



October 1990

# FBI

## Law Enforcement Bulletin



***Focus on Police and the Community***

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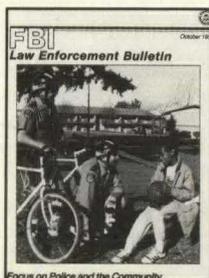
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William S. Sessions, Director

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## Director's Message

### *Police and Citizens Working Together*

October is National Crime Prevention Month. Most people believe that law enforcement professionals should be the sole preventers of crime; however, we cannot manage this responsibility alone.

To understand this, all we need to do is to look at the crime statistics for 1989, which reveal that crime is up all over the United States. Both violent and property crimes rose last year. In fact, the FBI's annual Crime Index total for 1989 showed an increase for the fifth consecutive year.

The challenge to those of us in law enforcement is to fight crime harder and to cooperate more closely with citizens and volunteer groups in our shared struggle against crime. And the key to our success will be crime prevention—forming strong partnerships with citizens of the community as we confront the challenges of crime in the 1990s and into the next century.

Of course, crime prevention is not a new concept. In the early days of our Nation, private citizens kept the peace in their communities through respect for the law and through voluntary involvement in peace-keeping efforts. For the most part, the church, the family, and the community imposed social sanctions that were the primary controls in preventing and controlling crime.

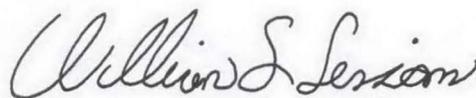
Unfortunately, as cities grew and the populations changed, this community support for law enforcement broke down. As a result, the responsibility for crime prevention shifted. Law enforcement officers, not citizens, became society's first line of defense against crime.

But as today's statistics remind us, law enforcement cannot prevent, or reduce, crime without enlisting broad-based citizen participation, cooperation, and support.

Moreover, our resources and manpower are shrinking, while our responsibilities are growing and the criminal element is becoming more sophisticated. So, we must get back to the basics and use community-based efforts to help control crime.

The FBI strives to increase citizen participation in many of its investigative efforts. To illustrate, as part of our approach to the drug problem, the FBI is involved in reducing America's demand for drugs through the Drug Demand Reduction Program. Selected Special Agents across the country go out into their communities to work with community agencies and concerned citizens to find solutions to the drug problem that plagues our society.

In the war on crime, we must build better educational systems for the public so that instead of fearing crime, they will take measures to prevent it. Indeed, every time a citizen becomes involved in crime prevention, our neighborhoods, our communities, and our Nation are improved.



William S. Sessions  
*Director*

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# Safety Action Team

By  
ROD ENGLERT



Photos courtesy  
of Dean Guernsey

**T**hroughout the past decade, the City of Portland, Oregon, once well known for its natural beauty and peacefulness, experienced a drastic change. Gang violence, fueled by an increased flow of crack cocaine throughout the area, led to an astounding rise in crime rates. Turf battles between rival gangs erupted in once placid neighborhoods.

## The Problem

The housing authority projects throughout the area were particularly hard hit by the violence and criminal activity. Specifically, the Columbia Villa Housing Project became notorious for gang-sponsored violence, drug dealings, and drive-by shootings. Turf battles ensued as rival gangs sought to dominate the growing drug trade in the project,

and residents of Columbia Villa found themselves caught in the middle of the turf warfare.

In this environment, crime became a way of life for many. Children acted as lookouts and runners for the drug dealers; some even became small-time peddlers. Teens were pressured to join gangs and commit crimes against other residents as rights of initiation.

Juvenile delinquency thrived. Residents who refused to join the criminal element often found themselves the victims of it.

In addition to the crime problem, residents of Columbia Villa faced a variety of social and economic barriers. Nearly 100 percent of the families in the project lived at or below the poverty level, with annual family incomes ranging from \$2,500 to \$12,000. Many residents lacked high school diplomas and could not read at a functional level, which severely limited their employment potential. Other residents suffered chronic or unattended health problems. Transportation and access to child care were very limited. Few residents possessed job skills or experience, and there was a chronic lack of positive role models.

### A Viable Solution

In April 1989, the Housing Authority of Portland (HAP) contracted with the Multnomah County Sheriff's Office to provide police services in Columbia Villa for 1 year. The goals were to:

- Reduce the fear of crime
- Reduce the actual criminal activity in the project, and
- Empower the tenants of Columbia Villa to regain control by building their self-confidence and self-esteem.

The contract stipulated that HAP would provide office space for the deputies assigned to Columbia Villa, while the sheriff's office would assign one lieutenant, three

sworn deputies, and two community services officers (CSOs) to the project. In addition to an unmarked administrative vehicle, the officers used a nine-passenger, marked van and one marked patrol car. The office space for the sheriff's office personnel was located next to the on-site housing authority manager to facilitate information sharing.

### Safety Action Team

The group assigned to Columbia Villa was named the Safety Action Team (SAT). Members possessed the necessary professional and social skills that would enable them to deal effectively with the complexities that characterized life in Columbia Villa. In early April 1989, the team went to work to reduce the fear of crime and to help the residents reclaim their housing development.

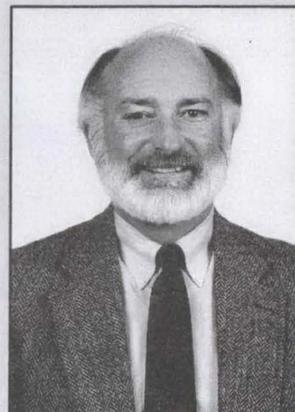
### Methods

The Safety Action Team employs specific methods to stem the tide of crime. These include:

- "Walking and Talking"—Each officer and CSO was responsible for contacting five residents per shift
- Working with the maintenance staff to structure parking lots with painted lines and registering residents' vehicles with annual renewable parking decals (only residents would be allowed to park in the lots)
- Identifying criminal elements, particularly the drug dealers and gang members; warning them and their families of eviction for continued criminal activity
- Identifying outsiders who bring problems into the area and begin enforcing trespass ordinances
- Training residents in crime prevention techniques, such as situation avoidance,

“  
**The success of the SAT program... demonstrates how law enforcement can take a lead role in reversing the tide of crime.**  
”

*Lieutenant Englert is with the Multnomah County, Oregon, Sheriff's Department.*



burglary proofing, and especially, crime reporting

- Identifying truants and transporting them to class, while encouraging children to stay in school
- Establishing an athletic program, such as the Police Athletic League (PAL), and recruiting off-duty police officers or citizens to assist in coaching teams

In addition to these steps, the SAT organized trips for children to the zoo and other places of interest, made job placement available to youths, and attempted to create an atmosphere of safety for the elderly and handicapped by making the marked police van available to them for transportation to the hospital, store, or work.

#### SAT on Patrol

The unique geographic layout and size of the housing project presented special problems to the SAT. Since contact with as many of

the residents as possible was a primary goal, and because crime could occur any place within the 77-acre project, SAT personnel quickly realized that the success of their program depended on mobility.

To increase the officers' mobility, two private businesses and the local Rotary Club donated five mountain bikes and accessory equipment. The deputies' uniforms were modified to conform to the needs of cycling, and members of the Bicycle Unit of the Seattle, Washington, Police Department assisted with the training. The deputies learned to tackle running suspects from their bikes, dismount at 25 m.p.h without injury, and ride up and down stairs. Not only did the bicycles enable the officers to contact residents more easily, but the use of bicycles also enhanced the deputies' ability to spot criminal activity. No one expected an officer to be riding a bike.

#### Results

During the first 4 months of the program, the deputies personally

contacted 1,752 tenants. Through the SAT's efforts, 75 Columbia Villa residents, including many former gang members, gained employment in the Portland area.

Deputies transported tenants scheduled for court appearances to their trials and hearings. Some of the suspects were released by the court back to the supervision of the SAT. The releases were conditional, with many of the defendants becoming involved in cleaning up the parking lots and grounds around their homes.

Pride slowly began to build, and with it, emerged a new atmosphere in Columbia Villa. Tenants, who were first apprehensive about visiting the SAT office, began to request help or offer their assistance. Children began to center activities around the office and looked to the SAT personnel as new role models, replacing the drug dealers and gang leaders.

Calls to the Central Dispatch Center became more detailed as residents of the project took an increased personal interest in ridding the neighborhood of crime. Soon after the SAT program was instituted, a noticeable reduction in the fear of crime had encouraged tenants of Columbia Villa to believe that with their support, criminal activity could be significantly reduced in the project.

As media accounts began to tell of the change taking place in Columbia Villa, the community responded with an outpouring of support and donations. Church groups in the surrounding areas contacted the SAT office wanting to know how they could volunteer

**"...an atmosphere of pride began to replace despair in the project."**



## Book Review

their time and efforts. Area businesses provided free of charge nutritional snacks for the children of the project, fishing trips, basketball uniforms, tickets to cultural and sporting events, even a new microwave oven and computer. In essence, the community got involved.

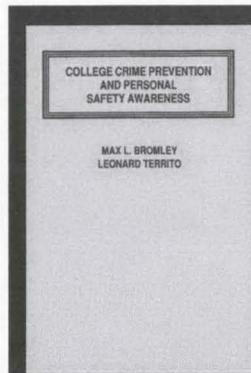
### Conclusion

Within the first month of the SAT program, the fear of crime had been significantly reduced in Columbia Villa. As the fear of crime diminished, tenants gradually became confident enough to make detailed calls to the police and sheriff's departments when criminal activity was observed.

Eventually, through the efforts of the SAT, an atmosphere of pride began to replace despair in the project. Because of the mobility of the SAT team and the newly acquired diligence of the residents, open air drug deals are no longer the norm in the project. Gang activity diminished as the gangs were denied new members. Now, the project's youth center activities around the SAT officers.

The pilot program sparked the interest of other law enforcement agencies with large housing projects within their jurisdictions. The success of the SAT program in meeting its three original goals—reducing the fear of crime, reducing actual criminal activity, and empowering project residents to reclaim their neighborhood—demonstrates how law enforcement can take a lead role in reversing the tide of crime.

**LEB**



**College Crime Prevention and Personal Safety Awareness,**  
*by Max L. Bromley and Leonard Territo, Charles C. Thomas, Springfield, Illinois, 1990.*

Faculty, students, administrators, and parents have become increasingly interested in the rise in crime on college campuses across the country. This book addresses the wide-ranging concerns of the modern college community, including off-campus apartment security, and helps those concerned to make knowledgeable decisions on how to work with the services in place to better the environment of the academic community. Understanding the statistics, definitions, and variations in reporting practices provides a basis on which to find some common concerns, regardless of population, grounds configuration, and presence or absence of campus law enforcement.

As traditional on-campus dormitories have become overcrowded, many students are turning to nearby apartment complexes

for housing. This creates new challenges for campus law enforcement as these students understandably expect the same security afforded those living in campus housing. The college or university has the responsibility to provide the same standard of information and security to the entire student population, regardless of where the students reside.

The authors choose a whole-school approach with suggestions for policy changes by administration, faculty, and student organizations. Much of the information presented was compiled from questionnaires administered in over 36 campuses across the country. Many suggestions offered come directly from these surveys.

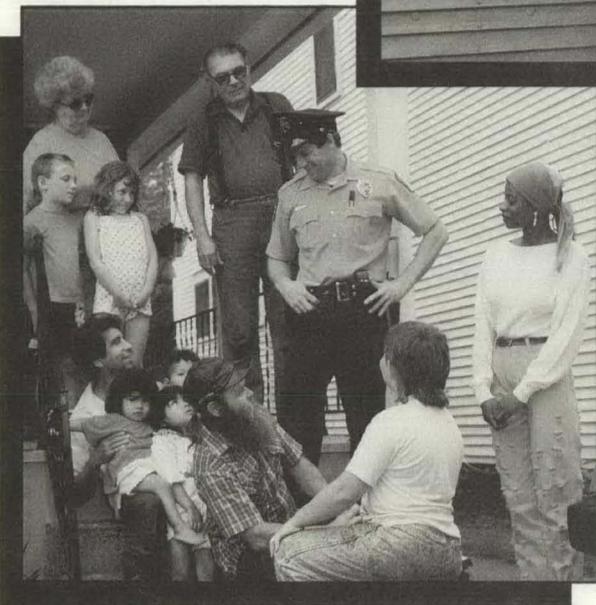
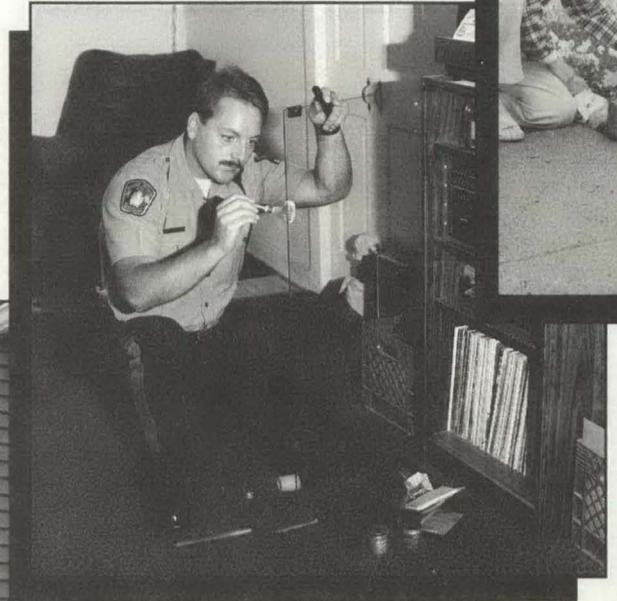
The topic of campus rape is covered in depth, due to the seriousness and rising occurrence of this crime on college campuses. Property crime, the most prevalent campus crime, is also discussed in detail.

*College Crime Prevention and Personal Safety Awareness* is thought provoking and timely. It stresses a team effort in relieving the crime problem on college and university campuses. It offers practical and viable solutions for administration, students, and campus law enforcement.

Reviewed by  
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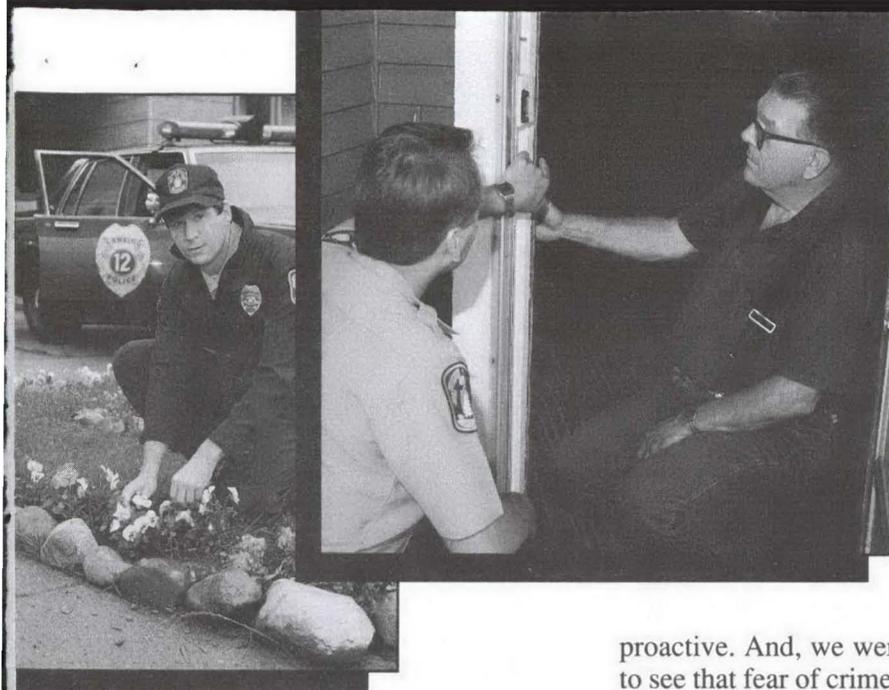
# Community Policing Is Not Police-Community Relations

By  
ROBERT C. TROJANOWICZ, Ph.D.



**C**onfusion persists concerning what community policing is, how it works, and what it can accomplish. Much of the continuing criticism suggests that community policing merely retreads shopworn elements of police-community relations and repackages them with a trendy new buzz word.

This misperception is used to argue that community policing, therefore, cannot address serious contemporary problems, like crime and drugs. It also provides detractors with hope that community policing will someday be discarded as yet another great-sounding gimmick that failed to make a valid difference in the real world. As one



sergeant recently said to me, "We waited the chief out on other programs, so we can wait him out on community policing, too."

Much of the blame for this persistent misunderstanding rests with academics, myself included, because we have hesitated to state clearly that police-community relations was not an evolutionary step on the way to community policing, but an unfortunate detour. In 1972, I wrote a piece bemoaning the loss of the decentralized and personalized police service provided by foot patrol officers: "The direct, extended, face-to-face relationship between police officers and citizens is missing."<sup>1</sup>

But we were like the automakers in Detroit who tried to solve deep and fundamental problems with the quality of their cars by tacking on more chrome and bigger fins at the end of the process. We knew that the police had to forge new positive links to the law-abiding people, particularly in inner-city minority communities. We also understood that the police had to shift to becoming more

proactive. And, we were beginning to see that fear of crime, heightened when people feel powerless to protect themselves, was becoming as big a problem as crime itself.

However, instead of proposing a restructuring of the overall mission of the police and insisting that the community take a more active part, we invested our energies in police-community relations. The benefit of 20/20 hindsight makes it seem obvious that such monumental challenges could not be met by merely tinkering at the margins. From today's vantage point, it seems clear that these piecemeal programs all too often ended up as token add-ons—peripheral to the day-to-day operation of the "real" police in the community. Likewise, the community could continue to have unrealistic expectations of the police.

This is not meant to denigrate the many well-meaning, dedicated, and sincere people who struggled to try to make these doomed efforts succeed. The failure was not in the nobility of our intentions, but in the scope of our vision. Police-community relations advocates argued that social conditions of the time required that something be done, because improved police-community

relations was a necessity and focusing efforts in a Police-Community Relations Unit was practical and made sense.

To meet the challenge of becoming more proactive, many departments inaugurated or expanded Crime Prevention Units, and these efforts offered concrete help to the community by showing people how they could do more to prevent their own victimization. In part, it was the success of these efforts that helped to spur interest in how to do more to help communities help themselves. Most crime prevention specialists are enthusiastic supporters of community policing, and many work closely with community officers, training them on the latest techniques and assisting them in presentations in the community.

## COMPARISONS AND CONTRASTS

By comparing and contrasting the differences between community policing and police-community relations, we can clear up lingering confusions. At the same time, we can clarify how community policing works.

### Theory

Both community policing and police-community relations are grounded in their respective theoretical frameworks. Community policing is based on organizational theory, open systems theory, critical theory, normative sponsorship theory, and public policy analysis. Police-community relations is based on conflict theory, intergroup relations theory, and communications theory.<sup>2</sup>



“  
**...community policing  
is the wave of the future  
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services and challenges  
the community to do its  
share.**”

*Dr. Trojanowicz serves as Director of the  
School of Criminal Justice at Michigan  
State University, East Lansing, Michigan.*

### **Mission**

Community policing requires a department-wide philosophical commitment to involve average citizens as partners in the process of reducing and controlling the contemporary problems of crime, drugs, fear of crime, and neighborhood decay, and in efforts to improve the overall quality of life in the community.

Police-community relations is not a philosophy, but rather a limited approach that was often viewed as public relations aimed at reducing hostility toward the police among minorities. In essence, police-community relations implies a narrow, bureaucratic response to a specific problem, rather than a fundamental change in the overall mission of the department and increased expectations of the community.

### **Organizational Strategy**

Community policing requires everyone in the department, sworn

and civilian personnel at all levels, to explore how they can carry out the mission through their actions on the job. Equally essential is that the department must permanently deploy a portion of its patrol force as community officers in specified beats so they can maintain direct, daily contact with average citizens.

Police-community relations is an isolated specialty unit, made up exclusively of staff personnel whose duties are bound by the narrow definition of their goals. These units have limited ongoing, intensive outreach to the community and no mechanism to effect change within the police department itself.

### **Operational Goals**

A department-wide commitment to community policing means that everyone's job must be reassessed in light of the new mission. For example, this may mean providing motor patrol officers new

freedom to experiment with problem-solving techniques. It can also mean small courtesies, such as providing civilian personnel a revised telephone directory designed to allow them to connect a caller to the right person on the first try.

Yet, the ultimate success or failure of community policing rests primarily with the new community officers, the generalists who operate as mini-chiefs within their own beat areas. They act as full-service law enforcement officers who react to problems as they occur, but their mandate also requires them to involve average citizens in short- and long-term proactive efforts aimed at the department's expanded mission. The resulting improvement in police-community relations is a welcomed byproduct of delivering decentralized and personalized police service, but is not the primary goal.

Freed from the isolation of the patrol car and the incessant demands of the police radio, community officers serve as the department's community outreach specialists and problem-solvers. The community officer must both overcome apathy and restrain vigilantism, recognizing that the police alone cannot hope to maintain order and solve crucial contemporary neighborhood problems. Citizens can no longer expect the police to be "guns for hire." They need to discard the "mask" of anonymity and become actively involved.

As the community's ombudsman and liaison, community officers not only have the right

but also the responsibility to mobilize others, individually and in groups. Many situations require input and assistance from other government agencies—code enforcement, animal control, mental health, sanitation. Other solutions require help from nonprofit groups, such as advocates for the homeless. Community officers also involve local businesses in developing new initiatives. The scope of these community-based, police-supervised local efforts is bound only by the time available, the collective imagination and enthusiasm of the community officer and the citizens involved, and the specific resources available.

Because community officers work so closely with people in their neighborhoods, they build trust and they often generate more and better information than other officers and units can. Therefore, the job requires them to share what they know with other units in the department.

In contrast to this grassroots approach that involves average citizens who live in the neighborhood, police-community relations officers tend to communicate most often with the elite, both inside and outside the department. Their outreach consists of meetings with blue-ribbon panels and community leaders, particularly those who represent the predominant ethnic, religious, and racial minorities (and who may or may not have their fingers on the pulse of their constituents).

These sessions usually focus on resolving formal complaints and

discussing issues and concerns, but police-community relations officers have no direct authority to implement change. Instead, the officers serve as advisors to police command, which means that results depend less on the officer's specific actions than on the willingness of top police administrators to take action.

Since police-community relations officers enjoy few sustained contacts with the community, they are unlikely to generate specific information on crime, drugs, and disorder to share with the rest of the department. Conversely, these jobs

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”**

also provide no opportunity for the officers to identify local priorities or to initiate and follow up on creative community-based initiatives. Unlike the community officer, they do not have a stake in specific neighborhoods and are viewed as outsiders.

#### **Performance Measures**

Community policing implies moving away from narrow quantitative measures of success—number of arrests, average response time,

clearance rates, number of complaints against officers—toward qualitative measures, such as citizen involvement, fear of crime, improvement in quality of life, and real and perceived improvement in chronic problems.

#### **Accountability**

Community officers are not only supervised by superiors but the new relationship with the community also means that average citizens serve as an additional check on their behavior. Community officers must confront every day the people who care most about whether their new solutions are working.

Since police-community relations officers have no direct authority to make changes, they are often perceived by the community as “flak-catchers”—bureaucrats with no real power who are there merely as a buffer between the community and the police department. Particularly in departments where there is little commitment to resolving problems, police-community relations officers often find themselves trapped between angry community leaders and a defensive police administration.

The problem is compounded because police-community relations officers are never the officers who respond directly to the crime calls, so people cannot hold them directly accountable. It also removes them from the feedback loop that might allow them to tailor their recommendations to local situations.

## Comparison of Community Policing to Police-Community Relations

### Community Policing

- Goal: Solve problems—improved relations with citizens is a welcome by-product
- Line Function: Regular contact of officer with citizens
- Citizens nominate problems and cooperate in setting police agenda
- Police accountability is insured by the citizens receiving the service
- Meaningful organizational change and departmental restructuring, ranging from officer selection to training, evaluation, and promotion
- A department-wide philosophy and acceptance
- Influence is from “the bottom up.” Citizens receiving service help set priorities and influence police policy
- Officer is continually accessible, in person or by telephone recorder in a decentralized office
- Officer encourages citizens to solve many of their own problems and volunteer to assist neighbors
- Success is determined by the reduction in citizen fear, neighborhood disorder, and crime

### Police-Community Relations

- Goal: Change attitudes and project positive image—improved relations with citizens is main focus
- Staff Function: Irregular contact of officer with citizens
- “Blue ribbon” committees identify the problems and “preach” to police
- Police accountability is insured by civilian review boards and formal police supervision
- Traditional organization stays intact with “new” programs periodically added, no fundamental organizational change
- Isolated acceptance often localized to PCR Unit
- Influence is from “the top down”—those who “know best” have input and make decisions
- Intermittent contact with the public because of city-wide responsibility, contact is made through central headquarters
- Citizens are encouraged to volunteer but are told to request and expect more government (including law enforcement) services
- Success is determined by traditional measures, i.e. crime rates and citizen satisfaction with the police

Civilian review boards and “blue-ribbon” committees are often viewed as the appropriate methods of insuring police accountability.

In general, the public perception is that community officers are real, personalized police officers who offer concrete help, whereas police-community relations officers are strangers whose assistance, although well-meaning, is sporadic and limited.

### Scope of Impact

A department-wide community policing mission carried out directly by community officers on the streets can make dramatic changes fast. Particularly in the case of illegal drugs, community policing has demonstrated the flexibility to respond to emerging problems in creative ways. People who live in crack-infested neighborhoods need relief not only from the dealers but also from intoxicated addicts on the street. Involving average citizens in community-based, police-supervised anti-drug initiatives to drive drug dealing from their neighborhoods offers new solutions that do not focus exclusively on arrest, which rarely does more than clog the rest of the criminal justice system. Citizens are expected to take an active part in solving many of their own problems, using the officer as a leader and catalyst when necessary. In community policing, unlike police-community relations, the officer educates citizens on issues like response time and how they can effectively use scarce resources rather than expect increased services.

Also, in community policing, average citizens nominate the problems and cooperate in setting the police agenda. This process often reveals that the community views social and physical disorder—from potholes to pan-handlers—as higher priorities than actual crime. Because they have been involved in setting priorities, they are more willing to cooperate in finding solutions.

Within departments as well, community policing has a much greater impact than police-community relations. In police-community relations, change trickles down from the top with “blue ribbon” committees and top command having the most influence. With community policing, change can bubble up from the bottom. The entire department benefits from enhanced understanding about the underlying dynamics and concerns at street level as viewed by average citizens and patrol officers. When this information reaches the chief and other high-ranking officials, it allows them to balance the needs of powerful special-interest groups, who have always had access to the top, with the needs of many who might otherwise be ignored. The chief of police sees a broader picture and becomes an advocate for the effective delivery of both law enforcement and social services in the jurisdiction.

### THE FUTURE

Most police-community relations programs have faded away,

and unrelenting budget pressures will no doubt mean that others will die—often so that the department can put those resources directly into community policing.

The advent of community policing has also threatened budgets

“  
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”

for crime prevention units. However, because the goals dovetail so well, many departments find that community policing can help reinvigorate crime prevention. In larger units, budget cuts can mean some staff officers in crime prevention simply switch to a line function and become community officers. Most prove to be “naturals” at the job, because of their experience in organizing block watchers and neighborhoods associations and in teaching proactive techniques.

Those who remain in staff positions in crime prevention often find themselves serving more as a resource for others in the department than as direct providers to the community. Many work closely with community officers, providing training and keeping them abreast of the latest advances and assisting them in community projects.

Community policing owes a debt to both police-community relations and crime prevention for clarifying the scope of the problem and attempting to solve it. However, community policing most directly addresses the need to restructure and refocus officer selection, training, evaluation, and promotion. As we approach the 21st century, we see that community policing is the wave of the future because it delivers direct services and challenges the community to do its share.

Among the trendsetting big-city police departments nationwide, more than half have formally and visibly adopted community policing. As urban, rural, and suburban police departments of all sizes follow their lead, community policing makes the transition from being a promising trend to becoming the mainstream.

The challenge ultimately will be to drop the “community” from community policing, as everyone recognizes that it is synonymous with quality policing. As the police continue to strive for excellence, community policing is rapidly becoming the standard by which all departments will be judged.

**LEB**

#### Footnotes

<sup>1</sup> Robert C. Trojanowicz, “Police-Community Relations: Problems and Process,” *Criminology*, vol. 9, No. 4, February 1972, pp. 401-425.

<sup>2</sup> For an extended discussion, refer to *Police Management in the 21st Century*, Robert Trojanowicz and Bonnie Bucqueroux, Prentice-Hall (in progress).

# The Bulletin Reports

## State Drug Resource Directory

The Bureau of Justice Statistics, in conjunction with the Drugs & Crime Data Center & Clearinghouse, has published a comprehensive guide to State agencies that addresses drug abuse concerns. Entitled *State Drug Resources: A National Directory*, the guide provides State agency names, addresses, and telephone numbers, as well as a listing of Federal

agencies that are frequently contacted for drug assistance information.

The directory lists drug abuse, criminal justice, and policy offices for each State and gives a description of the functions and responsibilities of the types of State agencies listed. Following the State listings are nine appendixes that list federally

sponsored drug control offices, national clearinghouses, national associations, and national drug abuse or criminal justice resources.

*A copy of this directory can be obtained from the Drugs & Crime Data Center & Clearinghouse, 1600 Research Boulevard, Rockville, MD 20850; the telephone number is 1-800-666-3332.*

## Prisoner Report

The number of Federal and State prisoners grew by 76,099 inmates in 1989, reaching a new high of 703,687 men and women prisoners, according to a Bureau of Justice Statistics (BJS) report. This report, entitled *Prisoners in 1989*, notes that this represents a 12.1-percent increase over the number of inmates incarcerated at the end of 1988. In fact, since the end of 1980, the prison population has increased by about 113 percent. In 30 States, the District of Columbia, and the Federal system, the number of prison populations at least doubled during the 1980s.

During 1989, the number of women inmates increased by 21.8 percent, while the number of male inmates increased by 11.6 percent. The female population in prisons has grown at a faster rate than the male population every year since 1981. In this report, the bureau estimates that at the end of the year, prisons nationwide were operating at 10 to 29 percent over their reported capacities.

Only three States—Kansas, North Dakota, and Alaska—reported decreases in prison populations last year. Rhode Island, Colorado, South Dakota,

and Utah recorded the greatest increases. California's system increased by more than 11,000 inmates during the year, and that State now accounts for about one in eight prisoners held in Federal and State institutions.

*Copies of this bulletin (NCJ-122716) may be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850. The toll-free telephone number is 1-800-732-3277; for callers in Maryland and the Washington, D.C., metropolitan area, the number is 1-301-251-5500.*

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## *Crime in the United States—1989*

The FBI's Uniform Crime Reporting Program has released 1989 crime statistics in its annual publication, *Crime in the United States*. The information contained reflects data collected and reported by over 16,000 law enforcement jurisdictions representing 96 percent of the U.S. population.

The publication contains narrative comments and tables that pertain to the violent crimes of murder, forcible rape, robbery, and aggravated assault, and the property crimes of larceny-theft, motor vehicle theft, burglary, and arson. In addition to information on crime counts and trends, this report includes detailed data on crimes cleared, persons arrested (by age, sex, race), law enforcement personnel (including the number of sworn officers killed or assaulted), and the characteristics of homicides (including age, sex, and race of victims, victim-offender relationships, weapon used, and circumstances surrounding the homicides).

*Copies of Crime in the United States—1989 can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.*

## *Victim Protection Orders*

The National Institute of Justice (NIJ), in its Issues and Practices in Criminal Justice publications series, has published a report entitled *Civil Protection Orders: Legislation, Current Court Practice, and Enforcement*. The report provides guidelines to county and municipal court judges for issuing and enforcing effective civil protection orders to protect victims of domestic violence. It could also be useful to legislators, law enforcement administrators, and trainers who are concerned with reducing domestic violence.

The report draws from the actual practice used in seven jurisdictions when issuing and enforcing protection orders, as well as

interviews with criminal justice professionals and a 50-State legislative and case law review. It provides the statutory basis in each State for issuing various types of relief and gives a summary of case law upholding the constitutionality of these statutes. The issues covered include the legal and procedural basis for civil protection orders, the petitioning process, the types of relief, and the enforcement of orders.

*This NIJ publication can be obtained by writing the National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850, or calling 1-800-851-3420. For those in the metropolitan Washington, D.C., area, the number is 1-301-251-5500.*

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

(NOTE: The material presented in this section is intended to be strictly an information source and should not be considered as an endorsement by the FBI for any product or service.)

# Serological Evidence in Sexual Assault Investigations

By  
ROBERT R. J. GRISPINO, M.A.

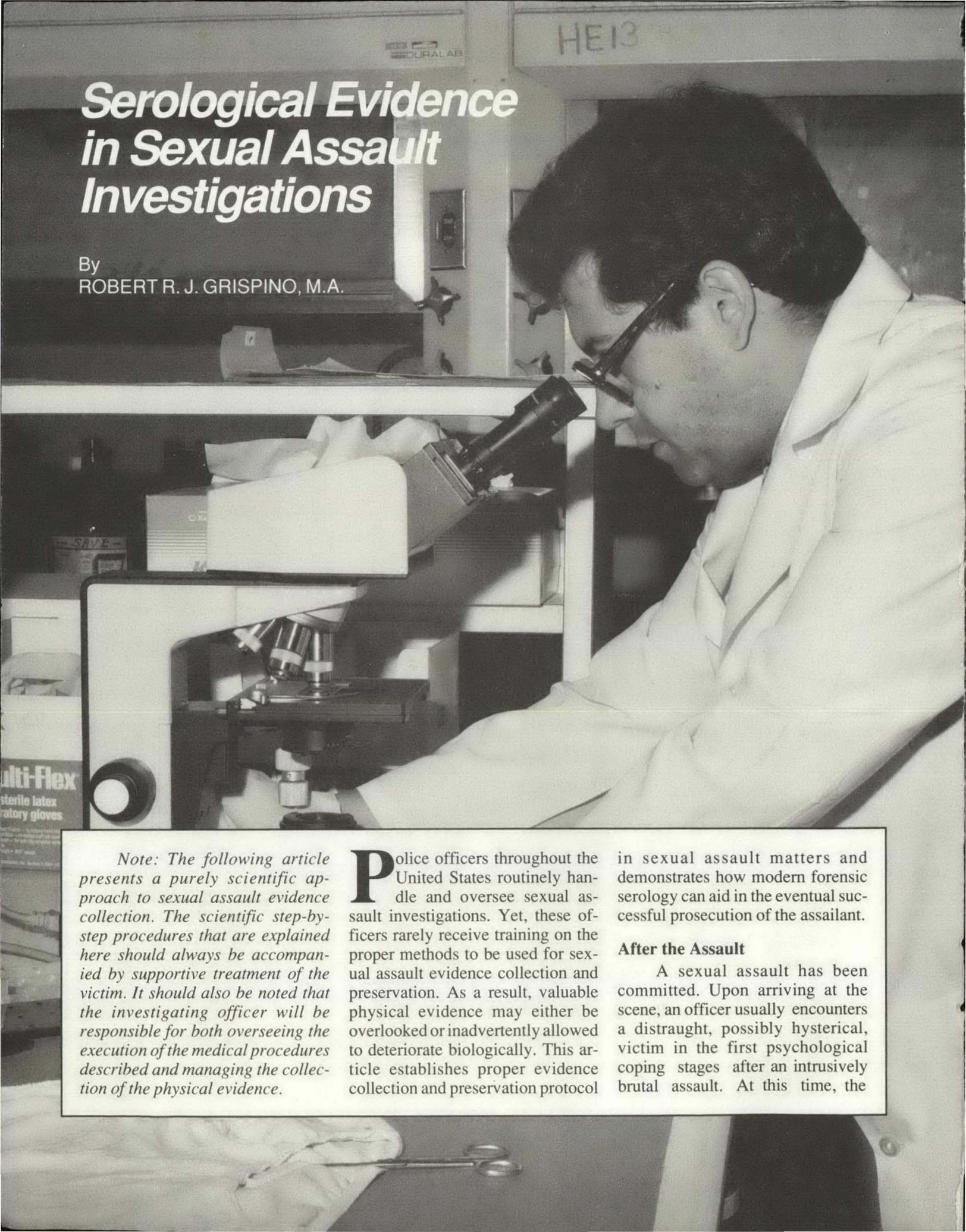
*Note: The following article presents a purely scientific approach to sexual assault evidence collection. The scientific step-by-step procedures that are explained here should always be accompanied by supportive treatment of the victim. It should also be noted that the investigating officer will be responsible for both overseeing the execution of the medical procedures described and managing the collection of the physical evidence.*

**P**olice officers throughout the United States routinely handle and oversee sexual assault investigations. Yet, these officers rarely receive training on the proper methods to be used for sexual assault evidence collection and preservation. As a result, valuable physical evidence may either be overlooked or inadvertently allowed to deteriorate biologically. This article establishes proper evidence collection and preservation protocol

in sexual assault matters and demonstrates how modern forensic serology can aid in the eventual successful prosecution of the assailant.

## After the Assault

A sexual assault has been committed. Upon arriving at the scene, an officer usually encounters a distraught, possibly hysterical, victim in the first psychological coping stages after an intrusively brutal assault. At this time, the



victim is not usually receptive to examination, even though the ideal time to collect body fluid evidence is immediately following the assault. This best evidence of the crime is present, but unfortunately, it is degrading with every elapsed minute. It is crucial that the officer be aware of the need for immediate examination in order to ensure that evidence is collected properly.

The victim should be transported expeditiously to a local hospital or rape trauma center where trained nurses or physicians can gather the appropriate physical evidence. The investigating officer is not only responsible for accompanying the victim through the phases of the examination but must also oversee the collection and preservation of medical evidence. By being fully aware of the procedures that should take place and the evidence that can be collected, the officer will be able to ensure that the case is as complete as possible.

During this examination period, health professionals should accumulate and catalog physical evidence. The completeness of the physical examination depends on the care, consideration, and thoroughness of the examining physician. As much evidence as possible should be obtained from the victim. However, if the health professional does not gather all of the available background data, the investigating officer can and should step in to make sure that it is elicited entirely from the victim.

### **Interviewing the Victim**

The initial victim interview is notoriously the most incomplete in

sexual assault matters. The excuses are numerous. The victim is hysterical and has to be sedated. The doctor or nurse is not willing to delve into any particulars of the assault for fear that it will further upset the victim. The investigating officer is embarrassed or unsure of the situation. Yet, regardless of these various problems, a full and complete description of the assault is crucial to obtain the physical evidence needed for a successful scientific analysis.

Obvious questions regarding the date, time and location of the assault, as well as the description or identity of the subject and the general circumstances of the assault, are rarely missed. However, the less obvious questions can be just as important. The interviewer should ascertain whether the victim bathed, showered, douched, urinated, defecated, vomited, brushed teeth, or gargled with mouthwash at any time after the assault and prior to the examination. If

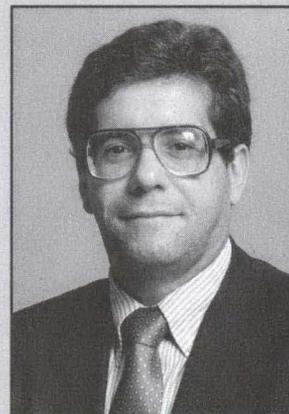
any of these activities were performed, the probability of obtaining useful serological results could be greatly diminished.

The physician should then discuss the basics of the assault. It should be determined from the interview whether penile penetration of the vagina, anus or mouth was attempted and/or successful, as well as if the perpetrator ejaculated at any time. If penetration was unsuccessful or not attempted in certain orifices, the physician may opt not to collect evidence from the unviolated areas. The physician must realize that it may be difficult or impossible for a victim to know whether the suspect ejaculated or there may be a psychologically induced reluctance by the victim to admit during the early post-assault period that ejaculation occurred. In these instances, failure to collect samples from all body cavities may result in lost body fluid evidence.

The extent of oral/genital sexual contact, whether fellatio or

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of the assailant.**  
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*Special Agent Grispino is assigned to the Serology  
Unit, Laboratory Division, FBI Headquarters.*



cunnilingus, should be evaluated. If contact was indicated, the medical examiner should externally swab the genital area for later serological analysis. It would also be important to determine whether the assailant used a lubricant or condom during the assault or whether the victim was menstruating.

The victim should also be asked about the particulars and extent of any consensual intercourse within a 72-hour period prior to the assault. The final serological conclusions reached from the scientific analysis of the physical evidence of the assault may be greatly affected by previous consensual sexual activity and resultant body fluid mixtures. It would then be important to obtain blood and saliva samples from the previous partner(s) for comparison and elimination purposes.

The presence and extent of any injuries to the assailant inflicted by the victim is also extremely important. The suspect may have bled on the victim from a victim-inflicted injury during the struggle. A victim during menstruation could also transfer blood to the suspect during vaginal assault, which could be serologically identified in the suspect's underwear.

After all background information is obtained from the victim, the staff nurse and attending physician should conduct a thorough pelvic examination of the victim. All signs of pelvic injury should be documented, either in drawing or photographic form. After the background information has been gathered, the next step is to collect physical evidence from the victim as carefully and thoroughly as possible.

### Collecting Physical Evidence

Many of the items used for evidence collection are available in sexual assault kits. However, these commercial kits vary widely, and basic minimums should be considered.

Vaginal, oral and/or anal swabs should be taken from the victim using sterile cotton swabs. These swabs should then be air-dried, appropriately labeled, initialed by the examiner and packaged separately. In most assaults involving vaginal penetration, two to four vaginal swabs and two cervical swabs are adequate for analysis. In cases of oral or anal sodomy, oral or

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***...it is absolutely essential that the investigators and the prosecutor understand...the capabilities, as well as the limitations, of forensic serology.***  
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anal swabs should be obtained from the victim. Two clean swabs taken from the same package as the unstained control swabs should be submitted to show that any useful serology results obtained during analysis were due to body fluids and not any contaminant initially on the swabs.

Smear slides, unfixed and unstained, are sometimes useful for demonstrating the presence of sperm cells (spermatozoa). Vaginal,

oral and/or anal smear slides should be obtained from the victim using the same swabs mentioned above. The smear slides should be appropriately labeled and should indicate which individual swab was used to create which microscope smear slide. Examining physicians in some jurisdictions prepare and microscopically examine smear slides to determine the presence of motile sperm cells indicative of recent sexual activity. In such cases, examining physicians may be required to testify in court proceedings regarding their observations. In any event, stained and fixed smear slides are useless for further serological analysis and should not be submitted to crime laboratories.

Pubic combings should be taken from the victim to identify any foreign hairs or fibers that may have been transferred during the assault. The physician should comb the pubic area and submit the comb and any resultant debris in an appropriately marked, sealed envelope. Head hair combings should be obtained from the victim in cases where other evidence is insufficient to show interpersonal contact. Pubic and head hair combings should also be obtained from the suspect if appropriate to the investigation.

Any obvious debris (soil, fibers, hair, grass, etc.) observed during the examination of the victim should be collected and submitted in a separate envelope describing the location of the debris. The examining physician should also scrape all residue from under the fingernails of each hand of the victim and place the residue in a specimen envelope or clip the fingernails and place the clippings in separately labeled envelopes.

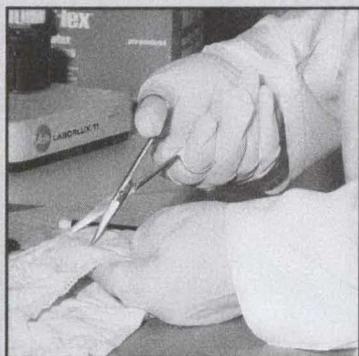
Using a sterile pad that has been moistened lightly with distilled water, the physician should swab the vulva and the inner portion of the victim's thighs adjacent to the vaginal area. The genital swabbing

pad should then be air-dried and submitted for laboratory analysis in an appropriately labeled specimen envelope.

The physician should swab any dried secretions observed

during the examination of the victim, i.e., saliva around bite marks, using a sterile pad that has been moistened lightly with distilled water. The pad should also be air-dried and submitted for analysis. In

## The Role of Serology



**F**orensic serology is best defined as the science involving the identification and characterization of blood, semen, and other body fluids, usually found in dried stain form, on items of physical evidence. Because of its supportive nature to the prosecution, it is absolutely essential that the investigators and the prosecutor understand, at least in general terms, the capabilities, as well as the limitations, of forensic serology.

Under most conventional serology protocols, items of physical evidence in sexual assault cases are scientifically screened for the presence of human semen and blood. Semen is identified where sperm cells are microscopically identified and/or a semen-

specific protein associated with human semen, known as p30 or prostatic antigen, is determined to be present in extracts of dried stains under examination.

Once the presence of semen is established, the stain extracts may be analyzed for the presence or absence of blood group substances. Eighty percent of the general population secrete chemicals (blood group substances) into their body fluids that are consistent with their red blood cell ABO type. In these people, known as secretors, analysis of their saliva, vaginal secretions, or semen will indicate whether they belong to blood group A, B, AB or O.

If human blood is identified on an item, attempts may be made to determine whether the blood is of A, B, AB or O. Then, depending upon the size of the dried stain, it may be analyzed using electrophoresis to determine as many genetic marker protein types as possible. In order for any of this to make sense, known blood and saliva samples from both the victim and suspect of the sexual assault must be submitted for analysis and comparison purposes.

The known blood samples may be grouped as to A-B-O blood type and assorted genetic enzyme markers. The serologist may also attempt to determine if the individual is a secretor from analysis

of the liquid blood and/or dried saliva standard.

Once all of the scientific information is assembled, the serology examiner may be able to make expert conclusions from the findings. Forensic serology is a comparison science. If all of the information from the analysis of the questioned samples is identical to that obtained from the known blood and saliva samples from the suspect, then the serologist can conclude that the suspect was a possible source of the deposited semen or blood stain. If, however, one element of the profile differs, then the serologist may be able to absolutely exclude the suspect as a source of that body fluid. It is further emphasized that without known standards from the victim, suspect(s) and any other involved parties for comparison, the effective serological analysis of items of evidence from the assault may be rendered meaningless.

Using this technology, the best that a serologist may be able to say is that the suspect is a possible depositor of the body fluid. This is because other potential suspects in the general population may share the same A-B-O blood type, secretor status, and enzyme profile, although the implementation of DNA testing in forensic samples has dramatically altered this thinking.

cases where dried blood or encrusted semen is observed, the material should be scraped from the body into a specimen envelope and submitted for analysis. Encrusted matter should never be re-hydrated, since it dilutes the sample. The location of each sample should be noted on a body diagram. Pubic or head hair containing encrusted semen should be carefully clipped and placed in a labeled specimen envelope.

In the event of oral ejaculation, gagging, swallowing or regurgitation during the assault may force air carrying semen through the nasal passages. The victim should blow her nose, very hard, several times into the center of filter paper. The resultant nasal mucous sample should be allowed to air dry and then submitted for analysis.

#### Standards

Head hair and pubic hair standard samples should be obtained from the victim and any suspects developed from the sexual assault investigation. The hair samples should be pulled with the bulb intact, not clipped. Head hair samples should be taken from four separate areas of the scalp. Twenty-five full-length hairs are generally considered adequate to represent an individual's hair characteristics.

Liquid blood samples should also be obtained from the victim, any consensual sexual partners from at least 72 hours prior to the assault, and any developed suspects. Known blood and saliva samples from a suspect in a sexual assault case must usually be obtained through a court order issued by a judge or local magistrate. Blood samples from

each individual should be collected in both red-topped and purple-topped blood collection tubes. Red-topped tubes are used for traditional serological analysis, such as ABO grouping, secretor status and

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***Probative value and relevance to the investigation are the watchwords in collecting and preserving the evidence....***  
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enzyme electrophoresis. A red-topped tube indicates that the collected blood is exposed to no preservatives or blood anticoagulants. Purple-topped tubes are used for DNA profiling only. These tubes contain a chemical chelator (EDTA) that inhibits the action of enzymes that would normally act to break down the DNA molecules in the blood samples. In the event that toxicology examinations will be requested, an additional blood sample taken in a grey-topped tube (containing sodium fluoride) and a 10 cc. urine sample should also be collected. All of the collected blood and urine should be refrigerated, not frozen, and submitted for analysis as soon as possible.

Dried saliva samples should also be obtained from the victim, from consensual sexual partners from at least 72 hours prior to the assault, and from any developed suspects. The donor should expectorate on filter paper to produce a

stain approximately 1 1/2 inches in diameter. Saliva should be clean and undiluted. Prior to giving the sample, the donor must have abstained from eating (food, gum, chewing tobacco), drinking and smoking for about 30 minutes. The stain should be circled in pencil before the drying is complete. When the samples have air-dried completely, they should be placed in a specimen envelope that has been dated and initialed.

#### Miscellaneous Samples

The officer should make sure that the clothing worn by the victim during the sexual assault is collected. The victim should always disrobe over examination paper. The victim's panties, pantyhose, jeans, shirt, shoes, socks, dress, or nightgown should be separated and individually packaged as appropriate. Any physical evidence from the crime scene that may bear suspected semen stains, such as bed sheets, towels, wash cloths, paper towels, toilet paper or tissue paper, should also be collected. The examination paper should also be submitted for analysis in the event that hair or fiber mixtures from the assault fell from the victim while disrobing.

The collected items should be clearly described for the laboratory, including whether the items came in contact with the victim and/or suspect before, during, and/or after the assault. Stained areas believed to exhibit evidence of the assault should be described or highlighted. For example, only a small area on a bedsheet may be relevant to the investigation. Therefore, forensic examination of the entire bedsheet for

semen may not only be unnecessary and wasteful of forensic services but may also dilute the effectiveness of the examination.

### Preservation and Packaging

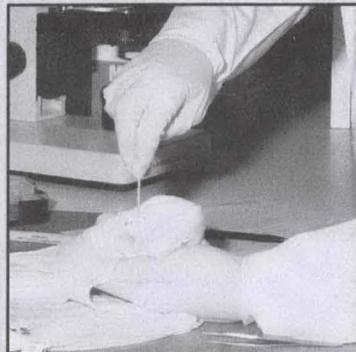
Bacteria begin to degrade biological fluids immediately after deposition. They especially thrive on the rich nutrients present in semen. If unchecked, contaminant bacteria can completely destroy DNA and other genetic markers of value. To counteract this phenomenon in all of the above instances in which moist body fluids are collected, it is imperative that the samples be completely dried. After drying, the specimen(s) should be placed into breathable paper bags or envelopes and frozen or refrigerated until submitted to the laboratory for analysis.

All collected items of evidence should be properly catalogued with preserved chain-of-custody records for court presentation purposes. All items should be dated and initialed by the collector. In cases where samples were taken by health professionals, they should identify, date and initial the items and hand the evidence to the investigating officer. Whenever possible, collection of known blood, urine and saliva samples should be performed under the supervision of the investigating police officer.

### Conclusion

Each sexual assault occurs under circumstances unique to the victim, the crime scene, and the suspect. If extensive information is provided to the examiner in the crime laboratory, the examiner can

## DNA Profiling



**D**eoxyribonucleic acid (DNA) is an organic substance found primarily in the chromosomes within the nuclei of cells. Using electrophoresis and radioactive probing techniques, a DNA profile can be developed from dried blood and semen stains.

DNA profiling is the FBI Laboratory's primary method of choice for the serological analysis of physical evidence from violent personal crimes. This technology has revolutionized the processing of serological evidence and has superseded traditional serology techniques in its associative value.

Currently, the FBI Laboratory screens probative items of evidence in sexual assault matters, such as vaginal, oral, and anal swabs and panties from the victim, for the presence of semen. At the conclusion of this analysis, the remaining stain may be submitted for DNA profiling. If human semen is identified, the sample is submitted for DNA analysis.

DNA profiles in the questioned samples are compared side by side with the DNA profiles in the known blood samples from the victim and suspect. If the patterns on the suspect's blood profile match those generated from the questioned samples, the serologist can testify that the semen or blood was deposited by the suspect or a member of a group of individuals who share this profile. As with conventional serology, if DNA profiles do not match, the serologist can absolutely exclude the suspect as the contributor of that DNA sample.

Many U.S. crime laboratories do not possess the capability to conduct DNA testing. Therefore, investigators and prosecutors should become familiar with the capabilities of their local laboratories in this regard. The current protocol used at the FBI Laboratory necessitates an 8- to 10-week time period from initial DNA extraction to final probing results in each case sample. Additional delays may also exist due to high caseload and the requirement for analysis in other forensic disciplines. DNA analysis may be more time-consuming and labor intensive than traditional serology techniques; however, the results may be far more significant or informative. The law enforcement community must be aware that DNA analysis of forensic samples is a lengthy process and trial continuances may be necessary.

## Police Practices

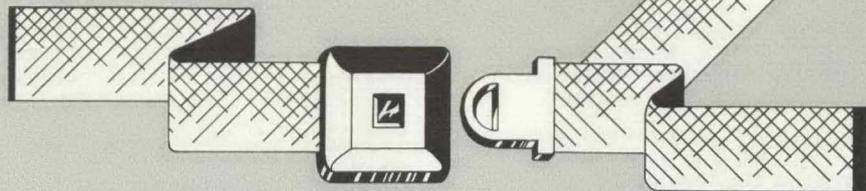
conduct a more thorough and complete scientific analysis. Probative value and relevance to the investigation are the watchwords in collecting and preserving the evidence of a sexual assault. If collected materials are stored in plastic bags under room temperature for any extent of time, the biodegrading action of contaminant bacteria may jeopardize conclusive test results. Sexual assault evidence kits with all of the above-mentioned materials are commercially available and stocked by hospitals and rape crisis centers.

Proper collection, identification, packaging and storing of evidence in sexual assault investigations will greatly improve the chances for a successful prosecution of the perpetrator, as long as the investigating officer follows up with good communication and contact with the laboratory examiner in all stages of the case. The evidence sent to the forensic laboratory should be accompanied by a transmittal letter that completely describes the facts of the crime, the inventory of the evidence seized, and the scientific examinations requested. It is suggested that the report of the initial examining physician be included along with the evidence.

Criminal investigators and prosecutors must familiarize themselves with proper procedures concerning the collection, identification, and packaging of serological evidence, as well as to establish effective communication with the examiner. By doing this, and by understanding the practical capabilities and limitations of modern forensic serology, the interests of justice can be best served with a successful prosecution of the perpetrator in a sexual assault.

LEB

### Seat Belt Awareness Program



The use of seat belts is probably the best available protection for automobile drivers and passengers from serious injury or death due to accidents. State administrators consider the use of seat belts so vital to the well-being of citizens that most States have mandated the use of these safety devices for all front-seat occupants. Yet, voluntary compliance with seat belt laws is waning. In fact, during spot checks, police officers in South Windsor, Connecticut, observed that only 1 person out of every 15 wore a seat belt. The question then raised is, "What can law enforcement do to make the general public aware of the seat belt law and then get citizens to comply with it?"

To address the problem, the South Windsor Police Department implemented a Seat Belt Awareness Program. This is an educational/enforcement program designed to encourage residents to use seat belts.

#### Program Development

The first hurdle, funding the project, was cleared when the Con-

necticut Safety Belt Coalition granted the necessary monies to cover the cost of the program. This non-profit safety group that encourages safety belt use also gave the department educational information that stressed voluntary compliance with State law.

In addition, a local business joined in this community program. It provided the department with free merchandise give-aways to encourage seat belt use.

#### Program Implementation

The Seat Belt Awareness Program ran during the month of August 1989. During the first 2 weeks, the department issued press releases informing residents of the program, why it was being implemented, how the program would be conducted, and where officers would be stationed.

Starting with the third week, officers conducted informational stops. Occupants of vehicles stopped during this period, who were not wearing seat belts, were given a verbal warning and an information packet. The packet contained printed materials that

explained how seat belts prevent injury and death and how many deaths would be prevented if occupants used seat belts. Those found wearing their seat belts received merchandise give-aways or coupons for ice cream, which had been provided by the safety belt coalition or local businesses.

The final week of the program was enforcement week. During this week, officers issued 215 tickets charging drivers with failure to wear seat belts, an infraction of Connecticut General Statutes 14-100ac. Drivers were fined if they were not wearing seat belts; they received another fine if a front-seat passenger was not wearing one. If seat belts were

worn improperly, only a verbal warning was given, and officers advised the occupant on how to wear seat belts correctly.

Officers conducted both their informational and enforcement stops at the same time and same locations each week. Surprisingly, few complained about being issued a ticket, and many thanked the officers for reminding them to buckle up.

#### Program Success

The program succeeded in getting the residents of South Windsor to wear their seat belts. Officers observed that the ratio of persons wearing seat belts after the Safety Belt Awareness Program

was 14-out of 15. By combining informational stops with enforcement, the police department in South Windsor brought about "voluntary compliance" to the Connecticut Seat Belt Law. More important, the police department demonstrated concern for the safety of South Windsor residents by encouraging them, their family members, and friends to buckle up and prevent tragedy.

**LEB**

*Information for this column was submitted by Sgt. Thomas C. Hart of the South Windsor, Connecticut, Police Department.*

## Unusual Weapon

### Dangerous Plumbing



Agents of the U.S. Naval Investigative Service discovered what was apparently a small piece of plumbing on a suspect arrested in Scotia, New York. Upon further inspection, the agents determined that the 2-inch lead piece was actually a disguised .22-caliber firing device.

The device is composed of a piece of lead pipe, a threaded copper fixture, and a tire valve that serves as a protective cap. Once a live round is placed into the lead piece, it can be fired by removing the cap and striking the rear of the device on a hard surface. This weapon is especially dangerous in close quarters and in apprehension situations.

**LEB**



# Operation CLEAN

## Reclaiming City Neighborhoods

BY  
RICHARD W. HATLER



**Pictured clockwise from top left:**  
Officers execute search warrants at the beginning of the operation. A mounted officer is present for crowd control during the execution of warrants. An abandoned apartment complex is demolished. Walking beat officers provide followup after the operation's conclusion.

Dallas, Texas, faces the same problems as many other cities around the country. It has experienced the devastation of whole neighborhoods as drugs, particularly crack cocaine, destroy old ways of life and replace them with violence, thievery, and a feeling of hopelessness. One by one, communities in Dallas fell to drug dealers, only to become darkened marketplaces of the drug trade.

To curb the growing tide of urban deterioration, the Dallas Police Department embarked on a broad-based program designed to reclaim neighborhoods and rid communities of the drug dealers who were responsible for most other crimes. Through Operation CLEAN (Community and Law Enforcement Against Narcotics), the Dallas Police Department serves as the catalyst for change, coordinating the

full resources of the city toward target neighborhoods. The goal of this campaign is to return control of neighborhoods to the law-abiding residents who had been forced to surrender their communities to drug dealers.

### Operational Components

The success of Operation CLEAN depends on the total support of the police department and

city administrators. Fiscal efficiency is very important since many of the operations require large outlays of funds that should not be diverted from other programs. Therefore, it is essential that all participating city agencies work together to provide required services. Several municipal departments work together to make up Operation CLEAN components (the CLEAN Team), and each has specific responsibilities:

- The police department is responsible for the removal of drug dealers, crime prevention training, intensive 24-hour personnel deployment, and coordination of Operation CLEAN activities.
- The fire department checks properties for fire code violations and orders the closing of unoccupied buildings with safety violations.
- The streets and sanitation department is responsible for the general clean-up of target areas; clearing alleys, trimming trees, and removing discarded furniture used by drug dealers.
- The housing and neighborhood services department is responsible for strictly enforcing applicable city codes, referring unsalvageable properties to the Urban Rehabilitation Standards Board for demolition, and working with outside groups to obtain vacant lots for housing units.

- The city attorney's office provides vigorous prosecution of code violations and aggressively seizes abandoned properties.

Each component of the CLEAN Team is critical to the success of the operation. The CLEAN Team approaches neighborhood involvement with an eye toward addressing quality-of-life issues within the target area.

### Target Selection

It is very important that a jurisdiction has sufficient resources to substantially impact the target area. The size of the neighborhood and the population density must be considered. In Dallas, it was determined that a target area should include no more than 10 square city blocks. Preliminary statistics and intelligence information concerning crime levels in the target area must be accurate so that adequate manpower can be devoted to the operation. The selected area should be large enough so that a significant impact can be made, but not so large that available resources are insufficient to accomplish the operation's objectives.

The CLEAN Team established certain criteria that each target neighborhood had to meet before it could be accepted into the program. To be considered, an area had to be experiencing a high level of drug use and street distribution, a high crime level, and a high number of calls for police service. It was also determined that Operation CLEAN would be most effective in primarily residential areas, rather than industrial or business com-



*Deputy Chief Hatler serves with the Dallas, Texas, Police Department.*

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**The Operation  
CLEAN program is  
one approach  
to reclaim lost  
communities.**

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munities. This is due largely to the cooperative nature of the campaign and the need to ensure participation by all CLEAN Team components. To select an industrial area, for example, would limit the participation of the housing and neighborhood services department and could result in a loss of interest by the department in future operations.

Another important consideration when selecting a target area is the attitude and potential of residents and business leaders in the area. An important element in the operation is the willingness of neighborhood residents to take con-

trol of their own communities. The greater the willingness of the residents to take control, the greater the probability that a long-term solution will result.

### Implementation

Each Operation CLEAN project has basically seven phases. The level and type of activity varies in each phase.

- *Phase One*—The most appropriate target area is selected. Because undercover operations will begin in phase two, only selected individuals within the police department are involved in this decision process. The other CLEAN Team departments are not advised of the target area until phase three.
- *Phase Two*—Narcotics Division detectives infiltrate the target area. Detectives make undercover buys and use confidential informants to obtain information for search and arrest warrants. This phase normally lasts 5 to 14 days. The objective is to identify as many drug dealers, drug distributors, and drug dealing locations as possible.
- *Phase Three*—This is the first overt enforcement phase, which is initiated by executing simultaneously all search and arrest warrants within the target area. Uniformed officers,

plainclothes detectives, and canine and horse patrols saturate the neighborhood so that the police department has almost total control of the target area. In Dallas, as many as 100 officers are normally involved in this phase. The news media is contacted prior to implementation, so that extensive media exposure will accompany this phase. The objective of this phase is to remove as many drug dealers from the target area as possible.

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***The success of Operation CLEAN depends on the total support of the police department and city administrators.***  
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- *Phase Four*—Phase Four begins as phase three is being executed. During this phase, eight uniformed officers and a sergeant are assigned specifically to the target area 24 hours a day. A total of 24 officers and 3 sergeants are assigned to the area to cover all three shifts. This phase lasts 2 weeks.

During this phase, officers take aggressive enforcement action against all criminal activity, including

traffic violations. The objective is to disrupt the pattern of criminal activity that has existed in the area.

Also during this phase, all CLEAN Team departments meet to discuss and visit the target area. All team members become active during phase four. Personnel from the Community Services Division begin to organize local residents into Crime Watch groups. One important component of this phase is to inform the residents of the target area of the objectives of the CLEAN Team.

- *Phase Five*—This phase is a continuation of phase four, but the intensive police contingency is reduced to operating 16 hours per day. Other Operation CLEAN efforts continue. During this phase, which lasts 2 weeks, control of the target area is gradually transferred to legitimate community members.
- *Phase Six*—This is a continuation of phase five, except that the police contingency is further reduced. One shift of eight officers and a sergeant is assigned during the most active 8-hour period, usually in the evening. A walking beat is established and will continue after the operation has been completed. Other team members complete their

activities. Increased control is transferred to community residents.

- *Phase Seven*—This is the follow-up and evaluation phase. Any needs identified in earlier stages that have not been met will be assigned to specific individuals. Each team member critiques the success of the operation and cites where future improvement can be made. An operational report is prepared and forwarded to the city manager's office.

## Results

Since the adoption of the program, there have been several Operation CLEAN projects. Operation CLEAN I was initiated on March 11, 1989. The target area was a 6-square block neighborhood used by drug dealers and overrun by violence and criminal activity. In the 6-week period prior to March 11th, a total of 336 calls for police service had been received from the area. There had been 26 violent crimes and 9 property crimes reported during this period. In addition, the department continually received reports of gunfire in the area, both day and night.

During the execution of 14 search warrants in the third phase of Operation CLEAN I, 630 packets of crack cocaine and 76 packets of marijuana were seized. Several weapons were also confiscated. During phase four, 289 arrests were made and 200 traffic citations issued. An additional 106 arrests

## Results of Operation CLEAN I

- Calls for police service declined by 40%
- The occurrence of Crime Index offenses reduced by 71%
- The streets and sanitation department cleared 6.4 miles of alleyways and streets
- The fire department inspected 95 locations and acted on 159 violations
- The park department re-opened a neighborhood park and provided staff for recreational activities
- A citizen Crime Watch Program was established

were made during phase five, and 39 arrests were made in phase six.

During the 6 weeks of Operation CLEAN I, the number of calls for police service decreased 40 percent and Crime Index offenses were reduced by 71 percent.

When Operation CLEAN I was completed in May 1989, many significant changes to the target area had been realized. Criminal activity in the target area had been significantly reduced, the neighborhood had been cleared of 1,000 cubic yards of debris, and construction began on new buildings that replaced dilapidated structures. An active Crime Watch Program was created, and most important, concerned citizens regained control of their neighborhood. Overall, there has been a dramatic improvement in the quality of life in the target area as a result of Operation CLEAN I.

## Conclusion

As Operation CLEAN demonstrates, local law enforcement can work with other city departments to improve the quality

of life for residents living in areas overrun by drug dealing and violence. In Dallas, the police department decided to take a lead role in coordinating these efforts.

Because Operation CLEAN is manpower intensive, its effectiveness depends on the willingness of both city council and police managers to devote appropriate resources. As past Operation CLEAN projects demonstrate, however, these expenditures result in reductions in calls for police service and a decrease in criminal activity in target areas. In the long-term, this will save patrol and investigative resources that can be used elsewhere in the police budget.

As more communities become affected by the drug problem, public calls for innovative programs and new initiatives to combat rising criminal activity will require law enforcement agencies around the country to rethink existing strategies. The Operation CLEAN program is one approach to reclaim lost communities.

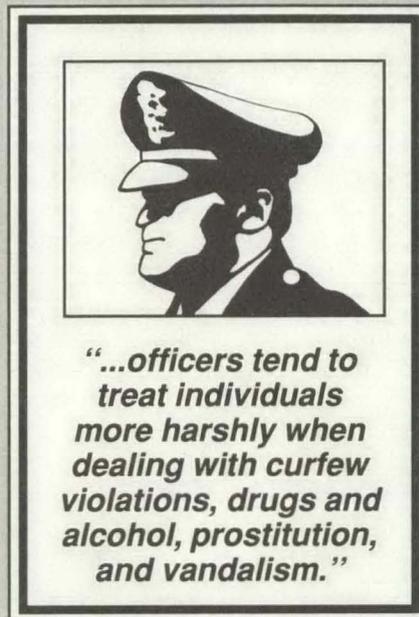
**LEB**

## **Police Use of Discretion** *A Comparison of Community, System, and Officer Expectations*

RESEARCH CONDUCTED BY HAL HUGH NEES, II

**P**olice officers display significant levels of discretion in how they handle various law enforcement scenarios, according to a research study conducted in conjunction with a doctoral thesis in Public Administration at the University of Colorado. For purposes of the study, the available choices were limited to the following: Take no action, warn the offender, refer to a social agency, issue a summons, or arrest an individual. The study also examines the officer's age, sex, ethnicity, education, geographic residence, marital status, and political orientation.

The study entails the review of 20 incidents covering traffic violations, disturbances, drug and alcohol violations, prostitution, juvenile status crimes, vandalism, and gambling. All were misdemeanor offenses, with the exception of one involving the cultivation of marijuana. The sample groups of respondents included 1,077 police officers, probation officers, prosecuting attorneys, defense attorneys, judges, community leaders, and ordinary citizens in and around Colorado.



The comparison of police officers to all other groups shows that officers tend to treat individuals more harshly when dealing with curfew violations, drugs and alcohol, prostitution, and vandalism. The survey groups generally thought that the officers need to act more harshly when handling traffic violators and gambling offenses. The study also points out that even members within each group do not always agree with each other.

Officers handle intoxicated individuals differently, depending upon the suspect's attitude and demographics. It is more likely that cooperative individuals would be allowed to return home, while "outsiders" would be taken to jail.

Educational level and the experience of officers have an impact on their decisionmaking process. Generally, the higher the officer's education, the fewer sanctions the officer would impose on an individual. However, the study implies that during the early years of police service, officers tend to act more harshly, tapering off during their mid-level years, and then gradually escalating their choice of sanctions in the final years of their careers.

The results of this study recommend that law enforcement agencies can take significant steps in the area of "discretion management"—the ability of a jurisdiction to uniformly and fairly exercise levels of discretion by their officers. This research reinforces previous studies that show that boundaries of discretion are defined too generally by many law enforcement agencies. The study also questions whether law enforcement agencies reflect the priorities within their individual communities.

**LEB**

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*Research reviewed by  
David J. Icové, Ph.D., FBI Academy,  
Quantico, Virginia.*

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# Deliberate Indifference

## The Standard for Municipal and Supervisory Liability

By  
MICHAEL CALLAHAN, J.D.

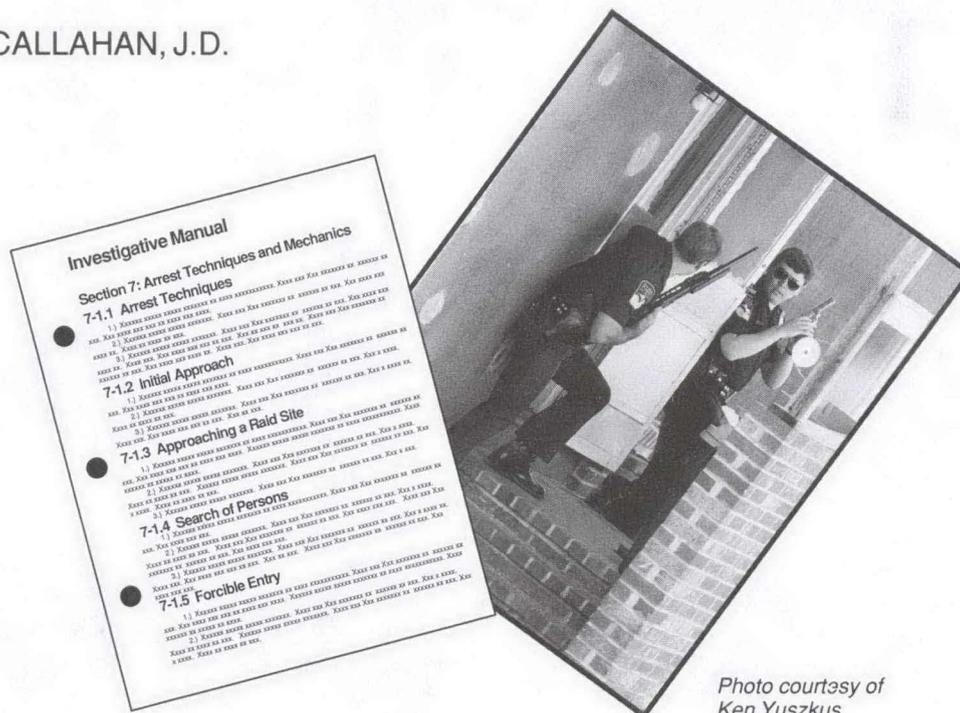


Photo courtesy of  
Ken Yuszuk

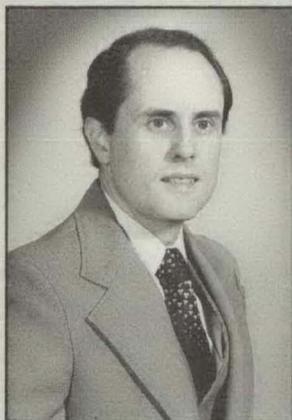
This article discusses the potential liability of municipal corporations and police supervisory officials for the unconstitutional conduct of lower echelon police personnel. The article specifically focuses on the extent of liability for deficiencies in training and supervision. The standard of liability for municipalities and supervisors and the type and amount of proof required to meet that standard will be examined. Also, practical suggestions will be

offered to reduce exposure to this type of liability.

### The Genesis of Municipal Corporate Liability

The U.S. Supreme Court, in *Monell v. New York City Department of Social Services*<sup>1</sup> ruled that a municipal corporation may be liable under 42 U.S.C. Sec. 1983<sup>2</sup> (hereinafter §1983) for adopting and executing a formal policy that results in a constitutional deprivation. Moreover, the Court ruled that

liability can occur for constitutional violations caused by municipal "customs" or informal policies, even though they have not been officially approved by city policymakers. The Court made clear that liability is based solely on the unconstitutional conduct of municipal policymakers and rejected the idea that liability could be based on the theory of respondeat superior, which imposes liability on an employer for the wrongful action of an employee regardless of the ab-



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**...inadequate police training can serve as the basis for liability only where the failure to train amounts to deliberate indifference by city policymakers....**”

*Special Agent Callahan is the principal legal adviser in the FBI's Boston, Massachusetts, Field Office.*

sence of fault on the part of the employer.

Following *Monell*, Federal courts faced many §1983 suits directed against cities that were based on a claim that the city had adopted a “custom” or policy of inadequate training or supervision of police officers. During much of this period, there was considerable judicial disagreement concerning the standard by which municipalities should be judged in these suits,<sup>3</sup> as well as the type and amount of evidence needed to prove an inadequate training or supervision case.<sup>4</sup> The Supreme Court resolved much of that uncertainty in its 1989 decision in *City of Canton, Ohio v. Harris*.<sup>5</sup>

### **Supreme Court Adopts Deliberate Indifference Standard**

In *Canton*, the plaintiff was arrested for a traffic offense, and after refusing to cooperate, was carried to the patrol wagon because she could not or would not walk on her own. Upon arrival at the police station,

she was discovered on the wagon's floor and responded incoherently when a shift commander asked if she needed medical attention. During booking she fell off a chair several times and was allegedly left on the floor to prevent further injury. No medical attention was summoned by the police. After being released, she was transported by private ambulance to the hospital where she was diagnosed as suffering severe emotional ailments and was hospitalized for a week. She sued under §1983, alleging that the city deprived her of a constitutional right to medical care by failing to adequately train officers at detention facilities in deciding when prisoners required medical attention.

Trial evidence disclosed that it was city policy to give shift commanders sole discretion to decide when a prisoner needed medical care and that these commanders received no special medical training to assist them in that decision. The jury returned a \$200,000 judgment

against the city, and the U.S. Court of Appeals for the Sixth Circuit affirmed<sup>6</sup> that the proper standard for municipal liability regarding inadequate training is gross negligence.

In a landmark decision, the U.S. Supreme Court reversed that lower court ruling and held that inadequate police training can serve as the basis for liability *only* where the failure to train amounts to *deliberate indifference* by city policymakers to the constitutional rights of persons contacted by police officers. By adopting the higher deliberate indifference standard, the Court rejected the gross negligence standard that had been adopted by many lower Federal courts.<sup>7</sup> The Court explained that inadequate training meets the deliberate indifference standard only when the need for more or different training is obvious and the failure to implement such training is likely to result in constitutional violations.

The Court offered two examples of what would constitute deliberate indifference. First, where city policymakers know that officers are required to arrest fleeing felons and are armed to accomplish that goal, the need to train officers in the constitutional limitations regarding the use of deadly force to apprehend fleeing felons is obvious, and the failure to do so amounts to deliberate indifference. Second, deliberate indifference could be based on a pattern of officer misconduct, which should have been obvious to police officials who fail to provide the necessary remedial training.

## Lower Court Decisions

Several Federal appellate cases have been decided since *Canton* involving claims of inadequate training and supervision.<sup>8</sup> For example, in *Bordanaro v. Mcleod*,<sup>9</sup> an off-duty police officer allegedly had an altercation with patrons at a motel bar and then notified on-duty officers that he needed assistance. The entire night shift allegedly responded to the motel, eventually firing two shots and forcing entry into a motel room where several occupants were allegedly beaten, resulting in the death of one of the occupants. A §1983 suit filed against the officers, the city, the police chief, and the mayor resulted in a jury verdict of approximately \$4.3 million.

The U.S. Court of Appeals for the First Circuit affirmed the finding against the city based on a finding of deliberate indifference. The court concluded that the injuries were proximately caused by an unconstitutional "custom" of breaking down doors without warrants based, in part, on the testimony of a police sergeant that the department had a long-standing practice of making such entries. Although there was no direct evidence that the chief or mayor were aware of this practice, the court observed that the practice was so widespread that they should have known about it and corrected it. Their failure to do so amounted to deliberate indifference.

Moreover, the court observed that department rules and procedures issued in 1951 failed to address current standards of search and seizure, hot pursuit, and the use of deadly force. Little or no inser-

vice training was provided regarding the use of force after basic training, and no training was required for officers who were promoted to supervisory rank.

With regard to a finding of deliberate indifference in supervision, the court observed that the department placed many citizen complaints against officers in a dead file without investigation and that discipline was often haphazard, inconsistent, and infrequent. Moreover, discipline for the motel incident took over a month to occur, and the officers involved were suspended only after indictment. A full internal inquiry did not begin until a year after the motel incident. The court also found that the department's method of background checks on officer applicants was superficial and that psychological tests required by local ordinance were often not given to applicants.

He later sued under §1983 alleging unlawful arrest and the use of excessive force caused by the county's unconstitutional failure to train its officers. The court ruled in favor of the county and rejected the plaintiff's excessive force and inadequate training claims because trial evidence disclosed that training regarding use of force was extensive and included a 2-day seminar for each prospective recruit on use of force. Since 20 percent of basic training and 10 percent of inservice training involved the use of force, the court concluded that there was no deliberate indifference regarding use-of-force training.

Regarding plaintiff's claim that inadequate training in auto theft investigations led to his unlawful arrest, the court found that the training was deficient to the extent that officers were not told that conflicting identification numbers on the same

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**...police managers...are not vicariously liable for the misconduct of subordinates, unless their actions as a police supervisor are the cause of a constitutional injury.**

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In contrast to *Bordanaro*, the U.S. Court of Appeals for the Ninth Circuit reached a different result in *Merritt v. County of Los Angeles*.<sup>10</sup> The plaintiff was arrested by county officers after they discovered conflicting vehicle identification numbers on an exotic car he was driving.

vehicle do not always mean that a car is stolen, since there are some situations where conflicting numbers have a legitimate explanation. Nonetheless, the court emphasized that the arresting officers were confronted with a very rare instance in which the existence of conflicting

numbers should not have played a prominent role in the arrest decision. The court concluded this failure to train was not obvious and that "[i]n light of the rarity of such occurrence, this particular deficiency...is certainly not one...which a jury could reasonably infer... amounted to deliberate indifference...."<sup>11</sup>

### Personal Liability for Police Supervisors

Federal appellate cases hold that police managers are only personally liable for their unconstitutional action or inaction and are not vicariously liable for the misconduct of subordinates, unless their actions as a police supervisor are the cause of a constitutional injury.<sup>12</sup> These cases reveal that the standard by which supervisors are judged is deliberate indifference and that "...the standard of individual liability for supervisory public officials will be found no less stringent than the standard...for the public entities they serve."<sup>13</sup>

Several recent cases illustrate the potential civil liability risks confronting police managers.<sup>14</sup> In *Gutierrez-Rodriguez v. Cartagena*,<sup>15</sup> plaintiff and his girlfriend were parked late at night in a lovers' lane. Four officers, not in uniform and in an unmarked car, arrived under the command of a supervisor, who allegedly ordered them to approach plaintiff's car with guns drawn. When the plaintiff attempted to drive away, the four officers allegedly fired at the car without identifying themselves and without warning. One shot severed plaintiff's spine, causing him to be-

come a paraplegic. Plaintiff sued the officers and various police officials under §1983, alleging that their supervisory actions and omissions contributed to his injury. The jury returned a joint compensatory judgment against all defendants in the amount of \$4.5 million and punitive damages against the supervisory officials. The U.S. Court of Appeals for the First Circuit affirmed the lower court holding and ruled that the proper standard to judge supervisory liability is deliberate indifference.

“  
‘...the standard of individual liability for supervisory public officials will be found no less stringent than the standard...for the public entities they serve.’  
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The court noted that the supervisory liability for the unconstitutional failure to supervise was based on knowledge that the officer involved was the subject of 10 recent abusive conduct citizen complaints, including the complaint that the officer held a gun to a person's head while other officers beat him, for which the officer only received a

5-day suspension. The court found that despite these complaints, supervisors continued to permit the officer to lead men on the street and to give him good performance ratings. The court also found evidence of deliberate indifference in the fact that supervisors refused to consider past complaints in evaluating each new one against this officer, and they used a disciplinary system that permitted officers under internal inquiry to refuse to talk without fear of administrative penalty. Moreover, witnesses to an alleged incident of police abuse were intimidated by a requirement that they appear at the station to give a signed sworn statement, and if a complaint were withdrawn, the internal inquiry was terminated with no input from the officer's immediate supervisor as to whether disciplinary action was appropriate.

In another case, *Dobos v. Driscoll*,<sup>16</sup> the plaintiff alleged that he was driving with his family when another automobile repeatedly struck the side of his car. The plaintiff forced the other driver to the curb, and shortly thereafter, a State trooper arrived and verbally berated the plaintiff in front of his family. When the plaintiff objected, he was arrested, handcuffed tightly, and driven away by the trooper without explanation to his family. When the plaintiff's wife arrived at the lock-up and noticed her husband shaking and that his hands were red and swollen, she asked for medical help and was allegedly told that if she continued to insist on medical help, her husband would be removed to a mental hospital in a straight jacket. The plaintiff alleged that the trooper

used profanity in further berating him and tore up his bail information papers. The plaintiff sued the officer and all his supervisors under §1983 alleging a failure to supervise. The jury returned a \$400,000 verdict against the defendants, and the Massachusetts Supreme Judicial Court affirmed.

The court noted that a police supervisor is not liable simply because a subordinate employee who works for him violates someone's rights. Instead, supervisors are only liable where they personally cause constitutional injury by being deliberately or consciously indifferent to the rights of others in failing to properly supervise a subordinate employee. The court found evidence of deliberate indifference in the fact the trooper's supervisors had not reviewed his disciplinary history prior to reinstating him to road duty; the trooper's personnel file disclosed many instances of previous disciplinary problems, including a written recommendation from a former supervisor that he be assigned to permanent desk duty and no longer be permitted on the road. The file also reflected that he physically abused a girlfriend, drove recklessly, and threatened to hit a stranded motorist with a kel-light. The court observed that the trooper's supervisors were aware that he had a poor disciplinary record, and nonetheless, failed to review his personnel file before agreeing to return him to road duty. The court explained that they knew, or should have known, that his disciplinary record would be relevant in determining his fitness to contact members of the public during road

duty, and the failure to examine that record amounted to deliberate indifference.

In another case, *Davis v. City of Ellensburg*,<sup>17</sup> the court ruled that

The court ruled that the chief's response to the problems of the officers was an appropriate exercise of supervisory responsibility and that there was no deliberate indifference.

“

***The failure to discipline or dismiss officers who develop a track record of unconstitutional conduct may result in supervisory and municipal liability.***

”

a police supervisor did not act with deliberate indifference. After being detained by three officers, a suspect began to retch and drool. The officers called for an ambulance and a paramedic removed a marijuana-filled baggie from the suspect's throat with forceps. He later died from brain damage. A suit followed under §1983, alleging that the police chief failed to properly supervise the arresting officers.

The U.S. Court of Appeals for the Ninth Circuit observed that the chief was aware that one officer had a drinking problem and had beaten his wife and that the other officer suffered anxiety problems after being shot at and finding a suicide victim. In response, the chief ordered both to seek professional help. A psychologist found both men fit for duty, but recommended that one be retained only if he could remain alcohol-free. The chief monitored that officer's sobriety by regularly checking with two other officers.

#### **Suggestions to Minimize Liability**

Police departments should carefully review training practices related to high-risk activities, such as the use of deadly and non-lethal force, warrantless arrests and searches, vehicle pursuit, and prisoner safety in detention facilities. Training policies should be reviewed to ensure conformance with current constitutional standards. No training practice should fall below minimum State standards. If a pattern of abuses by officers begins to develop, training in that area should be enhanced. All officers should be required to attend regular inservice training in these high-risk areas.

Supervisory policies relating to citizen complaints and departmental disciplinary actions should be periodically reviewed. Specific procedures for investigating citizen complaints should be established and carefully followed. Investigations should be initiated

promptly upon receipt of a complaint, and the results of that investigation and any recommended disciplinary action should be in writing and retained in an appropriate file. Final disciplinary decisions should be in writing and fully documented. No disciplinary decision should be made in a vacuum and prior discipline should be considered. Disciplinary decisions should be consistent and commensurate with the degree of abusive conduct. The failure to discipline or dismiss officers who develop a track record of unconstitutional conduct may result in supervisory and municipal liability. Complete insulation from liability is impossible, but these prophylactic management initiatives will help reduce the risk significantly.

**LEB**

**Footnotes**

<sup>1</sup> 436 U.S. 658 (1978).  
<sup>2</sup> 42 U.S.C. 1983 provides: "Every person who under color of any statute, ordinance, regulation, custom or usage, of any state...subjects...any...person...to the deprivation of any rights...secured by the Constitution...shall be liable to the party injured in an action at law...."  
<sup>3</sup> Some Federal appellate courts adhered to a deliberate indifference standard, e.g., *Fiacco v. City of Rensselaer*, 783 F.2d 319 (2d Cir. 1986); *Wellington v. Daniels*, 717 F.2d 932 (4th Cir. 1983). Others adopted a less-stringent standard of gross negligence, e.g., *Wierstak v. Heffernan*, 789 F.2d 968 (1st Cir. 1986); *Bergquist v. County of Cochise*, 806 F.2d 1364 (9th Cir. 1986).  
<sup>4</sup> Compare *Sarus v. Rotundo*, 831 F.2d 397 (2d Cir. 1987); *Wellington v. Daniels*, 717 F.2d 932 (4th Cir. 1983) and *Herrera v. Valentine*, 653 F.2d 1220 (8th Cir. 1981), which require proof of a pattern of similar misconduct, with *Voutor v. Vitale*, 761 F.2d 812 (1st Cir. 1985) and *Kibbe v. City of Springfield*, 777 F.2d 801 (1st Cir. 1985), *cert. dismissed*, 107 S.Ct. 1114 (1987) (no pattern required).  
<sup>5</sup> 109 S.Ct. 1197 (1989).  
<sup>6</sup> *Harris v. Cmich*, 798 F.2d 1414 (6th Cir. 1986) (unpublished opinion).  
<sup>7</sup> The adoption of the deliberate indifference standard makes it more difficult for plaintiffs to win §1983 actions because it

eliminates jury consideration of differences in training programs unless plaintiff can prove that the need for more or better training was obviously needed.

<sup>8</sup> Inadequate training cases include *Santiago v. Fenton*, 891 F.2d 373 (1st Cir. 1989); *Williams v. Borough of Westchester, Pennsylvania*, 891 F.2d 458 (3d Cir. 1989); *Clipper v. Takoma Park, Maryland*, 876 F.2d 17 (4th Cir. 1989); *Bennett v. City of Grand Prairie, Texas*, 883 F.2d 400 (5th Cir. 1989); *Hill v. McIntyre*, 884 F.2d 271 (6th Cir. 1989); *Merritt v. County of Los Angeles*, 875 F.2d 765 (9th Cir. 1989); *Dorman v. District of Columbia*, 888 F.2d 159 (D.C. Cir. 1989); *Graham v. Davis*, 880 F.2d 1414 (D.C. Cir. 1989). Inadequate supervision cases include *Powell v. Gardner*, 891 F.2d 1039 (2d Cir. 1989); *Leach v. Shelby County Sheriff*, 891 F.2d 1241 (6th Cir. 1989); *Davis v. City of Ellensburg*, 869 F.2d 1230 (9th Cir. 1989).

<sup>9</sup> 871 F.2d 1151 (1st Cir. 1989), *cert. denied*, 110 S.Ct. 75.  
<sup>10</sup> 875 F.2d 765 (9th Cir. 1989).  
<sup>11</sup> *Id.* at 771.  
<sup>12</sup> *Al-Jundi v. Estate of Rockefeller*, 885 F.2d 1060 (2d Cir. 1989); *Revene v. Charles County Commissioners*, 882 F.2d 870 (4th Cir. 1989); *Reid v. Kayye*, 885 F.2d 129 (4th Cir. 1989); *Hansen v. Black*, 885 F.2d 642 (9th Cir. 1989); *Taylor v. List*, 880 F.2d 1040 (9th Cir. 1989).

<sup>13</sup> *Sample v. Diecks*, 885 F.2d 1099 (3d Cir. 1989). *See also*, *Jones v. City of Chicago*, 856 F.2d 985 (7th Cir. 1988); *Bolin v. Black*, 875 F.2d 1343 (8th Cir. 1989), *cert. denied*, 110 S.Ct. 543; *Howard v. Adkinson*, 887 F.2d 134 (8th Cir. 1989); *Pool v. Missouri Department of Corrections*, 883 F.2d 640 (8th Cir. 1989); *Redman v. County of San Diego*, 896 F.2d 362 (9th Cir. 1990).

<sup>14</sup> A discussion of the qualified immunity defense is beyond the scope of this article. For a discussion of the significant protection from personal liability offered by that defense, see Schofield, "Personal Liability—The Qualified Immunity Defense," *FBI Law Enforcement Bulletin*, March 1990.

<sup>15</sup> 882 F.2d 553 (1st Cir. 1989).  
<sup>16</sup> 537 N.E.2d 558 (1989), *cert. denied*, 110 S.Ct. 149.  
<sup>17</sup> 869 F.2d 1230 (9th Cir. 1989).

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*Law enforcement officers of other than Federal jurisdiction who are interested in this article should consult their legal adviser. 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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## Dial-the-Bulletin

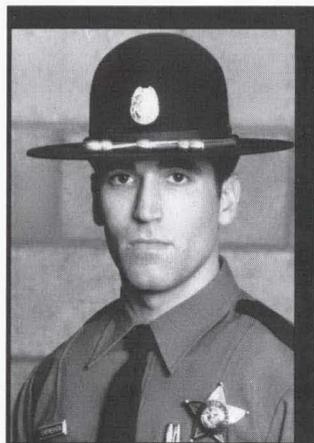


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## The Bulletin Notes

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



*Trooper Schermerhorn*

While driving off duty, Trooper Erich R. Schermerhorn, then a recruit with the Oregon State Police, came upon a vehicle that had flipped over and was burning. The vehicle was blocking the roadway, and the driver was unable to exit the car. Trooper Schermerhorn removed the driver from the burning vehicle, carried him to safety, and attended to his injuries until rescue personnel arrived.



*Patrolman Jones*

While off duty, Patrolman Richard Jones, Jr., of the Johnston, Rhode Island, Police Department observed several emergency vehicles on the banks of a local river. He then noticed a man clinging to an overturned boat that was moving quickly downstream. Patrolman Jones dove into the river, and with the assistance of firefighters, brought the semi-conscious victim safely to shore.

Corporal Larry Robinson of the Springfield, Missouri, Police Department observed an individual who resembled a fugitive wanted by authorities for a murder in California. He began a foot pursuit, keeping back-up units advised of his location. The fugitive hid behind an office building and fired at Corporal Robinson as he searched the area. Though wounded, he continued in pursuit of the assailant and notified responding units of his location. As other units converged on the area, Corporal Robinson assisted in the apprehension of the fugitive.



*Corporal Robinson*

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