduce it, however, he avoided the use of deadly force, not to mention avoiding the potential for injury or loss of life. It is likely that in this situation alone, the entire cost of the integrated use-of-force program was offset by savings from the now-unnecessary shooting investigation, damage claim, administrative hearing, and civil suit.

**“
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A much more common example occurred just 2 weeks after the training program was initiated. Three officers responded to a domestic violence call, which led to the husband's arrest. As two of the officers moved to restrain the subject's arms, he violently jerked back and began to struggle. The third officer later reported that he "instinctively initiated the three-person take-down," as taught in class, which allowed the subject to be taken immediately into custody with no injury to him or the officers.

These two incidents have a common element. The officers took immediate, decisive action when

faced with situations they had mastered previously with simple, effective techniques in realistic training scenarios.

Based on field successes and positive feedback from the students, the BPD is continuing its integrated use-of-force training program. The course will be offered in 2-hour segments on a bimonthly basis. Topics will rotate so that officers can attend all training elements. Officers must get permission from their supervisors and sign up in advance. Because the sessions last only 2 hours and occur during duty time, officers can attend the training and then return to patrol for the remainder of the shift. The BPD deploys officers in three overlapping 12-hour shifts, which enables supervisors to release two to four officers per shift for training without any adverse effects on field patrol strength.

FUTURE DIRECTIONS

BPD instructors envision the logical extension of this concept as surprise, on-duty training calls for officers, which will be dispatched as actual calls for service. Upon arrival at the scene, officers will be informed by the training lieutenant that this is a training call. They will exchange their pistols, magazines, batons, and pepper spray for training versions; then they will approach the crime scene and handle the call.

The proposed location is a Re-development Agency house borrowed for training purposes. Video cameras installed in the house will provide coverage of the porch and entry, living room, and dining room.

Role players will be trainers from another agency, so they will be unfamiliar to officers. Possible scenarios include an officer injured in an ambush, a woman giving birth, a drunken father threatening an abused daughter, a PCP-crazed subject harassing others, or any other situation that replicates a real call.

At the conclusion of each incident, trainers will debrief the officers and critique the scenario. If the scenario involved the use of serious physical control (e.g., neck restraint, K-9, impact weapon, focused blows), a cool-down period will be provided prior to the officers' return to field duty.

This type of regular practice and evaluation increases officers' effectiveness and confidence in their ability to handle field situations. On-duty training calls are easy to schedule, and both administrators and line officers agree that such calls do not significantly disrupt the department's ability to respond to regular calls for service.

BUDGET IMPLICATIONS

Because budget constraints have such significant impact on training decisions, the cost for integrated use-of-force training must be addressed. Fortunately for the police department, most of the

program's components have not cost any additional money; expenses budgeted for task-specific training simply have been reassigned to the integrated system. For example, the department shifted the funds previously designated for contract first-aid and CPR trainers to the integrated system, which incorporates those topics and uses in-house instructors.

Savings in field strength also result from the more efficient use of training time. Rather than have an officer miss an entire shift to attend a first-aid class that might only last for one-half or two-thirds of the shift, the same level of

The Krav Maga System of Defensive Tactics

The Burbank Police Department incorporates the Krav Maga defensive tactics system into its integrated use-of-force training. Krav Maga, which translates to "contact combat," originally was developed in Israel in the 1950s. A number of law enforcement agencies in the United States have adopted the system.

Krav Maga differs from traditional martial arts-based approaches to defensive tactics. It is a modern, reality-based method of training characterized by coherent and logical thinking that builds easy, natural, and practical techniques based on simple movements of the human body. Common principles apply to a variety of scenarios, enabling students to learn the system quickly, retain the techniques after training, and perform them under stressful conditions.

The Krav Maga system offers another important feature for law enforcement. Part of the reality-based training focuses on improving the officer's emotional and physical response to danger. Officers develop the ability to recognize danger, react without hesitation, and escalate and de-escalate the levels of force used as the situation develops. Krav Maga instruction covers combative subjects, self-defense, weapon retention, impact weapons, arrest and control/officer safety tactics, and empty-hand defenses against armed assailants.

For more information, contact the nonprofit Krav Maga Association of America, Law Enforcement Training Division, P.O. Box 8723, Calabasas, California 91372, or phone (818) 223-9451.

training can take place on duty, leaving the officer available for patrol for the remaining portion of the shift.

Overtime costs also can be reduced with the use of this approach. On-duty instructors can conduct training during all three watches, eliminating the need to pay overtime to send all officers to school during the day shift. It is much more efficient to pay an in-house trainer to work several graveyard shifts than to pay the whole graveyard shift to attend a class during the trainer's day shift.

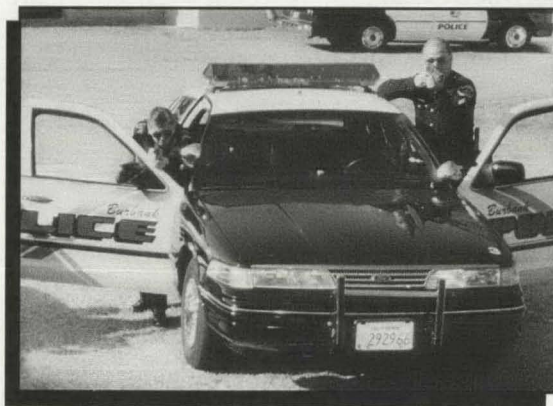
This program has not been cost-free, however. The six department instructors attended train-the-trainer courses to become certified to teach the full spectrum of topics included in the integrated program. Certification in Krav Maga, for example, cost \$1,200 per instructor. Other start-up expenses included approximately \$20,000 for equipment, such as protective gear, sparring equipment, and mats. Although this initial outlay was significant, the long-term savings outlined above have made it worthwhile.

One way to reduce the financial impact of any training initiative is to put the program in the hands of an enthusiastic manager. Such individuals are likely to consider innovative solutions and approaches. For example, the BPD has had success with such cost-saving measures as:

- Training an assistant rangemaster in welding to enable him to construct the pneumatic pop-up

targets using salvaged aircraft parts

- Acquiring asset forfeiture funds to purchase equipment
- Using reserve officers as trainers and role players in the scenarios
- Building a shooting range similar to the FBI's Hogan's Alley, mainly using obsolete movie sets donated by a local film studio
- Sponsoring private training courses at the department's facility in exchange for a few free slots in the classes for BPD trainers



- Getting donations of items, such as free-standing mailboxes and street light poles, to make the outside training setting more realistic.

Accountants and budget specialists frequently attack training expenses on the grounds that the bottom line is all that counts. In today's litigious society, civil judgments against individuals and government agencies, particularly for

excessive use of force, have reached historic proportions. The true bottom line is that departments cannot afford not to train their employees and train them well. The police department's integrated use-of-force program provides one way to maximize the value of each training dollar spent and to gain the greatest benefit for the employees as well as the agency.

CONCLUSION

The Burbank Police Department identified and responded to the need for better instruction in the proper use of force and application of defensive tactics. To avoid the pitfalls of traditional training, which teaches skills in isolation, the department's instructional staff designed a program that integrates a variety of skills in realistic simulations of calls for service.

Exposing officers to situations that closely replicate what they might face in the field allows them to learn and practice effective responses. In addition to mastering specific techniques, they gain the critical thinking and decision-making skills that shave life-saving seconds from response times. Forcing them to articulate the reasoning behind their decisions also helps officers write accurate reports and give clear, thorough testimony in court.

Police training should prepare officers to carry out their duties safely and effectively. The Burbank Police Department's integrated use-of-force training program has enhanced its ability to serve the public with confidence. ♦

The Pickpockets

Photo © Richard T. Richards



While vacationing in Rome, Italy, Richard T. Richards, a volunteer for the Chatham, New Jersey, Emergency Squad, captured on camera a three-member pickpocket team in action. As the girl on the far right distracts the victim by waving a piece of cloth and the girl in the center grabs the victim's arm, the third girl, closest to the victim, reaches into his pocket from beneath a board she is holding. Ironically, later during the same trip, Richards also fell victim to pickpockets who stole his wallet and camera. ♦

Snap Shots showcases unique photographs that the magazine has received from its readers. If you have a poignant, humorous, or interesting photograph that you would like to share with other readers, please send it to: John Ott, Art Director, *FBI Law Enforcement Bulletin*, Law Enforcement Communication Unit, FBI Academy, Quantico, VA 22135.

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Focus on Cooperation



Interagency Drug Training

By William M. Toms, M.A.
and Stephen G. McAllister, M.A.

The illicit drug industry in the United States changes constantly. Many factors can influence emerging trends in the drug trade. For example, law enforcement efforts might force cocaine cartels to alter their importation routes into the United States; domestic transportation networks often adjust their concealment methods when distributing drugs throughout the country as a result of law enforcement scrutiny; and the principles of supply and demand determine the amount and price of drugs in various locations.

Law enforcement officials nationwide must contend with these continuous modifications in drug packaging, street names, prices, methods of transportation and concealment, and the major players who control drug trafficking operations on the streets. Drug

traffickers know no boundaries; therefore, drug investigations often transcend the jurisdictional limits of investigating agencies. One of the best ways to create an environment conducive to cooperative multijurisdictional investigations is for neighboring agencies to train together.

BENEFITS

Enhanced Cooperation

When officers from different agencies train together, they become familiar with one another's personnel and agency operations. This knowledge lends insight to officers' expectations of other agencies when they embark on a multijurisdictional investigation. They know one another's strengths and resources and can structure investigations to take advantage of those attributes. The shared training experiences foster greater cooperation on the job.

Exposure to Other Investigative Techniques

Agencies often approach similar investigative dilemmas in different ways. Whether the choice of investigative approach is driven by available resources, investigative expertise, or merely investigative prerogative, law enforcement officers learn from one another when they train together. They can broaden the range of available options and see how to apply those options to their own cases.

Exchange of Information

During joint training programs, officers often share their experiences and intelligence information. The contacts and relationships developed in class usually remain intact when officers return to their departments, where they continue to share information. This exchange is vital to conducting successful drug investigations because crimes being investigated in one jurisdiction for the first time might have been handled several times in another jurisdiction.

For example, crack cocaine first showed up on the streets of New York City in the mid-1980s. By the time this substance infiltrated the suburbs of New Jersey, New York City law enforcement officials had extensive experience in dealing with the drug. New Jersey officials benefited from the experience of their New York counterparts.

Evaluation of Critical Incidents

Officer safety is paramount in any type of law enforcement operation. Drug investigations can involve more risk than other law enforcement endeavors because of the nature of the offender. Officers in departments that conduct numerous drug operations and deal with thousands of confidential informants and suspects each year inevitably encounter dangerous situations and critical incidents.

During interagency training, officers can disseminate the lessons learned from their post-critical incident studies and evaluate other ways to handle such incidents. This benefits everyone involved and even might save the life of a colleague facing a similar situation in the future.

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Interagency drug training...establishes an environment in which officers can share their knowledge and build solid working relationships across jurisdictions.
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Efficient Use of Resources

Interagency drug training provides a cost-effective means of obtaining quality instruction. Instead of an agency with limited resources spending a large percentage of its training budget (for airfare, lodging, rental vehicle, meals, etc.) to send one person to a distant training site, several agencies can share the cost of a regional training program.

Participating agencies can pool instructors, equipment, facilities, and other resources so that more officers can benefit from them. In addition, federal grants sometimes are available to support such regional training initiatives.

PROGRAM DESIGN

Several key components make interagency drug training programs effective. These include enrolling students from all ranks and different agencies, using experienced investigators as instructors, and developing a dynamic, up-to-date curriculum that uses practical exercises to complement classroom instruction.

Mixture of Students

The very nature of an interagency program dictates that classes contain students from diverse agencies, but administrators also should enlist students

across the ranks. Students thus benefit from the experience of other officers, as well as from procedural differences among agencies.

Instructors should arrange classroom seating to distribute uniformed, undercover, and supervisory officers throughout the room. Individuals from the same agency should not sit together. At the New Jersey State Police Academy, students submit applications detailing their years of service and experience working drug cases. This allows instructors to predetermine the seating arrangements so that officers from the same agency and similar experience are dispersed equally throughout the class. Such carefully orchestrated seating encourages more interaction and communication among the students.

Instructional Staff

As adult learners, students need to respect the expertise of instructors in order to learn from them. Therefore, drug training program instructors should be line officers experienced in conducting operational investigations. In addition, because the nature of the street drug scene changes rapidly, instructors presently should be assigned to investigative duties.

For example, the High Intensity Drug Trafficking Area (HIDTA) Regional Training Center at the John Jay College of Criminal Justice in New York City draws instructors from a host of federal, state, and municipal agencies. These include members of the Bureau of Alcohol, Tobacco and Firearms, the DEA, the FBI, the U.S. Customs Service, the New York and New Jersey State Police, and the New York City Police Department. Instructors cover program areas specific to their experience and expertise.

Such an interagency staff provides students with a broad view of the operations of different agencies. Because each instructor covers only one or two topics, as opposed to a program in which a few instructors handle all of the topics, the program's variety of viewpoints and presentation styles stimulates the students.

Curriculum

A successful drug training program must present information on the current drug trends and changing operational conditions. Material offered today cannot be the same as that offered last year. The curriculum must remain dynamic and flexible in order to prepare officers for the challenges they will face on the streets. Instructors who are experienced line officers typically can identify the trends and readily incorporate those changes into the curriculum. Having officers complete a comprehensive critique at the end of each program also can offer direction for needed curriculum changes.

Practical exercises play an important role in drug training. The 1-week programs offered at the New Jersey State Police Academy and the HIDTA Regional Training Center integrate a number of practical exercises into the curriculum. Just as in the classroom, officers interact with one another in simulated drug enforcement operations designed by the instructional staff.

Simulated operations include drug purchasing scenarios, such as buy-busts, rips, and raids, conducted within the controlled, but stressful, environment designed by the instructional staff. Less-experienced officers can observe how their experienced counterparts handle drug enforcement operations in a controlled environment. Supervisors may be assigned the role of undercover officers to remind them what their subordinates face when negotiating transactions with drug dealers. Likewise, uniformed or undercover officers may play supervisory roles to learn the trials of overseeing drug enforcement operations.

Instructors should place practical exercises in the training schedule with an eye toward obtaining the greatest benefit for the students. Role-plays and other exercises should demonstrate and enhance material covered in the classroom. These exercises offer students a change in instructional modes and an

opportunity to practice and absorb more fully the techniques and information discussed by the instructors.

CONCLUSION

A successful drug training program provides officers with the information they need to perform their jobs more thoroughly and efficiently. Interagency drug training programs provide a forum in which officers can network with their peers, learn from one another's experience to avoid repeating costly mistakes, and be exposed to the procedural diversity of a variety of agencies. A dynamic instructional staff comprised of line officers from several agencies will facilitate sharing experiences throughout the law enforcement community.

In highly specialized assignments, such as bomb squads, agencies have a history of training together and sharing

resources. Yet, this cooperative spirit traditionally has not spilled over into other areas. Interagency drug training combines the physical, monetary, and personnel resources of several agencies to create a program that far surpasses what a single agency could create. Even more important, it establishes an environment in which officers can share their knowledge and build solid working relationships across jurisdictions.

As drug dealers become more sophisticated and vary their tactics to avoid detection and apprehension, law enforcement officers must keep pace. Training together can enhance officers' ability and willingness to tackle the complex multijurisdictional investigations they face every day. ♦

Detective Toms coordinates drug training programs at the New Jersey State Police Academy in Sea Girt and is assigned to the organization's Investigations Section. Sergeant McAllister of the New York City Police Department supervises the instructional staff of the HIDTA Regional Training Center at the John Jay College of Criminal Justice in New York.

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Interagency drug training provides a cost-effective means of obtaining quality instruction.

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Hidden Compartment

When undercover detectives from the Erie County, New York, Sheriff's Office arranged to purchase cocaine from two suspected drug dealers, it looked like an open-and-shut case. The detectives paid the suspects \$4,900 for 5 ounces of cocaine and then allowed them to drive a short distance before stopping their vehicle and arresting the pair. However, a search of the suspects and the vehicle failed to turn up the money. The detectives conducted a more exhaustive inspection of the suspects' station wagon later that night but still could not locate the cash.

Resuming the search the following morning, one of the detectives removed a portion of the dashboard panel and discovered a magnetic contact switch. Meanwhile, another detective searching the floorboard of the vehicle's rear storage area uncovered a hinged door hidden beneath the carpet.

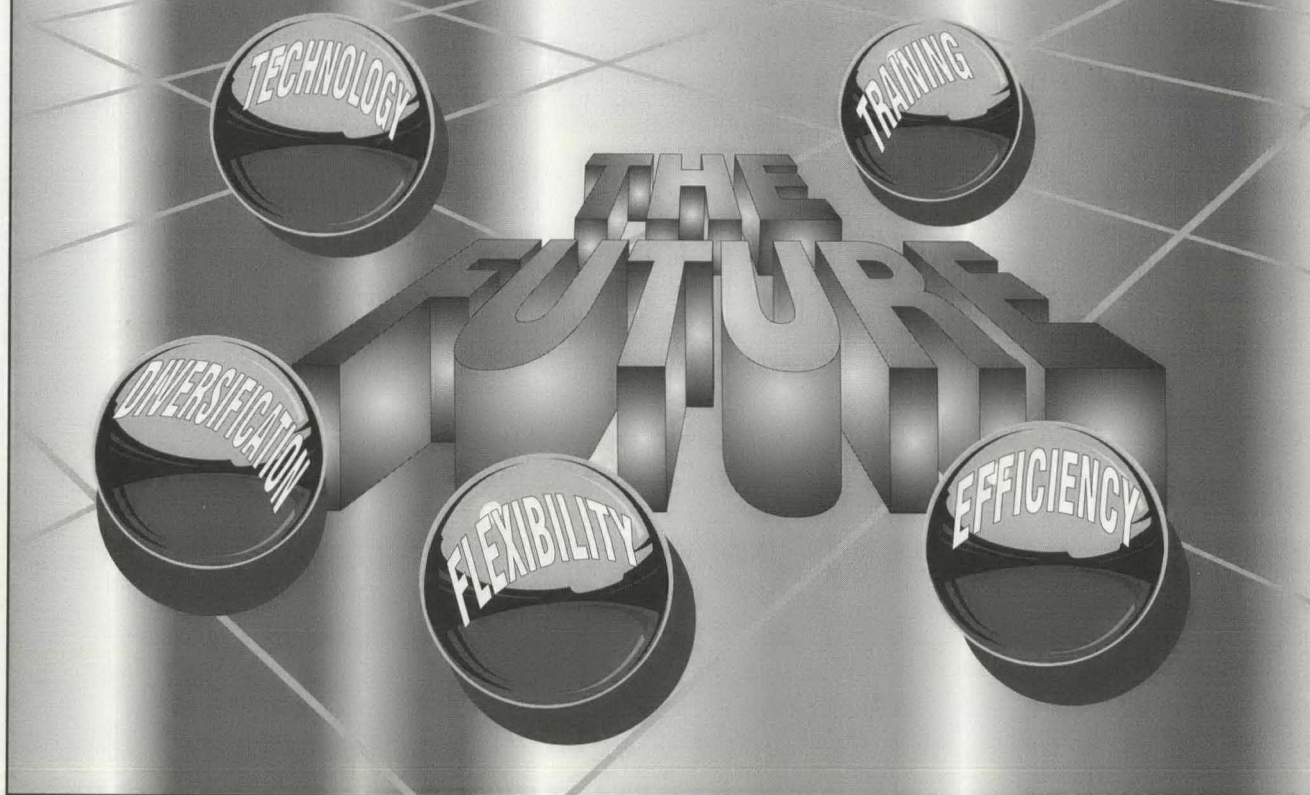
One detective pressed the contact switch on the dash, which opened the concealed compartment. Inside, they found the money and an additional ounce of cocaine.

The secret compartment, measuring 9" x 36" x 4", could hold several kilos of illicit drugs and appeared to be professionally constructed using a fiberglass-type material. An electronic automotive trunk lock wired to the contact switch secured the hinged door. The original carpeting showed no sign of a seam at the hinge. The sophisticated construction techniques reveal the lengths to which drug dealers will go to evade detection by law enforcement. ♦

Submitted by Det. Conrad Gospodarski of the Erie County, New York, Sheriff's Office.

Building an Organizational Foundation for the Future

By ANDREW J. HARVEY



The modern world has become a place of constant change and transformation. In this environment, success depends on how well organizations recognize and adapt to change. Management theorist Tom Peters put it very well when he said that the most successful organizations in the future will be the ones that “thrive on chaos.”¹ Those that cannot identify and act on emerging issues are doomed to, at least, inefficiency and ineffectiveness and, at most, disaster and possibly even destruction.

What does this trend mean to law enforcement? With its traditional, paramilitary structure, law enforcement has proven slow to adapt to change. While traditional methods have brought success in the past, relying on these techniques in the future may be dangerous.

To achieve success in the next century, law enforcement agencies must recognize and welcome emerging trends. Part of this means changing the way they operate, from their organizational structures to their management of human resources.

This article discusses the strategies that law enforcement agencies need to implement in order to build an organizational foundation for the future.

ORGANIZATIONAL STRUCTURE AND OPERATION

In order to deal with the rapidly changing environment in the 21st century, law enforcement's paramilitary hierarchy, with rigid controls and strict chains of command, must give way to a structure that

emphasizes network-type communication and flexibility. The traditional organizational pyramid, with the chief at the top and line officers at the bottom, must become inverted. Instead, the community must sit at the top of the pyramid, followed by line officers, then supervisors, and finally the chief.

Late 20th-century belt tightening has put the squeeze on middle management, and in the 21st century, those middle managers who remain may disappear from the picture entirely. Better-educated employees who require less supervision and technological advancements that make information management easier will allow supervisors to increase their spans of control and supervise more employees at one time.

Organizational efficiency will become critical, as the privatization of law enforcement services increases. Currently, private security firms employ 2 1/2 times more people than law enforcement agencies; this number will increase substantially by the year 2000.² As a result, the police will find themselves increasingly in competition with private firms for law enforcement services. Without proper preparation, agencies will have difficulty dealing with this newly found competition.

In addition, police departments will acquire new specialized functions in response to both emerging issues and those that continue to require law enforcement attention. These new roles will affect the organizational structure of the department.

For example, the plight of the homeless likely will continue to be a pressing issue in the coming

decade.³ Departments will need to create units that deal specifically with the homeless. Additionally, as the population ages, police departments increasingly will be called upon to respond to the unique needs of the elderly. As a result, departments will require specialists in gerontology. Departments in the future also are likely to change their organizational structures to incorporate more formal partnerships with schools, community groups, and the media.

The most effective leaders in these new organizational structures will be situational leaders. They will be flexible in their approaches, adapting their leadership styles to the situation at hand and the individuals involved. They will rise to the challenge presented by well-educated employees who do not submit to authority as workers have in the past.

These leaders will be consensus builders and agents of change. They

will empower their employees and accept the attendant risks. They will be the bearers of ethical standards and will devote themselves to training and developing their staffs. Finally, these leaders will look to the future, anticipating trends while they perform day-to-day tasks.

HUMAN RESOURCE CONSIDERATIONS

Determining Future Staffing Levels

Business experts advise companies to work smarter, not harder. In the coming years, many organizations will see this concept come to fruition, as technological advances allow them to achieve the same or better results with fewer employees devoted to the task.

Technological advances will help law enforcement officers fight crime. Smart cars will allow officers to complete such tasks as checking criminal databases, storing and

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To achieve success in the next century, law enforcement agencies must recognize and welcome emerging trends.

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Captain Harvey serves with the Covina, California, Police Department.

retrieving offender profiles, writing reports, and communicating with other officers, all from their patrol vehicles. Smart houses will help prevent break-ins by recognizing and admitting only authorized occupants. A single smart card will replace the numerous cards people carry now for identification, banking, and credit purposes. Biological advances, such as the "sober up" pill, will decrease crimes fueled by alcohol, which, according to futurist Gene Stephens, is linked in some way to 50 percent of all street crime.⁴

Perhaps the most significant changes for law enforcement will result from the move toward a cashless society. In such an environment, criminals could no longer rob citizens and banks of their cash. Cash-only criminal enterprises would disappear. At the same time, many lawbreakers will adapt and employ increasingly sophisticated strategies to ply their trades.

While technological breakthroughs will decrease the number of officers needed, other factors will cause exactly the opposite effect. First, changes in demographics have altered the nature of the nation's once-predominantly homogeneous communities. U.S. Census Bureau statistics indicate that between 1980 and 1990, the United States experienced a 13.2 percent increase in the number of African American residents, a 53 percent increase in Hispanics, and a 108 percent increase in Asians.⁵

Unfortunately, a rise in crime has accompanied this diversification, as cultures and values have clashed.⁶ In addition, a predicted

14 percent increase in the 15- to 24-year-old population between 1995 and 2005 will raise crime rates, as the individuals in this age group are most likely to commit or fall victim to crimes.⁷

In essence, the demographic trends that will increase crime may cancel out the technological advances that will reduce it. As a result, in order to provide adequate service to the community in the next century, law enforcement probably will need to maintain current staffing levels.

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***In the 21st century,
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Attracting and Selecting Personnel

In the 21st century, employee recruitment will remain the cornerstone of organizational success, just as it is today. In order to attract the best candidates, law enforcement agencies will need to continue to offer competitive salaries and benefits; however, these financial rewards will become less important. Employees will be less motivated by financial incentives and will look more for an organization

with concern for employees. Future job candidates will seek out employers who offer such perks as flexible working hours, housing assistance, alternate work schedules, employer-sponsored child care, and telecommuting options.

Police departments also will recruit a different type of employee. In the past, agencies have sought aggressive, "hook and book"-type officers. This one-dimensional approach to law enforcement will not suit the community- and service-oriented agency of the future. Thus, recruiters will seek candidates who understand the total concept of how they fit into the organization and the community.

Although some of today's testing methods still may have some relevance, personnel officers will need to study and employ testing procedures that identify the type of individual best suited to deal with the broad array of community issues that will exist. For example, departments might consider including community members on their employee selection committees.

More than likely, tomorrow's officers will have college degrees, not only in criminal justice but also in the social sciences. As a result, these officers will have a better understanding of how to serve their communities.

In addition, police departments will need to recruit employees who can help them understand and use the technological resources available in the years ahead. Finally, police agencies will hire according to the needs of the community, and their employees will reflect the diversity of the citizens they serve.

Making a Good First Impression

As they concentrate on selecting new employees, agency recruiters often forget that the reverse is true: new employees select the organizations where they work. The orientation process represents the first step in helping employees see that they have made the right choice.

Chances are, even the most senior employees remember their first days on the job. Truly, first impressions can last a career. As a result, employees must be exposed to organizational values right from the start, and agencies must treat orientation programs that instill these values as a priority, not an afterthought.

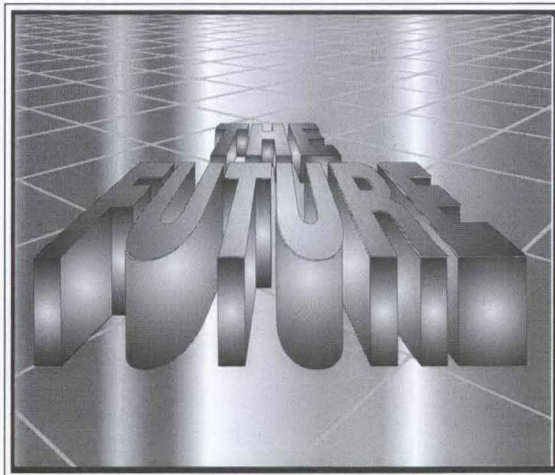
Placing New Employees

By the year 2000, employee placement may be quite different. In the future, law enforcement agencies will place greater emphasis on determining the individual skill levels and potential their police officers possess. Employee placement will become more of a science, with agencies matching officers to positions that take advantage of their unique abilities.

Training Employees

In a knowledge-based society, lifelong learning is a necessity,⁸ and in the future, continuing education and training will become mandatory. In order to cultivate employees who can adapt to the ever-changing environment of the future, agencies will need to make a commitment to staff training and development.

Such training will take many forms. Although specialized expertise will remain important, cross-training will receive added emphasis.⁹ Cross-training will help



agencies deal with decreasing budgets and the call to do more with less. Employees trained in this way will benefit not only by becoming more versatile but also by broadening their overall perspective of the organization.

Furthermore, in order to benefit from new technology, agencies will need to implement training programs that teach employees how to use their new tools. In fact, managers must involve employees in the process from the very beginning, perhaps even before choosing the new procedure or equipment. As futurist John Naisbett has pointed out, high-tech approaches must be tempered with equal amounts of "high touch."¹⁰ Employees control the destiny of new technology; unless they feel comfortable with it, they will abandon it.

Measuring Performance

Traditionally, evaluations have measured officers' performance in quantitative terms—the number of tickets written and arrests and field contacts made. In today's era of community policing, police departments find that they have a difficult time evaluating their officers. This will remain true in the future, as agencies ask even more of their staff members. Officers will become problem solvers and caretakers of the communities where they patrol. As such, their performances will be difficult to measure.

Management theorist Tom Peters says that what gets measured gets done.¹¹ If this theory is correct, then police departments will need to develop effective measurement systems that quantify patrol officers' achievements in tangible ways. Allowing community residents to evaluate officers with whom they have had contact may represent a viable evaluation method.

In addition, the annual evaluations that most employees now receive must give way to a process that generates continual feedback. Although once a year may suffice for a formal performance appraisal report, too often, employees hear nothing all year long, then get surprised by their supervisors' assessments of the quality of their work. If something in an employee's yearly evaluation comes as a surprise, then perhaps the boss needs a performance review.

Supervisors need to use the evaluation process to create a road

map for employees that not only will assist them in their current roles but also will guide them into areas in which they express interest. This means that supervisors will be responsible for providing career development assistance to their employees on almost a daily basis.

Rewarding Achievement

Today's leaner budgets limit the monetary rewards available for deserving employees. In fact, in some departments, even yearly cost-of-living raises have become a distant memory. Furthermore, in the future, one of the most sought-after rewards will be praise and recognition from the boss for a job well done.

Although monetary incentives, educational bonuses, and specialized assignment pay will remain viable rewards, they will not take the place of sincere praise. As a result, department administrators will need to develop innovative ways to reward employees.

Some departments already are experimenting with unusual bonuses. The City of Helper, Utah, has a system in place that allows officers to receive up to 25 percent of the money they seize in drug forfeiture cases.¹² Although some may contend that this type of incentive is improper, it represents "outside the lines" thinking, something police departments should strive to achieve.

Retaining Quality Employees

Employees have become less inclined to spend their entire careers with one agency. They will expect and demand certain things, or they will leave. In order to retain the best

employees, agencies will need to go beyond the traditional enticements of salary, benefits, and retirement plans. This may mean allowing officers to serve part time and providing or supplementing day-care services.

“In essence, the demographic trends that will increase crime may cancel out the technological advances that will reduce it.”

Matching employees to positions, providing them with state-of-the-art tools and training, including them in the decision-making process, helping them grow within the organization, measuring performance regularly, and rewarding good work all help to keep employees satisfied and productive. In addition, department managers will need to develop creative ways to deal with employee burnout to help those who have lost their zest for their jobs.

Redesigning Job Descriptions

In the 21st century, jobs will need to be redesigned continually, as job descriptions become obsolete.¹³ New events and emerging issues will come so fast that the nature of individuals' jobs will change on a regular basis.

As part of the job design/re-design mechanism, law enforcement

agencies must involve line-level employees, who will have firsthand information on how their jobs are evolving. The key to success will be a system where employees can give honest feedback without fear of reprisal. This should not be difficult in an organization where job enhancement, enrichment, and cross-training have become the cultural norms.

Maintaining Ethical Standards

In recent years, ethical concerns have come to the forefront in law enforcement. Now, ethical issues loom even larger as advances in technology place tremendous amounts of information literally at the fingertips of police officers, thus increasing the potential for abuse.

With every technological step forward, police departments must enact commensurate mechanisms to ensure that employees properly use their new tools. Still, the controls must not impede employees unnecessarily. This will require a delicate balancing act.

CONCLUSION

The Nordstrom Company has a one-page policy manual that instructs employees, "Use your own best judgment at all times."¹⁴ If only law enforcement could adopt this as its own policy manual. With the United States' possessing 5 percent of the world's population and 66 percent of its lawyers,¹⁵ law enforcement agencies no doubt will arm themselves against litigation with more detailed and complex policies.

Yet, while law enforcement will be held accountable as never before for both departmental actions and use of resources, agencies can

do more to prepare for the future than write voluminous policy manuals. Instead, they can properly select, place, and train employees and ensure their success through appropriate job design, good organizational structure, and an emphasis on strong ethical values.

Finally, law enforcement leaders must recognize and act upon emerging issues. By doing so, law enforcement agencies can control their own destinies, rather than merely react to forces that have spun beyond their control. ♦

Endnote

¹ Tom Peters, *Thriving on Chaos* (New York: Alfred A. Knopf, 1987; HarperPerennial, 1991), XIV.

² Hallcrest Systems, Inc., in "Defining the Future," California State POST Command College Training Manual, January, 1995.

³ The U.S. Census Bureau reported a total of 228,621 homeless people as part of the 1990 census, but due to the inherent difficulties in counting the homeless, this number most likely is very low. In *Universal Almanac* (New York: Universal Press, 1992), 215.

⁴ Gene Stephens, "Drugs and Crime in the 21st Century," *The Futurist*, May-June 1992, 19-20.

⁵ In *Universal Almanac* (New York: Universal Press, 1992), 199.

⁶ Gene Stephens, "The Global Crime Wave," *The Futurist*, July-August 1994, 23.

⁷ Cheryl Russell, "True Crime," *American Demographics*, August 1995, 30.

⁸ Tom Peters, *Liberation Management* (New York: Alfred A. Knopf, 1992), 757.

⁹ James R. Metts, "Supercops, the Police Force of Tomorrow," *The Futurist*, October, 1985, 31.

¹⁰ John Naisbett, *Megatrends* (New York: Warner Books, 1984), 35.

¹¹ Supra note 1, 605.

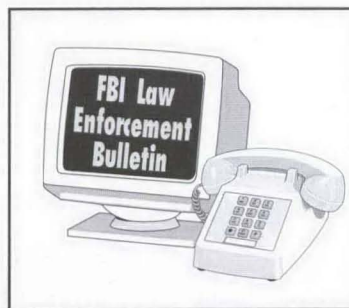
¹² Newsbrief, *USA Today*, February 1, 1995, 3.

¹³ Supra note 1, 605.

¹⁴ Supra note 1, 454.

¹⁵ Marvin Cetron, "An American Renaissance in the Year 2000," pamphlet, World Future Society, 1994, 11.

Law Enforcement's Internet Address



The *FBI Law Enforcement Bulletin* staff invites you to communicate with us via e-mail. Our Internet address is:

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We would like to know your thoughts on contemporary law enforcement issues. We welcome your comments, questions, and suggestions. Please include your name, title, and agency on all e-mail messages.

Also, *Law Enforcement* is available for viewing or downloading on a number of computer services, including the FBI's home page. The home page address is:

<http://www.fbi.gov>

Bulletin Reports

Youth Violence

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has developed a report that assesses innovative and effective gun violence prevention programs across the country. *Reducing Youth Gun Violence: An Overview of Programs and Initiatives* covers a wide array of strategies—from school-based prevention to gun market interception. The report includes information on relevant research, evaluation, and legislation to provide readers a context for successful implementation.

Reducing Youth Gun Violence is divided into four sections—an executive summary, a directory of youth gun violence reduction programs, a directory of youth gun violence prevention organizations, and a bibliography of research, evaluation, and publications on youths

and guns. Compiled by the OJJDP staff, the report synthesizes work from a wide range of sources representing law enforcement, public health, academia, and youth services providers.

This OJJDP publication can be obtained by writing the Juvenile Justice Clearinghouse, P.O. Box 6000, Rockville, MD 20849-6000 or calling 800-638-8736. The full-text document also can be obtained electronically through the National Criminal Justice Reference Service Web page at <http://www.ncjrs.org>.

Prevention Online

The National Clearinghouse for Alcohol and Drug Information (NCADI) provides free substance abuse prevention and treatment information online through its Web site, PREVLINe. Through PREVLINe, law enforcement and criminal justice professionals can obtain information on free materials, funding announcements, substance abuse-related research and news, press releases, and more. The NCADI Web site is <http://www.health.org>.

Publications Catalog

The National Institute of Justice (NIJ) has published a catalog that lists publications and videotapes produced by NIJ between 1985 and September 1995. Products are listed alphabetically by 13 different subjects—community policing, computers and technology, corrections, corrections construction, courts, crime prevention, the criminal justice system and AIDS, criminology and research, drug testing, drugs and crime, law enforcement, victims, and violence.

Most of the items listed are free; others are available for a nominal fee. Some publications in the catalog are designated *available electronically* and are accessible via the Internet.

To obtain a copy of the publications catalog, write the National Criminal Justice Reference Service, User Services, P.O. Box 6000, Rockville, MD 20849-6000 or call 800-851-3420. The address for its Web site is <http://www.ncjrs.org>.

Probation and Parole

At the end of 1995, almost 3.8 million adult men and women were on probation and parole in the United States, according to a press release issued by the Bureau of Justice Statistics (BJS). There were more than 3,090,000 adults under federal, state, or local jurisdiction on probation on December 31, 1995, and more than 700,000 on parole. The number on probation rose 4 percent during the year, while the number on parole increased by 1 percent.

One-half of all offenders on probation in 1995 were on probation for a felony. Nearly all of the offenders on parole (94 percent) had served a felony sentence.

Texas had the largest number of residents on probation and parole (more than 518,000), followed by California (nearly 379,000). Women made up about 21 percent of the nation's probationers and 10 percent of the parolees.

Additional criminal justice statistical information may be obtained from the BJS Clearinghouse, Box 179, Annapolis Junction, MD 20701-0179. The telephone number is 800-732-3277, or orders can be faxed to 410-792-4358. BJS' home page address on the Internet is <http://www.ojp.usdoj.gov/bjs>.

OJP on the Net

The Office of Justice Programs (OJP) has established a home page on the Internet's World Wide Web. Through the home page, Internet users now have access to information about OJP funding, research, programs, training, technical assistance, and other resources that can help communities control crime and improve neighborhood safety.

The home page provides information about OJP and gives access to the individual home pages of each of OJP's five program bureaus—the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Information about other OJP offices, including the Violence Against Women Grants Office, the Corrections Program Office, the Drug Courts Office, and the Executive Office for Weed and Seed, also can be accessed.

OJP's home page features "text only" versions, clickable graphics, and a "What's New" section. It provides access to news releases, program announcements, grant application kits and forms, program and research plans, fact sheets, and thousands of other publications. The OJP Web site is <http://www.ojp.usdoj.gov>.

Bulletin Reports, a collection of criminal justice studies, reports, and project findings, is compiled by Kathy Sulewski. Send your material for consideration to: *FBI Law Enforcement Bulletin*, Room 209, Madison Building, FBI Academy, Quantico, VA 22135. (NOTE: The material in this section is intended to be strictly an information source and should not be considered an endorsement by the FBI of any product or service.)

Ethics Training Using Officers' Dilemmas

By JOYCELYN M. POLLOCK, Ph.D.
and RONALD F. BECKER, J.D.



In recent years, ethics training has become a prominent component of police academy and in-service instruction curricula. Yet, despite the heightened interest in such training, ethics remains a difficult subject to teach.

By its nature, the practice of ethical behavior defies universally accepted standards. Aside from exposing officers to the different philosophical frameworks—including, among others, religious ethics, natural law, ethical formalism, utilitarianism, and the ethics of care—

instructors generally focus on practical exercises to reinforce desired behavior.

Usually, the content of such courses consists of adopting one philosophical framework and discussing hypothetical or researched ethical dilemmas within that framework.¹ To be sure, examples of ethical dilemmas for criminal justice students and practitioners can be gathered from newspapers, books in the field, and journal articles. These sources identify such irksome issues as gratuities, corruption,

bribery, whistle-blowing and loyalty, undercover tactics, use of deception, discretion, sex on duty and other misconduct, deadly force, and brutality.

However, it would be fundamentally wrong to assume that this list necessarily represents the most problematic ethical issues facing law enforcement officers. Officers themselves may not necessarily perceive these as the most troublesome. Also, although many ethical issues involve officer deviance, other issues do not involve misconduct.

That is, in some situations, no decision that the officer could make would be clearly wrong.

Despite the growing rhetoric concerning police ethics, few attempts have been made to determine what ethical concerns the officers themselves identify. This article focuses on a training method that uses officers' dilemmas as a teaching tool.² Each of the authors has used this method to teach ethics to law enforcement officers from all types of agencies—from large, urban police departments to small, rural agencies. Regardless of class composition, the teaching method serves as an effective way to integrate realistic problems that officers encounter into a formal discussion of ethical behavior.

ETHICS TRAINING MEETS THE REAL WORLD

The instructors employ ethical dilemmas submitted by class participants as the basis for 50 percent of the course content. The other 50 percent of the course involves discussing the dilemmas within specific ethical frameworks.

To begin, the instructors define the term "ethical dilemma" as a situation in which individuals:

- Do not know the right course of action
- Have difficulty doing what they consider to be right
- Find the wrong choice very tempting.

Then, after delivering several hours of introductory material on ethics, ethical codes, morals, and value systems but before presenting any issue-based material, the instructors

ask the officers to write down an ethical dilemma that they have faced. This structure ensures that the class discussion centers around the officers' actual experiences, not on any general dilemma, such as brutality or accepting gratuities.

Asking officers to give examples of ethical dilemmas is not the same as asking them what they believe is the most difficult ethical issue in policing. However, over the course of many class sessions, a clear pattern of responses reveals issues that officers consistently identify as problematic ethical situations.

Next, the instructors ask each officer to draft a one-sentence code of ethics. In essence, the students write down what they consider to be the central elements to being a good police officer. After collecting and reading these one-sentence codes to the class, the instructors lead a discussion to analyze the values expressed and

identify those values cited most frequently.

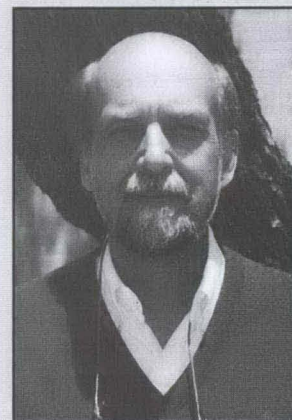
Invariably, the officers identify five common elements: legality (enforcing and upholding the law), service (protecting and serving the public), honesty/integrity, loyalty, and some version of the Golden Rule or respect for other persons. Officers mention these elements in every class, although the relative rank or emphasis given to each varies somewhat. It also is not surprising that the elements officers view as important to a code of ethics relate closely to the dilemmas they identify in class.

CATEGORIES OF DILEMMAS

For purposes of the class exercises, the instructors group the dilemmas presented by officers into four general categories: discretion (legality), duty (service), honesty, and loyalty. Of these, officers most frequently cite discretion and



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loyalty. A fifth category, gratuities, is a perennial concern among administrators, and in recent years, has become a particularly fractious issue between citizens and law enforcement. The instructor then leads the class in discussing the ethical dimensions of each category and analyzing the officers' dilemmas.

Discretion

Discretion can be defined as the power to make a choice. Obviously, all ethical dilemmas involve making choices—for example, whether to take a bribe. However, the situations categorized in this discussion of discretion involve decisions in which either of the two possible actions may be defined as right.

The specific purview of what is known as police discretion—whether to arrest, whether to ticket, what to do when faced with an altercation—generally is not identified in ethical terms. In some of these discretionary situations, however, officers reveal in class that they either have felt uncomfortable about what the law or departmental regulations required them to do or report that they were sincerely confused as to the appropriate course of action they should take. The question does not involve doing something wrong, but rather finding the best solution to a difficult problem.

Discussions based on dilemmas concerning the use of discretion can examine which criteria may be considered ethical and which have less ethical support. Because full enforcement is not an option, police always will have to use discretion in enforcing the laws. Therefore, officers must at least recognize the

ethical issues involved in employing that discretion.

The following examples submitted by officers involve discretion. These examples represent the real-world dilemmas they have faced.

Dilemma: Dire Circumstances

A gas station attendant calls the police because of a disturbance at a gas station. A neighborhood youth has been begging patrons for money and washing their windows without being asked. The youth lives with his grandmother, and they barely make ends meet. The attendant wants the child arrested because he says the youth harasses the customers.

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...the practice of ethical behavior defies universally accepted standards.

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In such situations, the offender often is driven by dire circumstances; in this case, the youth's grandmother is extremely poor, and he gives the money he earns to her. This puts the officer in a struggle between reacting with compassion and enforcing the law.

Dilemma: Strict Legality

An officer stops a woman with numerous outstanding traffic warrants. The woman has her

infant child with her. Should the officer take the baby to juvenile and the woman to jail, make arrangements for someone else to care for the baby, or just let the offender go and tell her to take care of the warrants on her own? She has no money and gives the officer no trouble.

This situation does not involve a demanding complainant; yet, the officer believes that strict legality might not serve the ends of justice, or at least, feels torn about enforcing the law. Many such dilemmas involve women and/or families with children. Some officers are very clear about the criteria they use to guide their discretion; others are less sure about the ethical role of the police.

Dilemma: No Clear Course

An officer responds to a home and is asked to find some type of housing for an elderly parent because the family can no longer provide care. The officer knows that the family uses the parent's resources as their financial mainstay.

In this dilemma, no law or policy may be involved, but the officer is perplexed as to how to resolve the situation. These scenarios almost always involve family disputes in which a real problem exists, but officers have trouble deciding on the appropriate or ethical course of action.

Here, the officer's dilemma arises from a sincere desire to do the right thing, while being unsure exactly what that course of action

should be. These types of dilemmas may be exacerbated by the fact that community referral sources are often unavailable or overtaxed.

Dilemma: Officer Wrongdoing

Working a side job at a local nightclub, an officer observes a disturbance on the far side of the bar. Responding to the problem, the officer discovers that the instigator is an extremely intoxicated off-duty officer who refuses to follow instructions. The other party involved claims that the officer assaulted him. The complainant does not know his assailant is a police officer.

Some discretionary dilemmas arise because of a personal or professional relationship between the officer and the subject. Typically, these types of dilemmas involve stopping a speeding car and finding that the driver is a fellow officer or responding to an altercation involving another officer or family member who is probably at fault.

Duty

Duty involves two main types of dilemma. The first raises questions about a police officer's obligation in a certain situation. For example, with a domestic disturbance call, when police officers determine that no crime has been committed, what is their duty? Is there an obligation to try to resolve a volatile situation before it erupts into a crime?

Likewise, some police officers believe they have a responsibility to help poor and homeless people find shelter; others do not feel bound by such an obligation. This type of

discussion inevitably brings out differences of opinion fundamental to how officers see their role in the community. It is also an ethical issue.

The other type of duty-related dilemma is much more straightforward. The officer knows that the job requires a certain action but considers the action either inconvenient or a waste of time, which makes the officer reluctant to perform it.



Dilemma: Copping Out

It is 10:30 p.m., and an officer returning to the station after working the late shift notices a traffic jam. Nearing the bottleneck, the officer observes an accident scene involving two cars and a fixed object. Does the officer stop and provide assistance or take the back way to the station?

Participants in discussions about duty issues quickly learn that not all police officers view duty in the same way. To move beyond a simple exchange of opinion, the instructor must apply an ethical

framework. Such an analysis helps the officers to see that although some stands may be justifiable and legal, they may have less ethical support than other definitions of duty.

Honesty

Under the general heading of honesty, officers submit dilemmas involving self-enrichment, personal misdeeds, and various issues relating to arrest situations. Bribery, a form of dishonesty, also can be discussed under this category of dilemma.

During the training sessions, officers submitted very few dilemmas dealing with bribery. This may be because they do not view the temptation to accept bribery as a dilemma because they seldom confront such opportunities. Or, perhaps the occupational subculture in police departments is such that officers clearly see taking a bribe as a serious violation; therefore, there is no question about the proper response when faced with the opportunity.

Dilemma: Self-enrichment

Two officers respond to the scene of a homicide involving a suspected drug dealer who is lying dead on the floor. No one else is present. During a search, the officers find \$20,000 cash in the suspect's pockets. One officer insists they are entitled to keep the money, which should be split between them.

One useful teaching device to begin a discussion on self-enrichment is to use a dilemma involving \$20 and to ask what the proper

procedure is. The instructor then continues to increase the amount of money involved.

Many students believe keeping the \$20 constitutes only a minor breach (if any at all), but at some point, the amount of money kept by the individual comes to be perceived as unethical. The issue then becomes whether the amount in question or the action itself should determine the ethical nature of the response.

Dilemma: Personal Misdeeds

While driving a police vehicle, an officer strikes a fixed object. With no witnesses present and wishing to avoid disciplinary action, the officer considers claiming that another car collided with the police cruiser and then fled the scene.

In this dilemma, officers try to cover up their own wrongdoings by lying or not coming forward when they commit minor misdeeds. It appears from the number of dilemmas voiced by officers concerning fender benders involving police cars that the police parking lot is an insurer's nightmare.

Loyalty

In situations involving loyalty, officers must decide what to do when faced with wrongdoings by other officers. Officers' dilemmas in this area range from witnessing relatively minor wrongdoings, e.g., misuses of overtime, to very serious breaches of public trust, e.g., physical abuse of a suspect or the commission of a crime.

What should officers do when they witness their partners use excessive force to subdue a suspect?

Even though they may not condone the action, do they remain loyal to their partners or do they blow the whistle on them?

Another set of loyalty issues involves observing, or suspecting, that another officer has committed a crime.

Dilemma: Cover Me

An officer responds as a backup unit to an alarm at a jewelry store. The first officer on the scene insists on writing the report that lists the items taken. Several days later, the backup officer sees the first responding officer wearing items from the store that had been burglarized. The officer claims to have "gotten the items on a good deal." Should the officer expose the other's misdeed?



Because covering up for another officer has become more risky with the possibility of individual civil liability, fewer officers may be willing to do so. This justification, however, differs from an ethical

argument to come forward in the name of integrity. In addition, a clear distinction exists between reporting fellow officers out of an ethical responsibility and coming forward in an official investigation in order to avoid being disciplined.

Gratuities

It is hard to ignore the subject of gratuities in any class on police ethics. Many articles appearing in law enforcement publications and academic journals discuss the topic, and civilians often identify it as an enduring problem among police. Still, many officers believe there is nothing wrong with accepting gratuities.

One distinction that can be made in these dilemmas is between true gratuities, something given to any officer as a matter of policy, and gifts, something given to an individual in return for a specific action. However, both gratuities and gifts can become problematic issues for officers and agencies.

Dilemma: Declining a Gratuity

You are new to your beat. To avoid any suggestion of impropriety, you prefer to pay for drinks and meals at area establishments. You have learned from experience that people always expect something in return. On this new beat, you stop by a convenience store for a soda. The clerk refuses to accept payment. You explain that you would prefer to pay. The clerk, now upset, accuses you of trying to be better than the other officers.

He threatens to tell your supervisor, who also stops by occasionally. What do you do?

Dilemma: Being Offered a Gift

While on duty, you observe a vehicle broken down on the freeway. You take the driver home because he only lives a short distance away. It is early in the morning, and the man is very appreciative. He wants to buy you breakfast to show his appreciation so he offers you \$5. Do you accept the money?

Discussions of the ethical questions surrounding gratuities can be hampered by staunch defensiveness on the part of officers. It is helpful to clearly discuss definitions—for example, the difference between gratuities and gifts—and the reason why both can be problematic issues for law enforcement.

Discussing gratuities in the same fashion used to discuss honesty may be illustrative, beginning with a cup of coffee provided gratuitously and gradually increasing the value and size of the gratuity until the offer in question becomes perceived as unethical. The discussion can be enhanced by polling the class periodically as the size and value of the gratuity increase. The ambiguity involved in determining an acceptable maximum level may explain why not accepting gratuities at all reduces the likelihood of ethical compromise.

APPLYING THE DILEMMAS

The dilemmas submitted by the officers indicate that they view

many relatively mundane issues as problematic. Clearly, decisions regarding whether to enforce a warrant or ticket, what to do in a domestic disturbance, or whether to leave an assignment early are not on the same level as police brutality or use of deception. Yet, if an ethics course for officers is to be relevant, it must cover these common issues, as well as the more weighty but less frequent ones. Of course, the individual instructor should determine the approach taken to analyze the dilemmas.

“The dilemmas submitted by the officers indicate that they view many relatively mundane issues as problematic.”

Grouping Similar Dilemmas

After the officers submit their dilemmas, the instructor groups the dilemmas so that similar ones are discussed together. One immediate benefit of this grouping exercise is that officers realize a common ground in their ethical concerns. Also, the anonymity of the method ensures that some of the more vocal participants cannot dismiss a particular issue as not being a problem if at least one officer feels strongly enough about the issue to offer this dilemma for the class to discuss.

Analyzing Ethical Issues

To lead the class in analyzing the dilemmas, the instructor must first determine the level of disagreement among the students. The instructor might ask, “What does the law require?” “What does departmental policy require?” “What do personal ethics require?”

Classes often have heated discussions about legal definitions and policy mandates. As a result, during this phase of the discussion, some ethics classes come to resemble legal training courses.

Class members may agree on the existence of an applicable law, but disagree on departmental policy. They may agree on law and policy until the discussion turns to ethical analysis. If an applicable law or policy exists and if class members nonetheless express an ethical concern about whether to follow such a law or policy, the issues of civil disobedience and duty become relevant.

For example, can officers be considered ethical if they follow a personal code of ethics that contradicts a departmental directive? What if the departmental directive is not supported by any ethical system? These are sensitive and important issues, and officers should be allowed to express their concerns during the discussion.

If no law applies to a given dilemma and if departmental policy is silent or ambiguous, then the discussion can be directed quickly to an ethical analysis of possible solutions. The instructor can direct these discussions in one of two ways. First, the instructor can assign participants to groups and

ask each group to determine a solution justified by a specific ethical framework, e.g., utilitarianism, ethical formalism, or the ethics of care.

In the second approach, the instructor asks the class to suggest the best solution to the dilemma and then analyze that solution using a specific ethical framework. For example, a class could be asked to analyze the following dilemma:

An officer responds to a call from the security office of a business that is holding a shoplifter. The 75-year-old woman had been caught attempting to slip some needed medications into her handbag. The store insists on filing charges against the woman.

Is there an applicable law? Yes. The woman obviously broke a law. Is there an applicable departmental policy? Obviously, the departmental policy would be to enforce the law, especially if the complainant wants to press charges.

Does this resolve the dilemma? For some officers it does. Some officers believe that the duty of the police is to enforce the law, not to mediate it.

Others, however, would respond by saying that an ethical issue exists aside from duty. These officers identify this situation as a dilemma. Their solution may be to try to convince the store owner to drop the charges. Others may even go so far as to offer to pay for the items themselves. Is this their responsibility? Obviously, no professional duty dictates such action, but some believe that personal ethics require a more complete response to the

situation than merely acting as an agent of the law.

APPLYING ETHICAL FRAMEWORKS

After discussing the dilemmas, the instructor asks the officers to apply ethical frameworks to the possible solutions. At this point, the instructor lists, describes, and briefly discusses the different ethical systems. Each participant should be able to discuss a resolution of the submitted dilemmas by applying various ethical systems.

“Drawing on dilemmas and discussing various ethical frameworks give officers a realistic view of work situations they may face and supply them with the tools needed to resolve dilemmas.”

At the same time, the instructor stresses that ethical systems should not be confused with moral decisions. Rather, they are guidelines to which an individual can refer when making a moral decision.

A discussion of ethical systems provides a procedural framework but also demonstrates that there often is more than one “correct” resolution to a dilemma and more than one way to arrive at the same resolution. Likewise, a person may use the

same ethical system to resolve different moral dilemmas or use multiple ethical systems to resolve a single dilemma.

Religious Ethics

What is good conforms to a deity's will. Religious ethics borrows moral concepts from religious teachings and draws on the participants' various religious beliefs. Discussions lead students to recognize that religious philosophies are ethical systems based on absolute concepts of good, evil, right, and wrong.

Natural Law

What is good is what conforms to nature. If what is natural is good, then students easily can appreciate the constraints of a natural law ethical system within the artificial constructs of modern society. It becomes clear that natural law theory offers only limited assistance when students compare peoples' most basic, natural inclinations with their motivations in resolving complex dilemmas.³

Ethical Formalism

What is good is what is pure in motive. When discussing ethical formalism, students are asked to resolve a specific dilemma by selecting a resolution that is pure or unblemished in motive, regardless of the consequences. Discussions within this framework present almost absolute answers to ethical dilemmas and show that some actions have little or no ethical support.

Utilitarianism

What is good is what results in the greatest good for the greatest number. Students who find the

consequences of resolving a dilemma more ethically significant than the motive behind the decision-making process will resolve a dilemma with what they perceive to be an acceptable consequence. Yet, in most instances, predicting the consequences is virtually impossible. This results in discussions that become simply a means to project the most likely effects of choices.⁴

Ethics of Care

What is good is that which meets the needs of those involved and does not hurt relationships. Police agency mottoes often reflect a philosophy based on the ethics of care, such as "To protect and serve." The ethics of care is founded in the natural human response to provide for the needs of children, the sick, and the injured. Many police officers operate under the ethics of care when they attempt to solve problems rather than rigidly enforce the law.

CLOSING DISCUSSION

Discussions regarding ethical systems should show that some decisions have little or no ethical rationale. Some rationales can be described as egotistic, because they serve only the individual's needs.

On the street, police officers are seldom forced to present ethical rationales for their decisions. Some do not like the experience, even in a classroom setting. Yet, others express views suggesting that all police officers could benefit from such training. Drawing on dilemmas and discussing various ethical frameworks give officers a realistic view of work situations they may face and

supply them with the tools needed to resolve dilemmas.

CONCLUSION

Clearly, an ethics course for criminal justice practitioners must be relevant to their experiences to be effective. Hypothetical situations have little place because every officer probably has faced an ethical dilemma at some time. One way to ensure a sense of relevance is to use officers' own dilemmas in guiding the discussion, while the instructor provides the ethical framework for analyzing these dilemmas.



Most of these law enforcement dilemmas fall into clear-cut categories. Matters such as what to do with an elderly shoplifter, whether to enforce an outstanding warrant for a poor mother, or whether to report a minor fender bender during a shift may not be the stuff of action-adventure movies, but they weigh on many police officers nonetheless. The same structured analysis can be used for all types

of ethical dilemmas; the benefit of such an analysis is that it gives police officers the tools for identifying and resolving their own dilemmas.

Applying this approach to ethics education strongly suggests to officers that the shaping of an ethical philosophy does not depend on recognizing and avoiding those dilemmas most often sensationalized by the media and the public. Rather, an ethical philosophy is shaped by the way an officer deals with the confusion, ambiguity, and compromise that insinuate themselves into the behavior and decisions confronting police officers every day. Recognizing these common dilemmas, acknowledging the ethical systems, and resolving these dilemmas by using an ethical philosophical framework can provide officers a working foundation to mediate all dilemmas, large and small. ♦

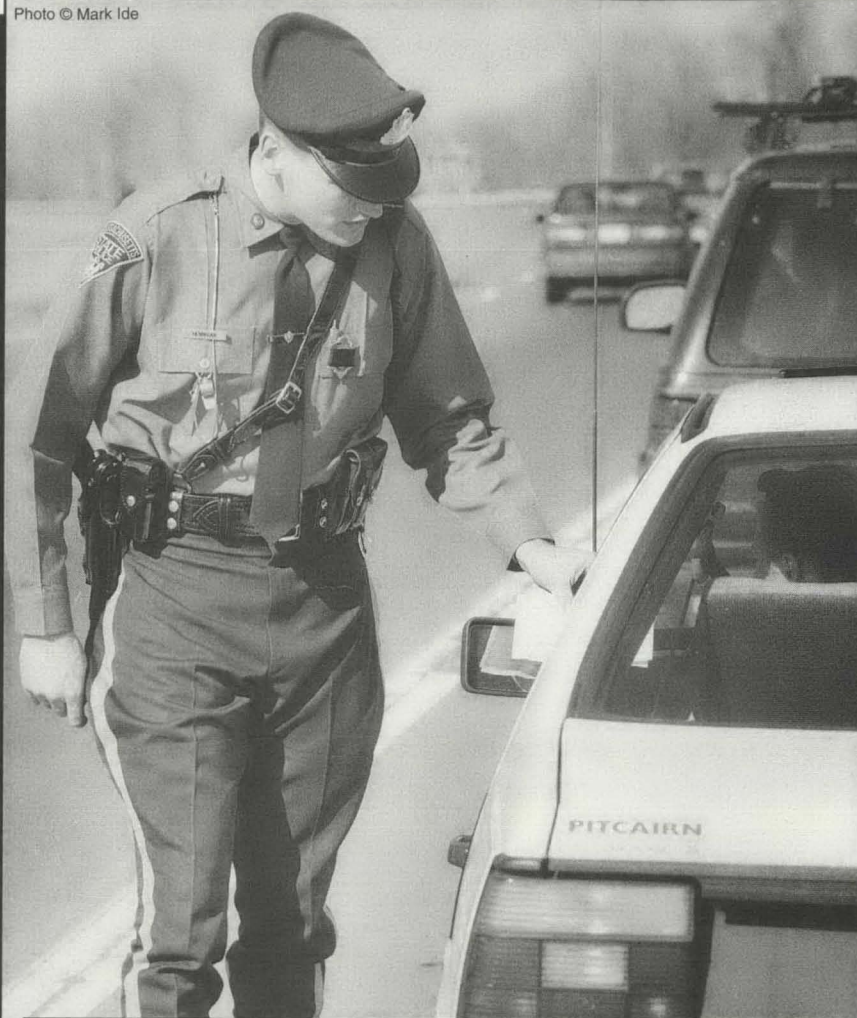
Endnotes

¹ A. Swift, J. Houston, and R. Anderson, "Cops, Hacks and the Greater Good," paper presented at the annual meeting of the Academy of Criminal Justice Sciences, Kansas City, MO, 1993; F. Schmalleger, *Ethics in Criminal Justice: A Justice Professional Reader* (Bristol, IN: Wyndom Hall Press, 1990); S. Souryal, *Ethics in Criminal Justice: In Search of the Truth* (Cincinnati, OH: Anderson Publishing Co., 1992).

² This article is a summary of a paper by the authors published in the *Journal of Criminal Justice Education* 6 (Spring 1995): 1-20.

³ J. Pollack, *Ethics in Crime and Justice: Dilemmas and Decisions*, 2d ed. (Belmont, CA: Wadsworth Publishing, 1994).

⁴ J. Gold, W. Braswell, and B.J. McCarthy, "Criminal Justice Ethics: A Survey of Philosophical Theories," in *Justice, Crime and Ethics*, ed. M. Braswell, B.R. McCarthy, and B.J. McCarthy (Cincinnati, OH: Anderson Publishing Co., 1991).



Pretext Traffic Stops *Whren v. United States*

By JOHN C. HALL, J.D.

In its July 1995 issue, the *FBI Law Enforcement Bulletin*¹ featured an article that identified pretext seizures by law enforcement officers as an emerging problem for the police and the courts. The author of this article observed that in addition to the usual defense challenges to the factual bases for

making seizures, defendants were increasingly challenging the validity of the seizures by asserting that the officers were using traffic-related stops as pretexts for conducting investigations into other offenses. In other words, apart from the existence of objective facts—i.e., either probable cause to make an arrest or

reasonable suspicion to effect an investigative detention—an officer's subjective intent or motivation also should be considered in deciding whether the action is reasonable under the fourth amendment.

For a time, some courts accepted the idea and condemned what they viewed as "pretextual" seizures. However, in recent years, the Supreme Court has repeatedly held that the reasonableness of a fourth amendment seizure "turns on an objective assessment of the officer's actions in light of the facts and circumstances confronting him at the time" and not on the officer's actual state of mind at the time the challenged action was taken."² Nevertheless, despite the Supreme Court's insistence on a purely objective standard to govern fourth amendment actions, two distinct lines of cases developed, both purportedly applying the same objective standard.

Some courts applied a "could have" test, asking simply whether officers *could have* effected a constitutional seizure; others applied a "would have" test, asking whether officers *would have* taken the action under the circumstances, absent some ulterior motive. This conflict among the lower courts made the issue ripe for Supreme Court review, and the case of *Whren v. United States*³ provided the opportunity. This article discusses the Court's decision and its implications for law enforcement.

The Facts

On the evening of June 10, 1993, several plainclothes police officers in unmarked police cars were

patrolling for illegal drug activity in a "high drug area" of Washington, DC. The officers noticed a dark-colored Nissan Pathfinder with temporary tags stopped at a stop sign. The Pathfinder remained stopped at the intersection for an extended period of time—more than 20 seconds—blocking other vehicles that had stopped behind it. As the officers passed the Pathfinder going in the opposite direction, they observed that the driver appeared to be looking into the lap of the passenger to his right. The officers made a U-turn with the intention of following the Pathfinder when its driver suddenly made a right-hand turn without signalling and drove down the street at an "unreasonable speed." The officers followed until the vehicle stopped behind other vehicles at a traffic light.

One of the officers quickly got out of the police car and walked up to the driver's side of the Pathfinder. From that vantage point, he observed the passenger, Whren, holding a large plastic bag in each hand, the contents of which appeared to be cocaine base. When the officer yelled, "CSA," to advise his partners of a possible violation of the Controlled Substances Act, he heard Whren yell, "Pull off! Pull off!" and saw him take the cover off a power window control panel and put one of the bags inside a hidden compartment. The officer immediately dove across the driver and seized the second bag from Whren's hand.

The officers arrested the occupants and searched the Pathfinder at the scene. They uncovered two tin-foil packets containing marijuana

laced with PCP, a bag of chunky white rocks and a large white rock of crack cocaine, numerous unused zip-lock bags, a portable phone, and personal papers.

Arguably, the facts and circumstances confronting the officers at the time they decided to stop the vehicle provided, at least, a reasonable suspicion to support an investigative detention to ascertain whether criminal activity was occurring. The time of evening, the nature of the area in which the officers were patrolling for drug activity, the excessive period of time the suspect vehicle remained stopped at the intersection blocking traffic for no apparent reason, and the unusual actions of the driver "looking down into the lap of the passenger" may well support a reasonable suspicion that "criminal activity may be afoot."⁴

Regardless of the possible existence of a factual justification for investigating drug activity, the officers testified that the purpose for

making the vehicle stop was "to enquire why it was obstructing traffic and why it sped off without signalling in a school area."⁵ One of the officers conceded that he did not intend to issue a ticket to the driver; he only wanted to ascertain why the driver "was not paying full time and attention to his driving."⁶

The defendants sought to suppress the evidence on the grounds that the vehicle stop was pretextual. They argued the vehicle stop was not supported by probable cause, or even reasonable suspicion, that the defendants were engaged in illegal drug activity. They also contended that the officers used the pretense of making a traffic stop to investigate for evidence of other crimes.

The district court denied the motions to suppress. The court of appeals affirmed that ruling, holding that "regardless of whether a police officer subjectively believes that the occupants of an automobile may be engaging in some other

"The Whren decision strongly affirms...that neither an officer's intent nor motivation is relevant to the fourth amendment standard of 'reasonableness'...."



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

illegal behavior, a traffic stop is permissible as long as a reasonable officer in the same circumstances *could have* stopped the car for the suspected traffic violations.”⁷

The defendants appealed this ruling to the Supreme Court, conceding the existence of probable cause to make a traffic stop but arguing that in the unique context of civil traffic regulations, probable cause should not be enough. First, they argued that vehicles are so heavily regulated that an officer will almost always be able to catch a motorist in a technical violation. This, in turn, tempts officers to use traffic stops as a means of investigating other violations for which no factual justification exists. Second, the defendants contended that officers may rely upon such impermissible factors as race in deciding which vehicles to stop.

The Issue and the Court's decisions

The Supreme Court framed the issue in this case as follows:

[W]hether the temporary detention of a motorist who the police have probable cause to believe has committed a civil traffic violation is inconsistent with the Fourth Amendment's prohibition against unreasonable seizures unless a reasonable officer *would have* been motivated to stop the car by a desire to enforce the traffic laws.⁸ (emphasis added)

Having framed the issue to squarely address the “would have” test, the Court unanimously rejected it: “As a general matter, the decision to stop an automobile is reasonable where

the police have probable cause to believe that a traffic violation has occurred....”⁹

The Court noted the district court's finding that the officers had probable cause to believe the defendants had violated the traffic code. Consequently, the vehicle stop was reasonable under the fourth amendment, the evidence

“
...no actual balancing of interests is necessary when the requisite factual justification exists to support the particular fourth amendment activity.
”

thereby discovered was admissible, and the appellate court's upholding of the convictions was correct.

The *Whren* decision strongly affirms the Court's earlier rulings that neither an officer's intent nor motivation is relevant to the fourth amendment standard of “reasonableness” and emphatically rejects the notion that the “would have” test is consistent with that standard. The Court observed that “...although framed in empirical terms, this approach is plainly and indisputably driven by subjective considerations.”¹⁰

The Rationale

The reasonableness required by the fourth amendment is generally determined by balancing the

interests of the government (society) and the interests of the individual. The defendants in *Whren* argued that a balancing of those interests does not support the investigation of minor traffic violations by plainclothes police officers, such as the one that occurred in this case. Such investigations, they argued, do little to advance the government's interest in traffic safety while potentially producing motorist confusion and alarm.

Acknowledging the balancing test as an integral part of its fourth amendment analysis, the Court stated, “...with rare exceptions...the result of that balancing is not in doubt where the search or seizure is based upon probable cause.”¹¹ When there is probable cause to support the police action, that quantum of information is generally sufficient “to ensure that police discretion is sufficiently constrained.”¹² The Court carefully distinguished those cases where a factual justification is not required—e.g., inventory searches or administrative searches—and where unconstrained discretion could lead to unreasonable intrusions.

The nature of inventory searches as caretaking functions permits officers to engage in them in the absence of any factual reasons for believing that valuables or dangerous instrumentalities are present in the seized property. But the Court has consistently required that objectively reasonable and standardized procedures be established to avoid unbridled officer discretion.

With respect to administrative searches, the Court has recognized the validity of specially devised administrative warrants. The

requirements of standardized procedures for inventories and special warrants for administrative searches reflect the Court's efforts to balance the competing interests of the individual and society. Significantly, in those instances, society's legitimate interests could never be addressed if a factual justification such as probable cause were required.

Conversely, when a factual justification has existed, the Court has generally viewed the quantum of facts as the basis for striking the balance. For example, the Court observed:

Where probable cause has existed, the only cases in which we have found it necessary actually to perform the 'balancing' analysis involved searches or seizures conducted in an extraordinary manner, usually harmful to an individual's privacy or even physical interests....¹³

Examples of such extraordinary intrusions are seizures by use of deadly force,¹⁴ unannounced entries into dwellings,¹⁵ entries into homes without warrants,¹⁶ or physical penetration of the body, such as bullet-removal surgery.¹⁷ In each of these instances, the existence of probable cause, or even of a warrant, would not be sufficient, standing alone, to make the action constitutionally reasonable.

Probable cause or even a warrant to arrest a subject is insufficient justification to use deadly force to effect the arrest. As the Court stated in *Tennessee v. Garner*, "...notwithstanding probable cause to seize a subject, an officer may not always do so by killing him."¹⁸

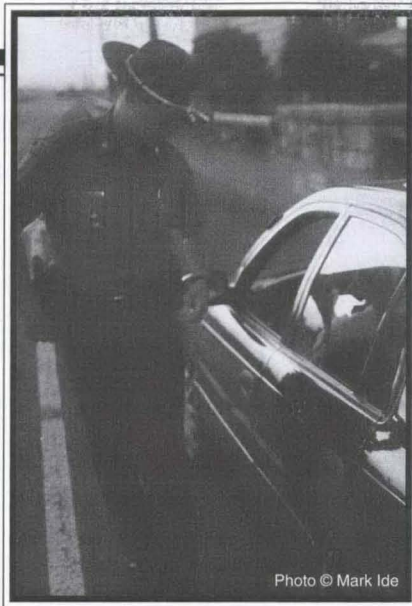


Photo © Mark Ide

Similarly, a warrant to enter a home to arrest the occupant or to search for evidence is insufficient justification to make the entry without first complying with the knock-and-announce requirement. Also, probable cause to believe that evidence of a crime is inside a subject's body is insufficient—even if supported by a court order—to justify its removal by surgery if the risks to the subject outweigh the interests of the government in securing the evidence.

Apart from these extraordinary circumstances, the Court pointed out that no *actual* balancing of interests is necessary when the requisite factual justification exists to support the particular fourth amendment activity. Accordingly, "...probable cause to believe the law has been broken 'outbalances' private interest in avoiding police contact."¹⁹ With respect to the defendants' claims that if left unconstrained police officers might decide which motorists to stop based on such factors as race, the Court responded:

We of course agree with [defendants] that the

Constitution prohibits selective enforcement of the law based on considerations such as race. But the constitutional basis for objecting to intentionally discriminatory application of law is the Equal Protection Clause, not the Fourth Amendment. Subjective intentions play no role in ordinary, probable-cause Fourth Amendment analysis.²⁰

Implications for Law Enforcement

The implications of the *Whren* decision for law enforcement are numerous. First, it maintains consistency in the Supreme Court's decisions interpreting the fourth amendment standard of "reasonableness" as being objective, thus precluding consideration of an officer's subjective motivation.

Second, the *Whren* decision continues to permit officer discretion in the enforcement of traffic and other relatively minor violations. By virtue of their volume and nature, minor infractions of the law are less compelling of law enforcement time and resources than more serious offenses; consequently, their enforcement must, of necessity, be somewhat selective and discretionary. At the same time, an officer's *authority* to act in such cases is essential if enforcement is to provide any deterrence.

Third, while generally arising in the context of minor offenses, a pretextual arrest or seizure may occur in more serious cases. For example, officers may make an arrest for a drug violation when their primary interest is finding evidence of a more serious offense, such as

murder. The fact that the motivation for the stop was interest in a totally separate crime does not preclude an arrest on the drug charge, as long as probable cause exists to support it. By declaring an officer's subjective motivation irrelevant to the fourth amendment issue of reasonableness, the Court has permitted law enforcement to retain a range of investigative options.

It is important to note that the Supreme Court's decision in *Whren* is not a signal for law enforcement officers to become arbitrary and capricious in deciding when to make a fourth amendment search or seizure. An officer's discretion to act is not unconstrained, even when probable cause or reasonable suspicion exists.

First, there are other constitutional guarantees, such as the Equal Protection Clause of the 14th

amendment, to safeguard against police use of an impermissible factor such as race. Second, the fourth amendment requirements of probable cause to make arrests and reasonable suspicion to conduct investigative detentions continue to provide safeguards against unreasonable police actions in those contexts. Finally, the fourth amendment balancing test continues to provide a safeguard in those instances where the probable cause and reasonable suspicion standards are not practicable—i.e., inventories and administrative searches. ♦

Endnotes

- ¹ Kimberly A. Crawford, "Pretext Seizures: The Constitutional Question," *FBI Law Enforcement Bulletin*, July 1995, 28-32.
- ² *Maryland v. Macon*, 472 U.S. 463, at 470-471 (1985).
- ³ 116 S. Ct. 1769 (1996).
- ⁴ See, *Terry v. Ohio*, 392 U.S. 1, at 30 (1968).

⁵ *United States v. Whren*, 53 F.3d 371, at 373 (D.C. Cir. 1995).

⁶ *Id.*

⁷ *Id.* at 375.

⁸ *Whren*, 116 S. Ct., at 1771.

⁹ *Id.* at 1772.

¹⁰ *Id.* at 1774.

¹¹ *Id.* at 1776.

¹² *Id.*

¹³ *Id.*

¹⁴ *Tennessee v. Garner*, 471 U.S. 1, 1985.

¹⁵ *Wilson v. Arkansas*, 115 S. Ct. 1914 (1995).

¹⁶ See, *Welsh v. Wisconsin*, 466 U.S. 740 (1984).

¹⁷ *Winston v. Lee*, 470 U.S. 753 (1985).

¹⁸ *Tennessee v. Garner*, 471 U.S., at 9.

¹⁹ *Whren*, 116 S. Ct., at 1777.

²⁰ *Id.* at 1774.

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

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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. *Law Enforcement* also wants to recognize their exemplary service to the law enforcement profession.

Patrolman Keith Johnson, a reserve officer with the DeRidder, Louisiana, Police Department, saved the life of an unconscious woman trapped in a raging house fire. Patrolman Johnson and another officer responded to the report of a residen-

tial fire and were told by a bystander that a woman was still in the house. Looking through a window, the officers observed a woman lying face down in a front room of the smoke-filled home. Patrolman Johnson entered the residence and carried the woman to the front door where the other officer and a bystander helped him move her to the safety of the porch. He then reentered the house to ensure that no one else remained. After being driven out by the intense heat and smoke, Officer Johnson and the other officer alerted the residents of nearby houses and worked to control the crowd as firefighters contained the blaze. The victim was transported to a nearby hospital, treated for smoke inhalation, and released.



Patrolman Johnson

While driving her personal vehicle home from work, Officer Lisa Bratton of the Kansas University Medical Center Police Department in Kansas City, observed a vehicle swerve to the curb in front of her. Officer Bratton then saw the male driver

begin to batter the female passenger. As the vehicle drove on, Officer Bratton followed and used her hand-held radio to call for assistance. Two marked police units responded immediately. Relying on Officer Bratton's radio transmissions, the officers located and stopped the vehicle. Officer Bratton joined them and assisted in the arrest of the subject. The woman later told police that she had been victimized repeatedly by the subject and had Officer Bratton not intervened, she feared that the offender would have killed her.



Officer Bratton



Officer Gerig

Officer Jeff Gerig of the Kennewick, Washington, Police Department was one of several officers to respond to a vehicle accident, in which a car crashed into a building and burst into flames. The driver of the vehicle had been killed on impact, but a 15-year-old female remained trapped inside. With the assistance of a Washington State Trooper, Officer Gerig was able to free the survivor and hand her to awaiting officers. Although other officers present had urged him to retreat from the burning wreck, Officer Gerig, who suffered serious cuts and burns during the rescue, would not discontinue his efforts until he had freed the young woman.

U.S. Department of Justice
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
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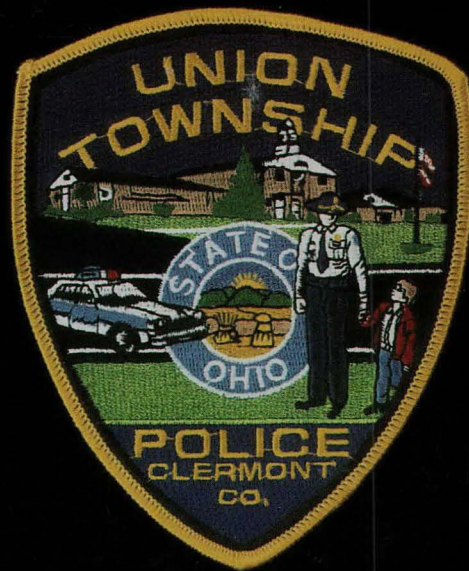
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Patch Call



The patch of the Bloomington Prairie, Minnesota, Police Department depicts a covered wagon traveling on the scenic Wild Flower Trail. The city of Bloomington Prairie was established on the trail in 1873.



The Union Township, Ohio, Police Department patch features the local police department, a patrol car, and a police officer holding a child's hand, illustrating the department's commitment to community policing. In the center of the patch is Ohio's state seal.