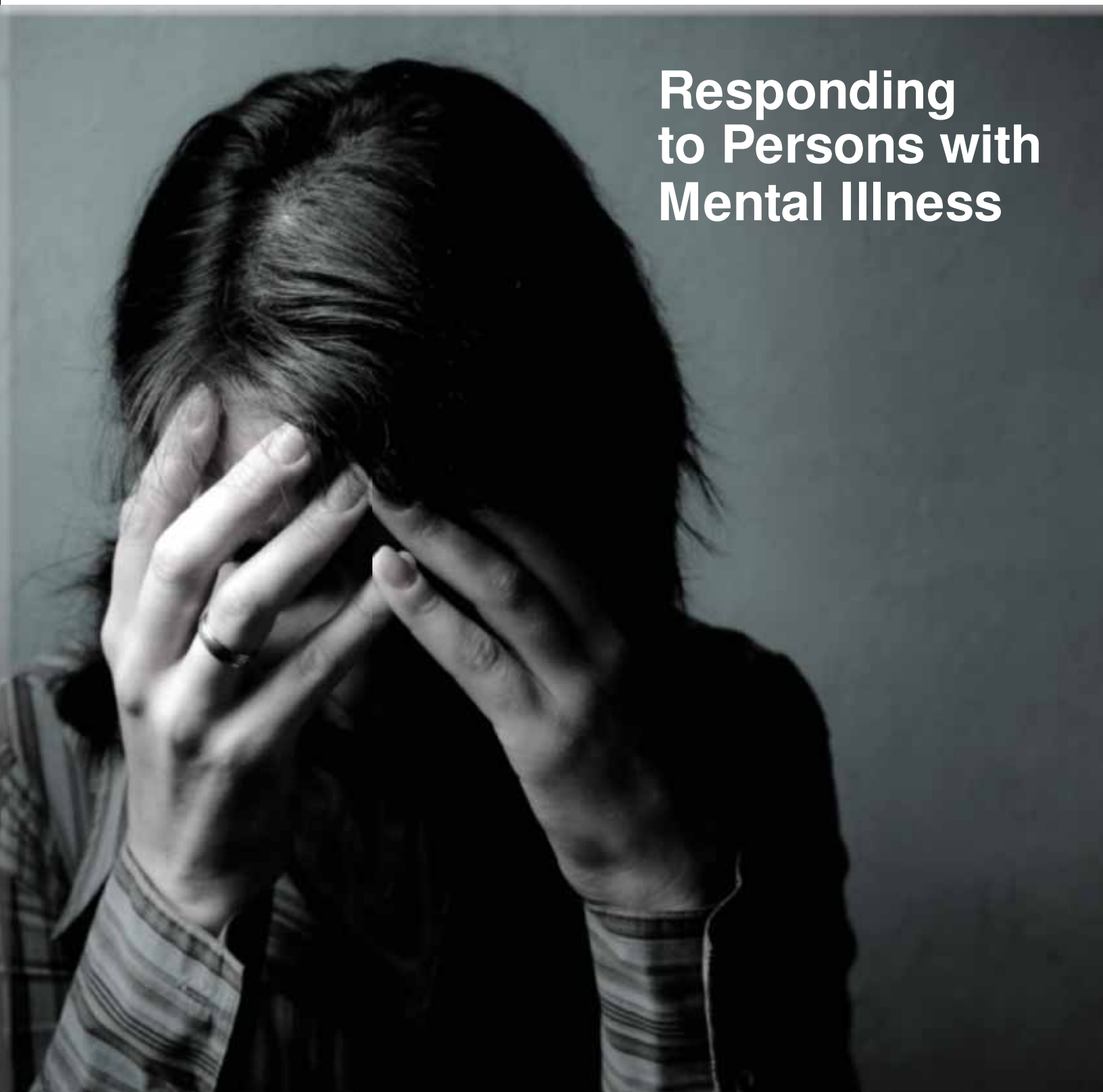
U.S. Department of Justice
Federal Bureau of Investigation

October 2011

FBI Law Enforcement Bulletin



Responding to Persons with Mental Illness

October 2011
Volume 80
Number 10

**United States
Department of Justice
Federal Bureau of Investigation
Washington, DC 20535-0001**

**Robert S. Mueller III
Director**

The *FBI Law Enforcement Bulletin* (ISSN-0014-5688) is published monthly by the Federal Bureau of Investigation, 935 Pennsylvania Avenue, N.W., Washington, D.C. 20535-0001. Periodicals postage paid at Washington, D.C., and additional mailing offices. Postmaster: Send address changes to Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Quantico, VA 22135.

The Training Division's Outreach and Communications Unit produces this publication with assistance from the division's National Academy Unit. Issues are available online at *http://www.fbi.gov*.

E-mail Address
leb@fbiacademy.edu

Cover Photo
© shutterstock.com

Send article submissions to Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Quantico, VA 22135.

FBI Law Enforcement Bulletin

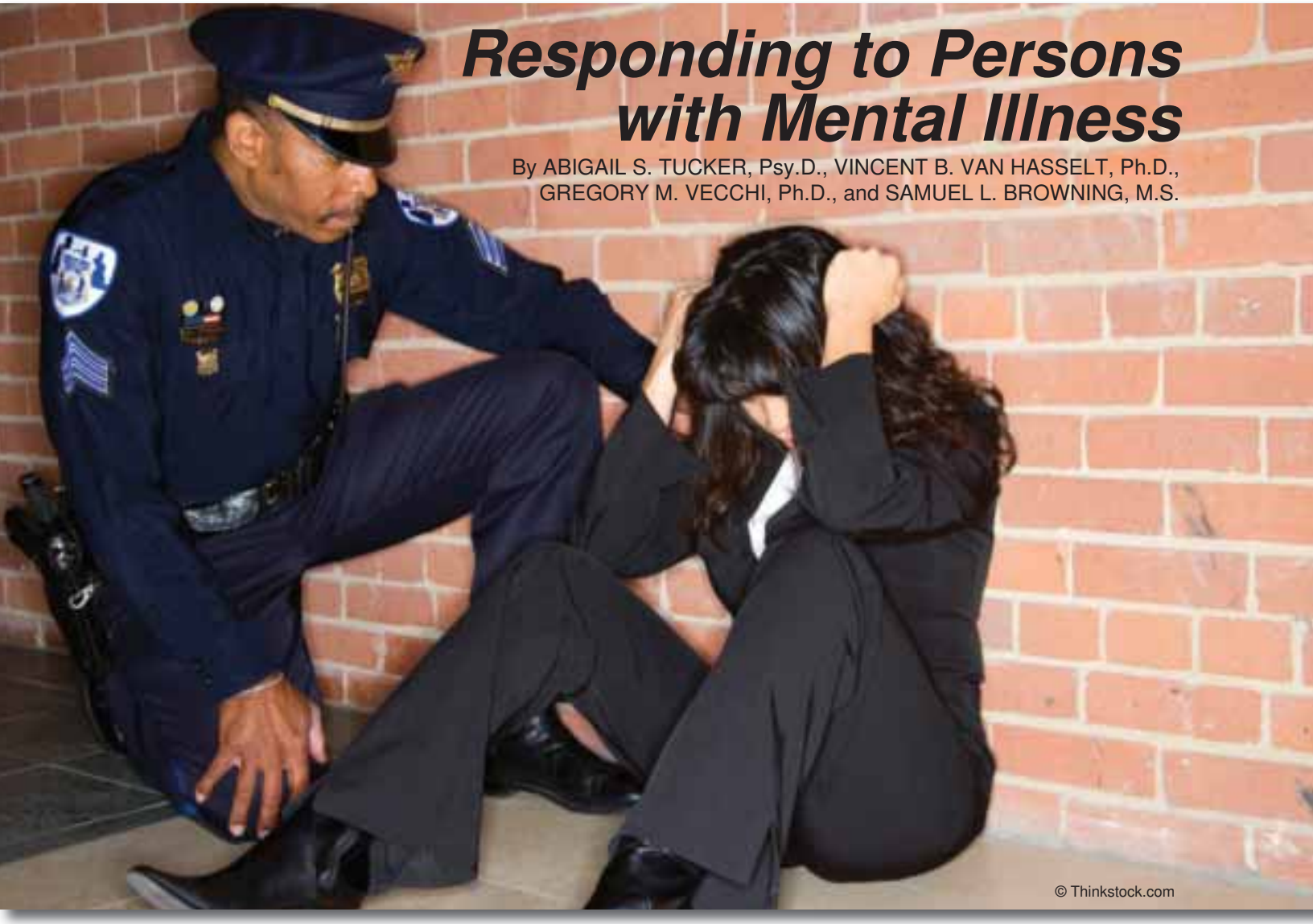
Features

Departments

ISSN 0014-5688 USPS 383-310

Responding to Persons with Mental Illness

By ABIGAIL S. TUCKER, Psy.D., VINCENT B. VAN HASSELT, Ph.D., GREGORY M. VECCHI, Ph.D., and SAMUEL L. BROWNING, M.S.



While police officers may not consider providing services to persons with mental illness one of their primary functions, they respond to challenges and dangers that ordinary citizens and social service agencies are not equipped to manage. In addition to their roles as investigators and protectors, police still must keep the peace.[1] However, a review of case records illustrates the frustrating and often tragic outcome of police calls for assistance pertaining to mental illness. A closer look at these instances demonstrates that officers usually serve as an initial contact for both the criminal justice and the social service systems. Unfortunately, a disconnect exists in the process from the first police response to the next level of appropriate care due largely to a lack of proper training, resources, and collaborative community support.[2]

HISTORICAL PERSPECTIVES

The trend toward deinstitutionalization between the 1960s and 1980s contributed to the increased contact between police and individuals with mental illness.[3] Further, the curtailment of federal mental health

funding and the introduction of legal reforms have given these persons the right to live in the community without treatment.[4] However, many of the legal reforms in the 1970s affected people with mental illness by instituting laws for involuntary treatment, as well as those for nondangerous offenses (e.g., responding verbally to auditory hallucinations in public parks, sleeping on park benches). Beginning in the 1950s, officers adhered to the *professional model*, which used experts from other fields (e.g., psychologists, advocacy lawyers) to bolster police reform and response to mental illness.[5] Such goals, while highly commendable, often were not realized by police agencies due to financial constraints, a lack of realistic application, and the inability of the consulting professionals to offer useful guidelines.

Upon confrontation with individuals with mental illness, police have three main options: 1) transport them to a receiving psychiatric facility; 2) use informal verbal skills to de-escalate the situation; or 3) arrest the individual.[6] These possible actions stem from basic concepts that guide police in all citizen encounters—the duty of the officer to protect and serve the community and the governing reforms that stipulate the power of an officer to involuntarily protect those behaving irrationally who may harm themselves or others.[7]

Recently, more comprehensive and flexible approaches have arisen; however, they are in the minority. Examples include specialized police training and units, community-collaborative programs, and crisis intervention training. As widespread media coverage in the past decade has underscored, these limited options can lead to cases resulting in death or injury. Even more tragic is the increase in *police-assisted suicide*, defined by Police Officer Standards and Training as "an incident in which an individual engages in behavior which poses an apparent risk of serious injury or death, with the intent to precipitate the use of deadly force by law enforcement personnel toward that individual." Research shows that a significant number of persons committing this act have some form of mental illness.[8]

Dr. Tucker is the program manager for the Justice Program at Community Reach Center in Thornton, Colorado.

Dr. Van Hasselt is a professor of psychology at Nova Southeastern University in Davie, Florida, and an officer with the Plantation Police Department.

Mr. Browning, a former police officer, is a doctoral candidate in clinical psychology at Nova Southeastern University in Davie, Florida.

Dr. Vecchi heads the Behavioral Science Unit at the FBI Academy.

SPECIALIZED POLICE RESPONSE MODELS

Officers often receive blame for lethal outcomes in situations involving mental illness. Four decades ago, police were described as often being pigeonholed into making medical decisions with little training and few, if any, response options.[9] Ironically, this conclusion still proves largely relevant today.

As one possibility, law enforcement agencies can employ police-referral programs. An examination of a police-referral program that designated an intake unit at a community mental health center (CMHC) found that streamlining the process of how officers refer individuals with mental illness to hospitals bolstered the program's effectiveness.[10] Additionally, the analysis showed that a collaborative response between police and the CMHC reduced recidivism rates in referred psychiatric patients.

Police also can incorporate specialized programs. One report noted that although more than 50 percent of departments nationwide do not have such a program/response, most rate themselves as effective in managing service calls pertaining to mental illness.[11] This contradicts research that points to the efficacy of specialized response programs.[12] In an encouraging trend, more recent efforts suggest that the number of law enforcement agencies reporting specialized training and units for dealing with persons with mental illness is increasing.[13]

Crisis Intervention Teams

The Memphis Model of Crisis Intervention Team (CIT) provides a framework for a police-based specialized officer response now well established in the field. CIT was created in Memphis, Tennessee, in 1988 following the tragic death of a suicidal man with schizophrenia.[14] Although many officers of the Memphis Police Department knew of his mental illness, the ones responding to the particular incident were unfamiliar with him. When police confronted him and demanded that he drop his knife, the young man became upset and made a sudden move toward the officers, forcing them to shoot (as they had been trained to do in such situations) and fatally wound him. Following this incident, the community demanded a response.

> ***"The trend toward deinstitutionalization between the 1960s and 1980s contributed to the increased contact between police and individuals with mental illness."***

Unfortunately, this does not represent an isolated incident; law enforcement interactions with persons with a mental illness more frequently result in the use of force by police than incidents involving individuals who do not suffer from a mental condition.[15] This can lead to injury of both the individuals and the officers. However, some of the incidents that result in the death of citizens at the hand of law enforcement personnel cannot be avoided, as in the case of individuals who commit suicide by cop. CIT offers investigators insight into these persons and, perhaps, options to pursue during their exchanges with them. The CIT model incorporates two main components: 1) a collaborative framework between the community mental health resources, recipients of those services, and local law enforcement agencies; and 2) specialized training for CIT officers in mental health issues, crisis intervention, and de-escalation.[16]

Collaborative Framework

Collaborations between policy makers, law enforcement, the regional division of the National Alliance for the Mentally Ill (NAMI), persons

with a mental health issue, and others from the community began to form in the initial CIT planning stages. One example of these collaborations in Memphis was the formation of a single-location mental health care facility for police drop-offs, called the Med.[17] This facility enacted for police a no-refusal policy for officer referrals and streamlined the intake process to allow them to admit someone with mental illness and get back on patrol within about 30 minutes.

Officer Training

In addition to collaborations and policy changes, certain officers are selected or volunteer to receive specialized training as part of the 40-hour CIT training program. The CIT curriculum includes recognition and understanding of the signs/symptoms of mental illnesses (e.g., schizophrenia, depression, personality disorders); pharmacological interventions and their side effects; crisis intervention and de-escalation skills; and knowledge of the user-friendly mental health resources available to individuals. In addition, role playing gives officers opportunities to practice crisis situations involving persons with mental illness. Feedback and reinforcement are provided concerning the officers' verbal and nonverbal behaviors in these scenarios.

Mental health professionals from the community teach the majority of the course components; patients and their families also participate in educating the officers on relevant mental health challenges and issues to add perspective. Police learn how to recognize severe mental illness and how these different disorders affect the individuals.

At the end of the course, officers graduate with CIT certification and receive a pin to wear on their uniforms, identifying them as CIT officers. This allows persons with mental illness in crisis to recognize CIT officers and also serves as a source of pride for the law enforcement professionals.

Research Support

Experts evaluated the Memphis CIT model by comparing perceived preparedness, quality of response to persons with mental illness, diversion from jail, officer time spent on these calls, and community safety and found empirical support for the effectiveness of this approach.[18] Additional researchers expanded on this work by using arrest rates and feedback from referral sources.[19] Their results provided further support for the Memphis CIT model with findings of higher response rates and fewer arrests. Also, it appears that an integral component of CIT training is the use of crisis intervention and active listening skills (e.g., paraphrasing, reflecting emotions, asking open-ended questions), which are critical for de-escalating crisis situations in general and situations involving individuals with mental illness in particular.[20] Apparently, psychological evaluation concerning mental health issues, as well as crisis intervention skills training, both comprise important aspects of CIT.

Barriers and Concerns

One barrier in the development of police-based specialized officer response is the definition of training in the field of law enforcement. Basic officer training will prove inadequate in addressing this growing and volatile problem without ongoing review and skill maintenance. Researchers note the common misperception that all police officers have the same mandated training and available resources.[21] Other experts

contend that for specialized response programs to work effectively, training is a crucial element. Law enforcement training is most effective when it includes consultation with mental health professionals and other administrative and social service systems.[22]

The mental health care system itself appears to be another barrier to policing progress involving mental health situations. Social service agencies often refuse to admit intoxicated or psychotic persons referred by police. In addition, the "revolving door" phenomenon of recidivism supports the reality of overworked and underpaid staff in receiving facilities, such as hospitals and community mental health centers. Specifically, many treatment facilities require police custody in the waiting area for individuals transported for a mental disturbance. Also, no systematic and hierarchical structure exists that links first responders (e.g., police, EMS) with the appropriate level of care in the mental health system (e.g., medical versus psychiatric hospitals, social service shelters versus drug rehabilitation centers).

FINDINGS

Overall, research supports the use of a specialized law enforcement response to address the needs of persons with mental illness. In particular, the Memphis CIT model is functional, generally accepted by police departments, and, most important, effective.[23]

The utility of such programs is enhanced by the use of collaborative drop-off sites. These allow for greater flexibility, provide ease and speed in application, and serve as a more economical option. However, a few important guidelines can make a substantial difference in effectiveness. For example, researchers recommended police-friendly procedures that include a no-refusal policy, an intake process with streamlined paperwork, and consistent procedural steps.[24]

> ***…research supports the use of a specialized law enforcement response to address the needs of persons with mental illness.***

CONCLUSION

Police officers maintain and enforce public order. Their role as both first responders and peacekeepers remains a challenge in many ways. The law enforcement response to mental disturbance calls with ethical, practical, and effective strategies requires interagency collaboration. Numerous examples attest to the efficacy of police-based interventions and collaborative policies and procedures. In particular, current research supports the use of a specialized law enforcement response to meet the needs and demands of persons with mental illness while ensuring their safety and dignity. ✦

Endnotes

[1] G.W. Cordner, "A Community Policing Approach to Persons with Mental Illness," *Journal of the American Academy of Psychiatry and the Law* 28 (2000): 326-331.

[2] A.S. Tucker, V.B. Van Hasselt, and S.A. Russell, "Law Enforcement Response to the Mentally Ill: An Evaluative Review," *Brief Treatment and Crisis Intervention* 8 (2008): 236-250.

[3] M. Zdanowicz, "A Sheriff's Role in Arresting the Mental Illness Crisis," *Sheriff* 53 (2001): 2-4.

[4] L.A. Teplin, "Keeping the Peace: Police Discretion and Mentally Ill Persons," *National Institute of Justice Journal* 244 (2000): 8-15.

[5] Cordner.

[6] Teplin.

[7] Ibid.

[8] H.R. Hutson, D. Anglin, J. Yarbrough, K. Hardaway, M. Russell, J. Strote, M. Canter, and B. Blum, "Suicide by Cop," *Annals of Emergency Medicine* 32 (1998): 665-669; V.B. Lord, "Law Enforcement-Assisted Suicide," *Criminal Justice and Behavior* 27 (2000): 401-419; and A.J Pinizotto, E.F Davis, and C.E. Miller, "Suicide by Cop: Defining a Devastating Dilemma," *FBI Law Enforcement Bulletin,* February 2005, 8-20.

[9] A.R. Matthews, Jr., "Observations on Police Policy and Procedures for Emergency Detention of the Mentally Ill," *The Journal of Criminal Law, Criminology and Police Science* 61 (1970): 283-295.

[10] L.A. Teplin and E.P. Sheridan, "Police-Referred Psychiatric Emergencies: Advantages of Community Treatment," *Journal of Community Psychology* 9 (1981): 140-147.

[11] M.W. Deane, H.J. Steadman, R. Borum, B.M. Veysey, and J.P. Morrisey, "Emerging Partnerships Between Mental Health and Law Enforcement," *Psychiatric Services* 50 (1999): 99-101.

[12] Teplin and Sheridan; R. Borum, M.W. Deane, H.J. Steadman, and J. Morrissey, "Police Perspectives on Responding to Mentally Ill People in Crisis: Perceptions of Program Effectiveness," *Behavioral Sciences and the Law* 16 (1998): 393-405; T.M. Green, "Police as Frontline Mental Health Workers: The Decision to Arrest or Refer to Mental Health Agencies," *International Journal of Law and Psychiatry* 20 (1997): 469-486; and H.J. Steadman, M.W. Deane, R. Borum, and J.P. Morrissey, "Comparing Outcomes of Major Models of Police Responses to Mental Health Emergencies," *Psychiatric Services* 51 (2000): 645-649.

[13] J. Hails and R. Borum, "Police Training and Specialized Approaches to Respond to People with Mental Illness," *Crime and Delinquency* 49 (2003): 52-62.

[14] B. Vickers, U.S. Department of Justice, Bureau of Justice Assistance, "Memphis, Tennessee, Police Department's Crisis Intervention Team," *Bulletin from the Field: Practitioner Perspectives*, *http://www.ncjrs.gov/pdffiles1/bja/182501.pdf* (accessed August 20, 2010).

[15] R.S. Engel and E. Silver, "Policing Mentally Disordered Suspects: A Reexamination of the Criminalization Hypothesis," *Criminology* 39 (2001): 225-253.

[16] R. Dupont and S. Cochran, "Police Response to Mental Health Emergencies: Barriers to Change," *Journal of American Academy of Psychiatry and the Law* 28 (2000): 338-344; and Vickers.

[17] Vickers.

[18] Borum, Deane, Steadman, Morrissey, "Police Perspectives on Responding to Mentally Ill People in Crisis."

[19] Steadman, Deane, Borum, and Morrissey, "Comparing Outcomes of Major Models of Police Responses to Mental Health Emergencies."

[20] G.M. Vecchi, V.B. Van Hasselt, and S.J. Romano, "Crisis (Hostage) Negotiation: Current Strategies and Issues in High Risk Conflict Resolution," *Aggression and Violent Behavior: A Review Journal* 10 (2005): 533-551.

[21] DuPont and Cochran.

[22] H.J. Steadman, K.A. Stainbrook, P. Griffin, J. Draine, R. DuPont, and C. Horey, "A Specialized Crisis Response Site as a Core Element of Police-Based Diversion Programs," *Psychiatric Services* 52 (2001): 219-222.

[23] Dupont and Cochran.

[24] Steadman, Stainbrook, Griffin, Draine, DuPont, and Horey.

Wanted: Bulletin Honors

The *FBI Law Enforcement Bulletin* seeks submissions from agencies who wish to have their memorials featured in the magazine's Bulletin Honors department. Needed materials include a short description, a photograph, and an endorsement from the agency's ranking officer. Submissions can be mailed to Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Quantico, VA 22135, or e-mailed to *leb@fbiacademy.edu*.

Safeguard Spotlight

Ingesting Poison
Adapting to Exposure to Child Pornography

By Nicole Cruz, Ph.D.

© Photos.com

Do you remember the first time you had to view child pornography in the line of duty; do you remember the first images or videos? Can you recall the first case, when investigating crimes against children, that you had a "disgust" response? What's the first case pertaining to child sex crimes that you remember?

These are some of the questions that I ask when safeguarding persons routinely exposed to child pornography in the line of duty. These questions can elicit a variety of responses, all shaped by investigators' different life experiences, as well as their differing abilities as they cope with viewing unimaginably invasive crimes, particularly those against children. Some common responses to the questions come to mind. I was shocked; I knew that people did these kinds of things, but, really? Am I normal if I don't remember the first time I had to view child pornography? I thought I was just going to see nude, underage kids, not this. I just remember afterward, taking a break, walking down the hall, and feeling "unreal." I had the images coming back into my mind that week, especially when I was alone.

These responses all are "normal," meaning commonly experienced by persons newly exposed to child exploitation materials (CEMs). However, having to view child pornography in the line of duty is such a derivation from what people outside of law enforcement see that the standards of adapting normally to exposure to child pornography is not common knowledge.

Is there a rule of thumb about psychologically adapting to the images? If so, what is it? As a clinical psychologist working in an FBI unit that annually safeguards over 1,500 persons exposed to child pornography in the line of duty, we have a giant opportunity and the means to analyze such a measure, and we must share our lessons learned.

Investigators having these first experiences often wonder if they are "okay." They also fear that describing their deep disgust to others would earn them the perception of not "tough enough" to do the job. Although many of the investigators accepting these jobs had some foreknowledge about exposure to CEMs in the line of duty, few knew that they would see children and infants molested and raped, and even fewer imagined that they

would need to keep their thoughts and feelings to themselves. Much like the victims of these crimes, many investigators feel like they have to keep a shameful secret; all persons impacted by these crimes, including those who have to view the images to prosecute the perpetrators, take a vow of silence. Perhaps, they think that their silence about these experiences could make it as if they have not been impacted.

PSYCHOLOGICAL ADAPTATION RESPONSES

An outline of the process of becoming acclimated to exposure to child pornography can help to demystify the acclimation process and provide an honest look at how exposure to child pornography impacts people. This four-step process proves applicable for persons who voluntarily engage in duties involving such exposure. It may not apply to persons who do not volunteer or who face a higher risk for not coping well (e.g., developing vicarious trauma response) to exposure to CEMs.

> "Is there a rule of thumb about psychologically adapting to the images? If so, what is it?"

1) Disgust Response

Some investigators liken this to being hit in the face, jumping into a pool of freezing water, or having the rug pulled out from under them. Others (e.g., former paramedics or homicide detectives) who have had prior experience with egregious crime scenes state that they can rely on their coping skills acquired from their previous work when exposed to child pornography. But, even these skilled persons describe a "first homicide scene" experience. The first response leaves most investigators with a sense of urgency about compartmentalizing the material. At this point, they may have intrusive images or disgust feelings that appear sporadically outside of work, nightmares about the images, intrusive feelings of anger, and other disruptive experiences. Other investigators already acclimated will not have this experience.

2) Feeble Efforts to Compartmentalize

Investigators often feel the need to make the material less personal, or less toxic, by explaining it away (e.g., maybe it was the angle of the photo), by pretending that the material does not disturb them as it truly does, or by trying to switch off the thoughts, feelings, or images in their mind. In all accounts, the investigator tries to slowly deal with the impact of the full realities of the crime, including the implications of what people are capable of, how prevalent it is, and how unstoppable it seems. They have begun to ingest poison. However, they may notice that they continue to have uncomfortable thoughts and reminders of the content. Investigators may continue to reexperience images when, for instance, they see a video or bathe their infant, and they may realize that they must process further or try to avoid working this detail altogether.

3) Dealing with the Realities of the Crime

I consider this training the most important period of the psychological adaptation process. At this point, investigators must, in some way, acknowledge the harsh realities of this crime. They may have thoughts that they must deal with, not dismiss. Human beings not only do this, but it is relatively prevalent. Sometimes, innocent children suffer for many years without reprieve, justice, healing, or

care. Not all victims are innocent—some comply, even though they are children. Investigators must realize that they cannot completely stop this crime from occurring; it most likely happens in their neighborhood. Between the lines, in the deeper parts of the investigators, once they acknowledge these realities, they also, mostly unconsciously, realize that they can cope with the complete realities of working these cases and may find that they can compartmentalize better following this phase.

4) Coming to Terms with the Images and the World

At this stage, many investigators describe learning how to cope with not just the images but the tarnished reality associated with it. They find that without becoming paranoid or thinking of themselves as calloused, they can cope adequately with the images and gross realities of what people do to each other, as well as how commonly it happens. These investigators do not dwell on what they see or personalize the images to make sense of the material. They allow themselves to process things from an analytical perspective, label the images, and see materials (CEMs or not) from an investigative angle without feeling guilty, realizing that they must do so to work effectively. Investigators come to know that they cannot completely stop this crime from happening, but they are satisfied to do their part. I tell them at this point that they have "hit their stride," and they often agree. What they may not realize is that their worldview has been deepened and that their desire to persist in bringing justice into this realm may bring about a sense of healthy pride and self-definition, as well as an awareness of their positive role in the world.

"Perhaps, you feel as if you are stuck in the earlier phases of adapting to child pornography."

AVAILABLE RESOURCES

Last, I advise investigators who work these cases to be aware of where they are in terms of response stages. I also educate them about how I have seen many examples of how these responses are cyclical. For example, those who have hit their stride and then see a particularly egregious video or an image that triggers them often find themselves responding as if they are newly exposed (back to the first response). However, it will not be as acute as their first response to such exposure, and they may feel more comfortable this time around as they have done this before. Investigators tend to be more confident with their ability to process the material, as well as the worldview that goes with it, and they proceed more rapidly through the response stages and find themselves quickly coming to terms with the newer toxic material. Also, because investigators have to filter the images and videos through their personal filters made up of their own life experiences and thoughts about sexual abuse issues, the time frame through each response stage will vary.

Perhaps, you feel as if you are stuck in the earlier phases of adapting to child pornography. If so, it is my recommendation that you seek out a representative from your agency's employee assistance unit for advisement and potential remedial options.✦

Dr. Nicole Cruz of the FBI's Undercover Safeguard Unit (USU) prepared this Safeguard Spotlight. *USU provides guidance and support for personnel exposed to child pornography and child exploitation materials. The unit can be contacted at 202-324-3000.*

Perspective

Leadership Moments

By Billy Grogan, M.P.A.

© shutterstock.com

In most of today's police departments, the head of the agency rarely speaks on behalf of the organization. Instead, many agencies employ a public information officer (PIO) who speaks publicly for the department. This practice proves acceptable in most circumstances. However, too many occasions arise when department heads become overly dependent on the PIO and fail to step out front on an issue that requires their leadership. When this happens, confidence, trust, and support of the organization and the leadership can become negatively impacted. Fortunately, leaders who understand and recognize the three leadership moments organizations face can avoid these costly mistakes.

Chief Grogan serves with the Dunwoody, Georgia, Police Department.

First, many leaders fail to assume a leadership role when their community suffers the shock of a high-profile crime. Such incidents can affect the community's perception of crime, as well as erode citizens' confidence in the department. Unfortunately, too many agency heads take the easy route and let the PIO handle the situation. When the agency head takes the lead in addressing a major crime, it gives the community a sense of calmness in the middle of a storm and underscores the priority the agency places on the successful resolution of the case.

A second instance occurs when a member of the department is accused, suspected, or guilty of an act that erodes the foundation of support from the community and raises questions about the fairness and impartiality of the organization. By standing out front and speaking about such an issue, the agency head assures the community that the department is taking the incident seriously and provides transparency, inhibiting accusations of cover-ups. Of course, leaders carefully must weigh what they say.

The third leadership moment is equally important but much more difficult to define. Every community served has unique qualities and characteristics while placing value on different norms. In the midst of a controversial policy, new law, special event, or other circumstance, the agency head must recognize the opportunity to lead and make a difference. It is easier to lead when everything is as it should be, but more difficult in times of controversy or turmoil.

Leading a police organization presents challenges even in the best of circumstances. Personnel issues, politics, and building of community trust can be difficult and, at times, almost impossible to manage effectively. During a crisis, agency heads' ability to lead is put to the test in ways sometimes unimaginable. A true leader recognizes those leadership moments and acts on them quickly and effectively. ✦

Integrity

Integrity is what people do when no one else is looking. It is total commitment to honesty in every aspect of a person's life. Integrity goes to the core of conduct, what people believe in their heart of hearts. It cannot be bought, claimed, or bestowed. It does not come with office, title, or appointment. It simply exists. The person who has integrity rarely claims it. The person who claims it rarely has it. Integrity is best manifested quietly in day-to-day living and in the workplace. It cannot be stolen or taken away; however, it can be lost. Integrity is more valuable than riches, awards, or world acclaim. It should be treasured above all things, for after integrity comes decency, honor, trust, and principle.

—Mr. Jere Joiner,
retired captain, Shreveport,
Louisiana, Police Department

Awareness of Alzheimer's Disease

By ROBERT SCHAEFER, M.P.A., and JULIE McNIFF, M.S.Ed.

Lurking in the shadows, an often unrecognized and unacknowledged threat faces law enforcement. Sometimes, law enforcement agencies diminish its importance because of a lack of understanding and desire to face it, as well as insufficient resources and training funds. This enemy, Alzheimer's disease—"an age-related, degenerative, progressive brain disorder affecting memory, thought, behavior, personality, and muscle control"—was identified by Dr. Alois Alzheimer, a German neuropathologist/psychologist, in 1906.[1]

This unanticipated and uninvited menace currently permeates almost every segment of society and represents a serious problem. One researcher estimated that an average search-and-rescue operation for a victim of Alzheimer's disease lasts about 9 hours and costs approximately $1,500 per hour.[2] According to the National Alzheimer's Association, 6 out of 10 persons with the condition will wander at some time during its progression.[3] Forty-six percent of those not found within a 24-hour period later will be found deceased.[4] Clearly, police agencies face unique challenges as a result of this disease.

FACING THE CHALLENGE

Public safety first responders, including law enforcement personnel, regularly deal with individuals exhibiting Alzheimer's disease symptoms, such as confusion, disorientation, or wandering. Persons with the condition often cannot ask for or even may not recognize that they need help. They could walk or drive for hours, unaware of the passage of time or their own disorientation. These individuals also can become easy targets for predators. While other missing persons, such as children, hunters, or hikers, may try to assist authorities looking for them, people with Alzheimer's disease who are wandering might actively and unconsciously attempt not to be found by searchers.

Little information exists nationally to help develop, coordinate, and disseminate instruction on how to respond to individuals with Alzheimer's disease. Further, there is no mandatory reporting of missing adults who have the condition. However, each year, an estimated 125,000 people with Alzheimer's disease or a related condition leave the safety of their home and family and are unable to find their way back.[5]

Common behaviors that first responders need to remain aware of include repetition, paranoia, anxiety, loss of inhibitions, rummaging, hiding or hoarding of objects, pacing and fidgeting, and wandering. Many of these result from the progression of the disease and can become exacerbated by boredom, lack of exercise, confusion about time and place, change in physical or social environment, arguments with caregivers, fear brought about by delusions and hallucinations, medications, and medical conditions. Further, authorities will find that Alzheimer's disease patients most likely may be involved with certain calls for service.

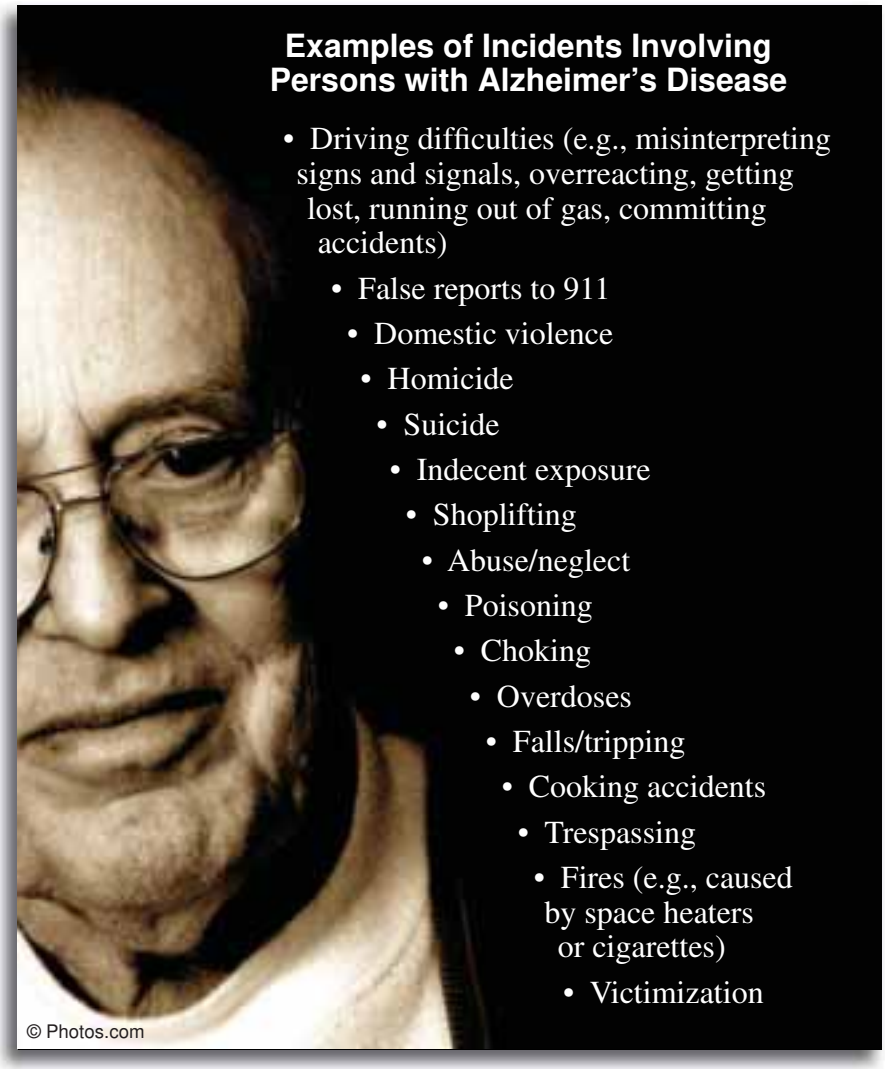
DEVELOPING THE RESPONSE

The Commonwealth of Virginia has remained proactive, serving as a leader and an example in creating awareness for first responders in the areas of Alzheimer's disease and dementia. The 1998 general assembly took a bold and major step when amending Section 9-170 of the Code of Virginia to give the Department of Criminal Justice Services (DCJS) and the Criminal Justice Services Board (CJSB) the directive to set training standards for law enforcement officers pertaining to Alzheimer's disease. Appropriated funding totaled $75,000. The legislature intended to ensure that all officers in Virginia received training.

In 1998, the Alzheimer's Training Advisory Committee assembled by DCJS developed and distributed an entry-level

Mr. Schaefer, a former New York State trooper and retired FBI special agent, conducts training in the areas of Alzheimer's disease and related disorders.

Ms. McNiff is the Alzheimer's training coordinator for the Virginia Department of Criminal Justice Services in Richmond.



training package to all training academies. Since then, entry-level training has occurred regularly. DCJS did not incorporate immediate changes to the mandated training for in-service officers but, instead, instructed academies to provide this training to incumbent officers voluntarily.

The committee then focused its attention on training in-service officers. In 2000, Section 9-170 of the Code of Virginia underwent modification to renumber it to 9.1-102 and strengthen its language, giving DCJS and CJSB the "power and duty to" promulgate rules and regulations. This created a stronger directive to set training mandates as set forth by the general assembly.

Over the last 12 years, the DCJS Alzheimer's training program has gained momentum and notoriety. Beginning in 1999, DCJS developed a comprehensive instructor training program and offered it to law enforcement instructors across Virginia. Also, regional training sessions have focused on communications officer/dispatchers, jail officers and their medical staff, commonwealth attorneys, court clerks, and magistrates. During 2009 and 2010, training has centered on the problems inherent with the increasing number of inmates with Alzheimer's disease housed within Virginia Department of Corrections' facilities. Specialized training sessions also have been presented annually at the EMS Symposia and Project Lifesaver International conferences and for FBI National Academy students at Quantico, Virginia. To date, over 10,000 first responders have received training.[6]

TRAINING THE TRAINERS

Structure

All students in the 2-day course receive a training manual with an accompanying CD containing presentations used during the program. The course consists of three sections.

Section I: Performance Outcomes and Objectives

Section II: Alzheimer's Training Outline and Understanding Alzheimer's Disease Lesson Plan

- Student Notes Lesson Plan
- Module 1: Introduction and Definition of Alzheimer's Disease/Dementia

- Module 2: Common Behaviors and Calls for Emergency Services
- Module 3: Major Resources (Safe Return and Project Lifesaver)
- Module 4: Searching for the Missing Person with Alzheimer's Disease
- Module 5: Safe Return Presentation
- Module 6: Lesson Plan: Example 3- to 4-Hour Block of Training
- Module 7: First Responder Training Scenarios for Role Play
- Module 8: Dealing with Alzheimer's Disease Inside the Jail Environment
- Test Questions and Answer Key for Modules 1 to 4
- Module 9: Search Management and Case Studies

Section III: Handouts and Resources

Agenda

Day 1

7:00 a.m. Registration and Introduction

7:45 a.m. Overview of Dementia and Alzheimer's Disease: Signs, Symptoms, and Stages

10:00 a.m. Responding to Calls for Service: Communicating and Assessing

12:30 p.m. A Personal Perspective of Caring for Someone with Alzheimer's Disease

2:15 p.m. Community Resources

Local Social Services/APS (as available)

Alzheimer's Association (local chapter): Safe Return/ Medic Alert and Comfort Zone

Project Lifesaver: Introduction and Demonstration

3:30 p.m. Closing Comments

Day 2

7:00 a.m. Casualty Reduction: Searching for Someone with Alzheimer's Disease

12:15 p.m. Responding to Calls for Service: How to Manage Individuals with Alzheimer's Disease—Case Scenarios

3:30 p.m. Closing Comments and Evaluations

Compliments from Students

"This class is the biggest eye opener that I have been to in a long time. Everyone should be required to attend—both new and old."

"One of the best classes I've attended in my 35 years in law enforcement—great job."

"This course is so important to law enforcement. This course is important enough that I feel it needs to be part of all basic classes because we all deal with these people at some point in time. We need to get this info out. Knowledge is awareness, and awareness is power."

"Great training. I'm so glad I took this class—a must need for basic academy."

"Enjoyed all aspects of the training and found it extremely relevant to my position."

FACING THE FUTURE

The future of this forward-thinking, proactive, and aggressive training program is subject to severe budgetary constraints as experienced in most states today. The DCJS funding in the amount of $75,000 in this area was cut. Fortunately, widespread support from first responders across Virginia and the Alzheimer's and Related Disorders Commission resulted in restoring some of the DCJS funding to continue this program through fiscal year 2011. DCJS currently is pursuing other sources of funding for fiscal year 2012.

If funding is permanently cut, training in this area likely will fall totally within the purview of the Alzheimer's Association, which traditionally has conducted first responder training in many areas across the United States; however, this usually consists of from 30 minutes or less at roll call to, possibly, a maximum of 4 hours—the exception, rather than the rule. Longer training sessions depend on adequate funding and personnel.

CONCLUSION

Law enforcement personnel and other public safety first responders regularly deal with people suffering from Alzheimer's disease. These individuals present unique challenges. To this end, officers need to understand the disease and how best to address situations in which it is involved. Training in this area is needed for law enforcement officers to recognize and best handle calls for service involving this terrible illness. ✦

Endnotes

[1] Joanne K. Coste, *Learning to Speak Alzheimer's: A Groundbreaking Approach for Everyone Dealing with This Disease* (New York: Houghton Mifflin Harcourt, 2003), 12-18.

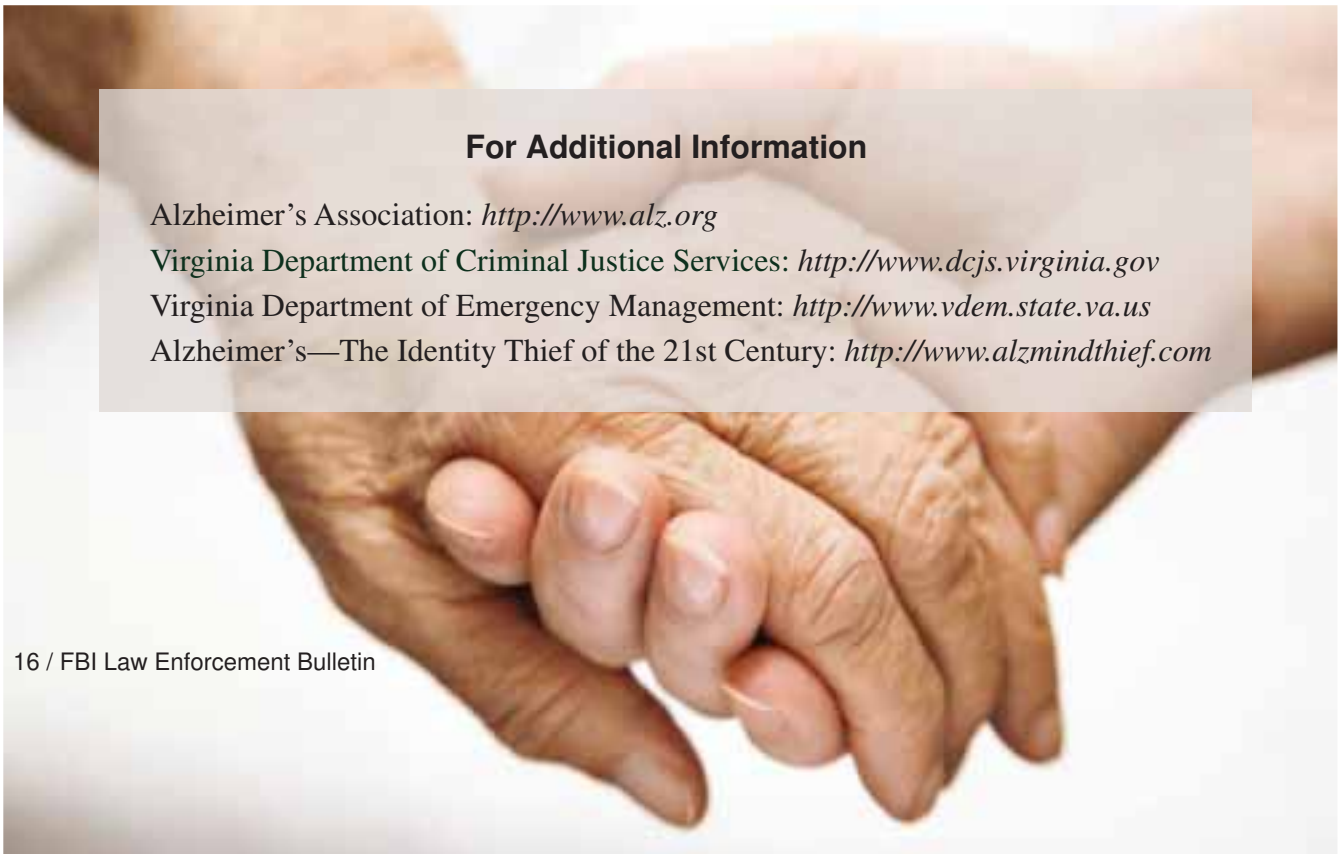
[2] Robert Koester, *Lost Person Behavior: A Search and Rescue Guide on Where to Look – for Land, Air, and Water* (Charlottesville, VA: dbS Productions LLC, 2008).

[3] National Alzheimer's Association, *Basics of Alzheimer's: What It Is and What You Can Do* (Chicago, IL: National Alzheimer's Association, 2007), 22.

[4] Robert Koester and David Stooksbury, *Behavioral Profile of Possible Alzheimer's Disease Patients in Virginia Search and Rescue Incidents* (Charlottesville, VA: dbS Productions LLC, 1995), 34-43.

[5] Robert Koester and David Stooksbury, "Lost Alzheimer's Subjects: Profiles and Statistics," *Response* 11, no. 1 (1992): 20-26.

[6] Virginia Department of Criminal Justice Services Training Report, August 2010. For additional information pertaining to Project Lifesaver, see Douglas A. Bryant, "Community Policing: Implementing Programs to Keep Citizens Safe," *FBI Law Enforcement Bulletin,* June 2010, 23-25.



For Additional Information

Alzheimer's Association: *http://www.alz.org*
Virginia Department of Criminal Justice Services: *http://www.dcjs.virginia.gov*
Virginia Department of Emergency Management: *http://www.vdem.state.va.us*
Alzheimer's—The Identity Thief of the 21st Century: *http://www.alzmindthief.com*

Candor
A Risk You Can Afford to Take

Candor is an intriguing word. It can mean to be honest, open, and frank, or it can mean outspoken, direct, and critical. The first characterization is positive, while the latter appears to make some people uncomfortable.

A former chairman and CEO of a large global company ranked candor near the top of his leadership principles. "I have always been a huge proponent of candor. In fact, I talked it up to audiences for more than 20 years. But since retiring, I have come to realize that I underestimated its rarity. In fact, I would call lack of candor the biggest dirty little secret in business. What a huge problem it is. Lack of candor basically blocks smart ideas, fast action, and good people contributing all the stuff they've got. It's a killer. When you've got candor—and you'll never completely get it, mind you—everything just operates faster and better. Now, when I say 'lack of candor' here, I'm not talking about malevolent dishonesty. I am talking about how too many people—too often—instinctively don't express themselves with frankness. They don't communicate straightforwardly or put forth ideas looking to stimulate real debate. They just don't open up. Instead, they withhold comments or criticism. They keep their mouths shut in order to make people feel better or to avoid conflict, and they sugarcoat bad news in order to maintain appearances. They keep things to themselves, hoarding information. That's all lack of candor, and it's absolutely damaging. And, yet, lack of candor permeates almost every aspect of business."[1]

Why would the former CEO of one of the largest and most diverse global companies in the world discuss candor? Simply, he truly believes in its power and function.

Candor requires mutual effort—the ability to give it as well as the capacity to receive it. Organizations can choose to accept candor as a powerful mechanism for improvement and efficiency, or they can choose to push back and diminish its value. People do not want to accept candor for reasons, such as a lack of confidence, ungratefulness, fear, arrogance, and a lack of understanding of the motives of those offering the candor. Individuals shy away from being candid as it sometimes can be detrimental to one's reputation, advancement, assignments, and credibility.

In the end, people choose to make a conscious effort to do what is right, what is necessary, or what they believe. Candor is the vehicle that takes them there.✦

Endnotes

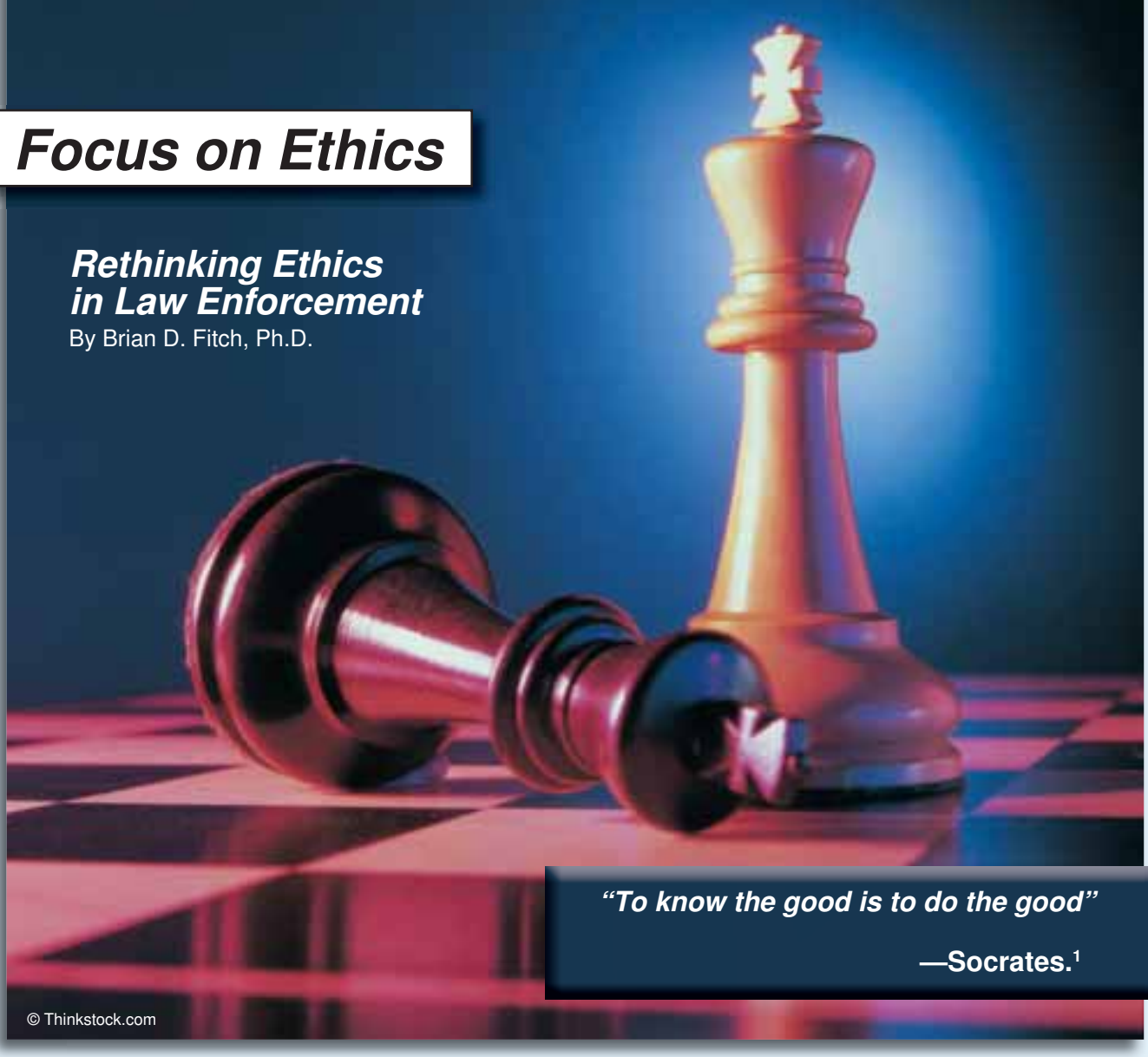
[1] Jack Welch with Suzy Welch, *Winning*, (New York, NY: HarperCollins Publishers, 2005)

Special Agent Gregory M. Milonovich, an instructor in Faculty Affairs and Development at the FBI Academy, prepared this Leadership Spotlight.

Focus on Ethics

Rethinking Ethics in Law Enforcement

By Brian D. Fitch, Ph.D.



"To know the good is to do the good"

—Socrates.[1]

Law enforcement agencies strive to recruit, hire, and train only those who demonstrate strong moral values before they enter the academy. Yet, even departments' best efforts will not prevent instances of police misconduct from garnering attention. Such incidents undermine public trust, jeopardize important investigations, and expose agencies to considerable liability. Many departments respond to these events by adopting formal ethics training programs that focus on character development, which Aristotle referred to as *virtue ethics*.[2] Like the Socrates quote, Aristotle's philosophy teaches that as conduct reflects officers' character and, thus, the various ways that they respond to moral dilemmas, this illustrates fundamental differences in their personal values.

Virtue ethics relies on dispositional qualities, such as personality traits, values, or attitudes, to explain deviant behavior. For example, if officers fabricate evidence to obtain search warrants, their actions reflect their dishonest character. According to this view, character predisposes officers to act certain ways, regardless of the situation. An honest officer feels obligated to tell the truth, while a dishonest one feels inclined to steal. Similarly, a brave officer strives to act courageously, whereas a coward recoils at danger. In either case, officers possess long-term, stable dispositions, and they behave in highly predictable ways.

Unfortunately, decades of research contradict the theory that people differ strongly in their basic character; nearly everyone holds virtuous at the abstract level, and most individuals endorse a similar set of high-level moral values.[3] For example, studies have found that delinquent juveniles subscribe to the same set of conceptual values as their less troubled counterparts, despite their unruly behavior—which suggests that lofty moral values often matter much less than what is commonly believed.[4]

Proponents of virtue ethics argue that certain officers misbehave because they lack character. These "bad apples" managed to "slip through the cracks" despite their unethical values. They argue that police abuse occurs in isolated incidents and involves a few immoral opportunists who were corrupt before they became officers. Unfortunately, this interpretation fails to explain how otherwise exemplary officers with no prior history of wrongdoing, many of whom are sterling role models in their families, churches, and communities, can become involved in misconduct.

"Mitigating the risk for officer misconduct requires a more complete understanding of human behavior and motivation."

Certainly, officers' character, or virtue ethics, still are crucial to their success. However, this narrow view concentrates almost exclusively on moral values and thus ignores the situational and psychological factors that influence behavior. Mitigating the risk for officer misconduct requires a more complete understanding of human behavior and motivation. This article offers law enforcement professionals a new way to think about misconduct. This explanation emphasizes moral development, social learning, and cognitive rationalization and suggests tactics to foster a culture of ethics in any agency.

Moral Development

Before officers can behave ethically, they must recognize the morals at stake in the situation, understand the principles and values involved, and choose the proper course of action.[5] To explain this reasoning process, psychologist Lawrence Kohlberg proposed perhaps the most influential theory of moral development. He believed that moral development proceeds along three highly predictable, invariant levels, termed *preconventional*, *conventional*, and *postconventional*, with each one organized into two distinct stages.[6] According to Kohlberg, at each stage, people employ increasingly sophisticated explanations and problem-solving strategies to address moral dilemmas.

At the simplest level of reasoning, the preconventional, external consequences guide individuals' sense of right and wrong—punishment in stage one and self-interest in stage two. At this point, they possess no internalized values or rules to guide behavior.

As people progress to the conventional level, they determine right and wrong based on social expectations (stage three) and the desire to maintain social order by following laws and showing respect for authority (stage four). They determine moral reasoning through conformity to social rules, norms, and expectations.

Finally, at the postconventional level, people judge morality based on the desire to protect the basic liberties of all members of society. In stage five, individuals only uphold legal principles that promote fairness, justice, and equity; by stage six, they follow self-selected ethical and moral principles that encourage respect for human life,

equality, and human dignity. If these internal principles conflict with societal laws, the self-chosen principles reign supreme.

While officers' stages of moral development obviously impact their on-the-job behavior, most adults determine proper behavior, as well as the moral implications of those actions, after they observe other group members. This especially rings true in unfamiliar or ambiguous circumstances, which often describes the situation of newly assigned officers.

In the 1960s, Yale University psychologist Stanley Milgram demonstrated how external factors influence moral judgment in a series of experiments on obedience.[7] The experiment involved teams of three people: an experimenter, a "learner," and a teacher (the only actual subject of the experiment). The experimenter instructed the teacher to quiz the learner, a confederate of the researcher, on a list of word pairs. Each time the learner answered incorrectly, the teacher administered shocks from what they thought was an electroshock generator. The learner, located in another room and hidden from view, pretended to express increasing discomfort, even banging on the walls and reminding the teacher of a "preexisting heart condition." As the shocks approached 135 volts, many of the teachers began to question the experiment. Almost invariably, the subjects (teachers) looked to the experimenter for ethical guidance. When the experimenter instructed the teachers to persist, the majority of subjects delivered shocks to the maximum level of 450 volts despite the learner's desperate pleas.

"…most adults determine proper behavior, as well as the moral implications of those actions, after they observe other group members."

Milgram's findings were unsettling, to say the least. However, a set of follow-up experiments designed to test a second person's influence on participants' behavior yielded very different results. When the second "teacher" (another confederate of Milgram) declined to administer shocks past 210 volts, the majority of experimental subjects also refused. This result implies that the mere presence of a second person sufficed to motivate the subjects to "vote their conscience" (i.e., to follow their best judgment and stop the experiment).

Despite the forecast of a group of psychiatrists who predicted that only 1 percent of subjects would administer the maximum shock of 450 volts, 2/3 of subjects (65 percent) in the original set of trials delivered the maximum shock. During the follow-up experiments, however, when a second teacher refused to proceed past 210 volts, only 10 percent of the subjects continued to the maximum level of 450 volts. Milgram concluded that the presence of an authority figure (experimenter) significantly influenced the teachers' decisions to continue the shocks in the first set of experiments; however, the mere presence of another conscientious observer overcame those effects.

Milgram's findings provide strong evidence for the theory that most people look to others for moral guidance, especially in unfamiliar situations. For law enforcement leaders, the lesson is clear—with ethics, most officers need to be led. Additionally, the formal and informal leaders who provide this guidance play a critical role in officers' moral development and conduct.

Social Learning

Most officers enter law enforcement with minimal experience in the field or in handling the moral dilemmas that officers typically encounter. They learn how to perform their jobs, as well as recognize the organizational norms, values, and

culture, from their peers and supervisors. While supervisors provide direct, formal reinforcement, officers' peers offer friendship and informal rewards that, in many cases, hold greater influence than official recognition from the agency. Also, police often spend considerable time socializing with other officers, both on and off the job. This sense of community drives officers to adopt the behaviors, values, and attitudes of the group in order to gain acceptance.

Because behavior results from consequences, law enforcement officers learn about acceptable and unacceptable practices through a consistent, timely, and meaningful system of reward and punishment. Officers likely will repeat behaviors that lead to reinforcing outcomes, while they rarely will duplicate behaviors that lead to punishment—an occurrence referred to as the *Law of Effect*.[8] If officers receive positive reinforcement after they perform certain actions, even illegal ones, they likely will behave similarly in the future despite organizational policies or prohibitions.

© Thinkstock.com

Officers observe how other group members receive recognition, both formally by the organization and informally by their peers, to learn what constitutes appropriate behavior in a process known as *vicarious learning*.[9] Psychologists discovered that the most effective vicarious learning models possess specific attributes.

- *Competence*: Most police officers take great pride in the ability to perform their duties with minimal supervision, even in demanding circumstances. Therefore, they model the behavior of the most competent and experienced officers.
- *Status*: Typically, officers respect those with impressive organizational status. In law enforcement, though, an individual may hold status not within the larger agency, but only among an informal group or specialized unit. Informal peer leaders shape the behavior of less experienced officers who aspire to a similarly prominent position.
- *Power*: Those who can reward or punish an officer's performance, either formally or informally, tend to wield the most influence. Like recognition, power can be either formal or informal, and sometimes those with unofficial power hold significantly more sway than official organizational policies or formal supervision.

These informal power networks can exacerbate unethical behavior by transmitting a set of shared values, beliefs, and norms that depart from agency policy. Research finds that officers engage in certain forms of conduct to secure and maintain peer-group approval.[10] If officers remain unsure about the legality or morality of a particular behavior, they look to the peer group for assurance, just as Milgram's subjects relied on the experimenter for ethical guidance. When officers engage in immoral conduct, they often justify their actions through the values and beliefs of the peer group.

Cognitive Rationalizations

Regardless of external influences, most individuals first convince themselves of the morality of their actions. Unethical officers might employ *cognitive rationalizations*, mental and linguistic strategies that sanitize or neutralize deviant behavior, to make their actions appear socially acceptable. Interestingly, research on white-collar crime indicates that corrupt individuals do not view themselves as such, and they explain their

behaviors as part of normal, acceptable business practices. Similar studies of law enforcement found that police officers define misconduct in very narrow terms, while citizens define it more broadly. Officers may employ specific strategies to nullify their negative feelings or regrets about misconduct.[11]

- *Denial of victim*: With this strategy, officers argue that the violated party deserved to be victimized. For example, an officer who steals cash from a suspected drug dealer during a search argues that the dealer holds no entitlement to the money because he earned it illegitimately.
- *Denial of responsibility*: Police convince themselves that they acted improperly because no other options existed. The circumstances may involve peer pressure, an unethical supervisor, or an environment where "everyone else was doing it." These officers view themselves as victims with no real choice but to participate in the misconduct.
- *Denial of injury*: In this form of rationalization, guilty parties convince themselves that their actions did not harm anybody and, thus, were not really corrupt. For example, officers might feel tempted to justify stealing profits from a drug dealer when the dealer did not rightfully earn the money, and it would be difficult to identify an aggrieved party. Police neutralize this behavior by comparing their actions to the crimes of the drug dealer.
- *Social weighting*: When relying on this form of explanation, corrupt police make selective social comparisons to justify their unethical conduct. For instance, officers who falsify a police report to convict a robbery suspect might minimize their participation in the misconduct and vilify a coworker who "lies all the time on reports."
- *Moral justification*: At times, people claim that they must break certain rules to achieve a more important goal. For example, officers may violate strict search and seizure laws to arrest a pedophile because, given the high stakes of the crime, they believe that the ends justify the means. Officers with this attitude feel that if the laws prevent them from effectively executing their job, then they must bend the rules or make an exception to arrest a dangerous felon. Unlike other rationalizations, moral justification not only excuses deviant conduct but can actually glorify such acts in the name of justice. Officers often convince themselves that their jobs demand such actions for the "greater good."

> **"…law enforcement officers learn about acceptable and unacceptable practices through a consistent, timely, and meaningful system of reward and punishment."**

In law enforcement, officers can invoke these rationalizations either prospectively (before the corrupt act) to forestall guilt and resistance or retrospectively (after the misconduct) to erase any regrets. Law enforcement leaders must remain alert to the presence of rationalization in their agency's culture because rationalization alters the definition of unethical conduct to make immoral behavior seem socially acceptable.

Culture of Ethics

Law enforcement leaders must create a culture of ethics within their agency. First, the organization must ascribe to a mission statement and a clear set of operating values that represent more than hollow promises, but, rather, establish standards

for employees' behavior at all levels and illustrate that ethics play a crucial role in an officer's success in the agency.[12] If managers neglect ethics or, even worse, behave poorly themselves, this demonstrates to officers that neither the agency nor its leaders care about proper conduct. Strong moral behavior at all levels sends officers a clear, consistent message that the agency will not tolerate inappropriate behavior.

Next, supervisors should work diligently to reward appropriate conduct and correct inappropriate behavior.[13] Because informal leaders significantly impact officers' attitudes and behaviors, formal managers must confront ethical problems immediately and penalize immoral conduct quickly and appropriately. For an effective culture of ethics, officers must observe that ethical officers advance their careers and immoral ones receive punishment.


© Photos.com

Often, supervisors struggle to accept that members of their agency behave unethically. Even when they openly acknowledge wrongdoing, senior management can blame the misconduct on rogue officers and argue that they misrepresent the larger agency. Law enforcement leaders must accept the possibility of pervasive unethical conduct and quickly address such incidents.

Finally, law enforcement agencies should frequently discuss ethics in the workplace.[14] Like physical fitness, ethical fitness requires constant practice. Case studies provide an effective tool for this continual reinforcement; they allow officers to test their moral reasoning skills, discuss their views, and share their experiences in a safe environment.

Supervisors who facilitate case studies should select relevant, real-world examples that challenge officers to think critically. The facilitator should not recite a lengthy, theoretical monologue on the importance of ethics, but, rather, challenge students on key issues, promote discussion, and examine the consequences of different actions. Depending on the topic, the facilitator can showcase video documentaries, news stories, or fictional examples. Ultimately, an honest exchange of information and ideas stimulates moral development and proper ethical conduct.

Conclusion

Law enforcement officers must safeguard the public's trust to perform their jobs effectively. Because ethical conduct greatly impacts public trust, law enforcement agencies must closely examine their policies, reward systems, and training to ensure that their agency fosters a culture of firm ethical values. Instead of expecting that officers already possess a firmly engrained set of values (good or bad) when they enter the police force, managers must remember that all officers have the potential to act virtuously; but, when the work environment allows misbehavior either implicitly or explicitly, the potential for abuse skyrockets. Theognis of Megara, another ancient Greek philosopher, said, "Fairly examined, truly understood, no man is wholly bad, nor wholly good."[15] Police officers are not exempt from this idea. Effective law enforcement leaders bring out the best in their staff by ensuring that officers not only understand the right thing to do but actually do it.✦

Endnotes

[1] Steven M. Cahn, *Exploring Philosophy: An Introductory Anthology* (New York, NY: Oxford University Press, 2000).

[2] George Bragues, "Seek the Good Life, Not Money: The Aristotelian Approach to Business Ethics," *Journal of Business Ethics* 67 (2006): 341-57.

[3] Lee D. Ross and Richard E. Nisbett, *The Person and the Situation: Perspectives in Social Psychology* (New York, NY: McGraw-Hill, 1991).

[4] Alexander H. Jordan and Benoit Monin, "From Sucker to Saint: Moralization in Response to Self-Threat," *Psychological Science* 8 (2008): 809-15.

[5] Rushworth M. Kidder, *How Good People Make Tough Choices: Resolving the Dilemmas of Ethical Living* (New York, NY: Harper, 1995).

[6] William Crain, *Theories of Development: Concepts and Applications*, 4th ed. (New York, NY: Prentice Hall, 2000).

[7] Stanley Milgram, *Obedience to Authority: An Experimental View* (New York, NY: Harper Collins, 1975).

[8] John R. Anderson, *Learning and Memory: An Integrated Approach*, 2nd ed. (New York, NY: John Wiley & Sons, Inc., 2000).

[9] Albert Bandura, "Social Cognitive Theory," in *Annals of Child Development*. Vol.6: *Six Theories of Child Development*, ed. R. Vasta (Greenwich, CT: JAI Press, 1989), 1-60.

[10] Allison T. Chappell and Alex R. Piquero, "Applying Social Learning Theory to Police Misconduct," *Deviant Behavior* 25 (2004): 89-108.

[11] Blake E. Ashforth and Vikas Anand, "The Normalization of Corruption in Organizations," *Research in Organizational Behavior*, ed. R.M. Kramer and B.M. Staw 25 (Amsterdam: Elsevier, 2003), 1-52.

[12] Gary R. Weaver, "Ethics and Employees: Making the Connection," *Academy of Management Executive* 18 (2004): 121-125.

[13] James C. Wimbush and Jon M. Shepard, "Toward an Understanding of Ethical Climate: Its Relationship to Ethical Behavior and Supervisory Influence," *Journal of Business Ethics* 13 (1994): 637-647.

[14] Brian Fitch, "Principle-Based Decision Making," *Law and Order* 56 (2008): 64-70.

[15] J. Banks, trans., *The Works Of Hesiod, Callimachus And Theognis*, London, UK: Kessinger Publishing, LLC, 2007, 457.

Dr. Fitch, a lieutenant with the Los Angeles, California, Sheriff's Department, holds faculty positions in the Psychology Department at California State University, Long Beach, and with the Organizational Leadership Program at Woodbury University.

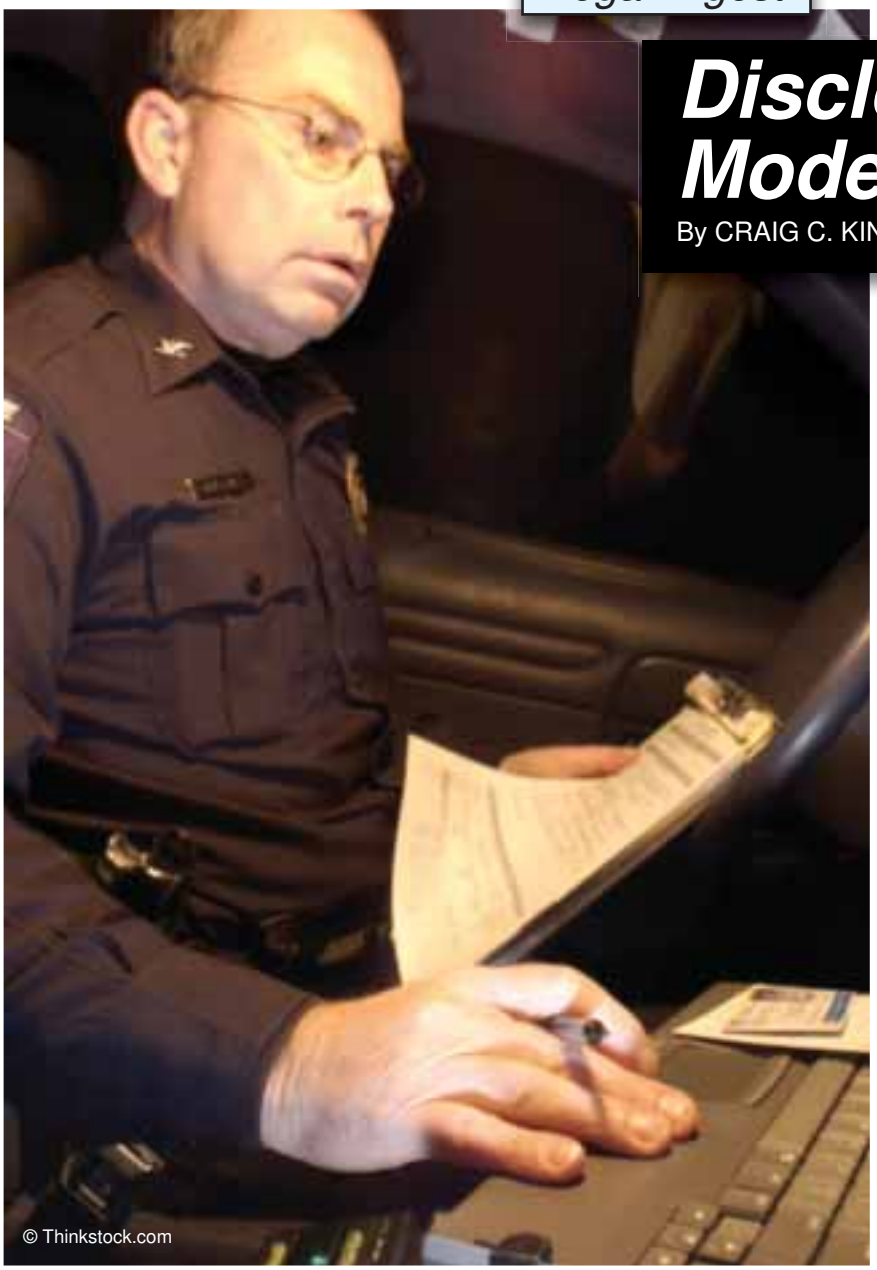
Dr. Fitch can be reached for comments at bdfitch@lasd.org.

The *Bulletin's* E-mail Address

The *FBI Law Enforcement Bulletin* staff invites you to communicate with us via e-mail. Our e-mail address is *leb@fbiacademy.edu*.

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

Also, the *Bulletin* is available for viewing or downloading on a number of computer services, as well as the FBI's home page. The home page address is *http://www.fbi.gov.*



Disclosure in the Modern Age

By CRAIG C. KING, J.D.

"The truth is more likely to come out at trial if there has been an opportunity for the defense to investigate the evidence."

-William J. Brennan
U.S. Supreme Court Justice

"He has to. By law, you're entitled. It's called disclosure, you idiot! He has to show you everything, otherwise it could be a mistrial. He has to give you a list of all his witnesses, you can talk to all his witnesses, he's not allowed any surprises."

-Mona Lisa Vito
My Cousin Vinny

"So one lesson I took away from the Grace trial, is that although the government routinely collects electronic information from other people, they have been very slow to recognize the potential discoverability of their own electronic communications, they just don't think about it."

-Carolyn Kubota
Defense Attorney,
O'Melveny & Myers

On a dark, rainy night, a patrol officer on the midnight shift sits in his squad car. He uses his laptop to exchange e-mails with his dispatcher. His department-issued "smart phone" buzzes with an incoming text from another officer. He pauses to use his personal mobile phone to update his Facebook status and to "tweet" something witty about a DUI subject he just arrested.[1] The officer then leaves a long, detailed voicemail concerning follow-up information for the detective on the upcoming shift. He sends an e-mail including the description of a subject in an earlier assault to the watch commander and updates the department's crime blog accordingly. His squad car is a virtual electronic communications center, and the communications coming to and from that center may be discoverable.

The roots of the discovery process are found in the constitutional concepts of fundamental due process and confrontation.[2] The discovery process effectively serves two purposes: It provides opportunity and fairness in allowing accused persons to access and investigate evidence against them and, in so doing, also may persuade them to negotiate a plea. The process also serves as a check against government power, consistent with and in the spirit of the U.S. Constitution.[3]

In the criminal context, discovery primarily fulfills obligations held by the government and essentially consists of four separate parts. These stem in the federal system from either statutes or from the Constitution in the form of U.S. Supreme Court rulings.[4] This article will explore briefly those obligations and then examine how they apply to the technology used by police and prosecutors today.

Exculpatory Information - Brady

In July 1958, John Brady was 25 years old when he was arrested and charged with first-degree murder. His girlfriend, Nancy Boblit Magowan, a married woman, was pregnant with his child, and the couple needed cash. Desperate for money, John, along with Nancy's brother Donald Boblit, decided to rob a bank. During the planning, Brady suggested the need for a getaway car, and the duo planned to steal the car of a mutual friend, William Brooks. Boblit and Brady seized Brooks' car at gunpoint, struck him with a shot gun, and drove him to secluded field. They then walked Brooks to the edge of the woods where one of the men strangled him to death with a shirt.[5]

Once arrested, both men gave several statements to detectives. Brady consistently denied killing Brooks and claimed that Boblit committed the actual murder. Boblit did the same, giving several statements and claiming in all but one that Brady was the killer. In Boblit's fifth statement, given on July 9th, he admitted that he strangled Brooks.[6]

The key issue in the case related more to penalty than guilt. Both men were convicted in separate trials of first-degree murder and sentenced to death. In Boblit's trial, prosecutors used the July 9th confession to convict and justify his death sentence. That July 9th statement never was presented at Brady's trial, and Brady's lawyer was neither provided a copy nor was he even aware it existed until he read the transcript from Boblit's trial.[7] Brady could never have been sentenced to death if the Boblit admission was known at trial.

The facts of *Brady v. Maryland* led the U.S. Supreme Court to place an affirmative constitutional duty on prosecutors to disclose exculpatory evidence to a defendant. Subsequent cases have extended this duty to law enforcement agencies, requiring them to notify the prosecutor of any potential exculpatory information.[8] The Court held

"…the quest for faster, better, and more efficient communications sometimes has unintended consequences…."

Assistant General Counsel King is a legal instructor at the FBI Academy.

that withholding exculpatory evidence violates due process "where the evidence is material either to guilt or to punishment" and determined that under Maryland state law the withheld evidence could not have exculpated the defendant but was material to the level of punishment he would receive.[9]

"*Brady*" and "*Brady* material" refer to the holding of the *Brady* case and the numerous state and federal cases that interpret its requirement that the prosecution disclose material exculpatory evidence to the defense. Exculpatory evidence is material if "there is a reasonable probability that his conviction or sentence would have been different had these materials been disclosed." *Brady* evidence includes statements of witnesses or physical evidence that conflicts with the prosecution's witnesses and evidence that result in the defense's impeachment of the credibility of a prosecution witness.[10] Courts take these obligations seriously and have determined that, by definition, *Brady* violations by the government violate an individual's 14th Amendment right to due process of law, a cornerstone of the American judicial system.[11]

Impeachment Material - Giglio

An expansion of the Brady Doctrine came from the U.S. Supreme Court in *Giglio v. United States.*[12] In June 1966, bank officials at Manufacturers Hanover Trust Company discovered that a teller named Taliento had cashed several forged money orders. When questioned by the FBI, Taliento confessed that he had supplied Giglio with signature cards from one of the bank's customers, which Giglio then used to forge $2,300 in money orders. Taliento then processed the forged money orders through the bank.[13]

> ***"Agencies… should consult with prosecutors concerning the preservation and storage of e-communications."***

An affidavit indicated that Assistant U.S. Attorney DiPaolo struck a deal with Taliento, promising that he would not be prosecuted for the crime if he testified against Giglio. Taliento testified before a grand jury, which resulted in Giglio's indictment.

Two years after the indictment, Giglio's trial was handled by a different prosecutor, Assistant U.S. Attorney Golden. DiPaolo did not inform Golden of the deal struck with Taliento, and Taliento assured Golden prior to the commencement of the trial that no such deal had been made.

In addition, the U.S. attorney personally consulted with both Taliento and Taliento's attorney prior to trial and emphasized that Taliento definitely would be prosecuted if he did not testify, but that if he did testify, whether he was prosecuted would depend on the "good judgment and conscience of the government."[14] Giglio was found guilty and sentenced to 5 years in prison. While his appeal was pending, his counsel discovered evidence of the government's discussions with Taliento.

In Giglio's case, the U.S. Supreme Court found that regardless of whether the failure to disclose the discussions between DiPaulo and Taliento was intentional or negligent, disclosing the information remained the responsibility of the prosecutor as spokesman for the government and that a promise made by one attorney on the case must be attributed to the government. The Court noted that the government's case relied almost entirely on Taliento's testimony, and, without it, there could have been no indictment or evidence to take to a jury. The Court found that this made Taliento's credibility

an important issue; any evidence of an agreement or understanding with respect to Taliento's future prosecution was relevant to his credibility, and the jury was entitled to know about it. The Court held that due process required that Giglio be granted a new trial and reversed and remanded.[15]

Giglio and cases that followed have come to mean that derogatory information about the credibility of a government witness could be potentially exculpatory and is, therefore, *Brady* material. The ruling in *Giglio* was important enough to create its own category of discovery material, known now as "*Giglio* material."[16]

Giglio material is routinely viewed as impeachment evidence, or information that could be used to impeach a government witness' credibility.[17] The *Giglio* disclosure obligation is applied to all government witnesses and not just limited to past convictions or formal reprimands.

Modern *Giglio* material includes information, such as bias or past instances where the witness' veracity or candor has been called into question. Relationships with victims or animosity toward the defendant based on religion, ethnicity, race, gender, or sexual preference all have been cited as *Giglio* material.[18] Internal investigations pending or resolved, substantiated reports of excessive use of force, corruption, and even the witness' general reputation for truthfulness also fall into this category.[19]

In light of decisions expanding this view of *Giglio,* prosecutors recognizing the sheer volume and questionable reliability of some of this type of information have moved to an "inverted funnel" approach to *Giglio* disclosure. In this regard, the prosecutor is informed of

any potential *Giglio* matter, evaluates the weight and credibility of the information, and funnels the amount and type of information disclosed to the defense and further narrows by use of protective orders what information actually can be used in court.[20]

Prior Statements - Jencks

Born in Colorado Springs, Colorado, in 1918, Clinton Jencks was a labor organizer in New Mexico. In 1954, he was convicted of lying about being a member of the Communist Party of the United States. He starred in and had his story recounted in the 1954 film *Salt of the Earth,* which was banned at the time because many of those associated with the production, including Jencks, were known or alleged members of the Communist party.[21]

The U.S. government accused Jencks of falsely stating in an affidavit—required by law as he served as president of a labor union—that he was not a member of the Communist party. During the trial, two undercover FBI agents provided crucial testimony against Jencks. On cross-examination, the agents stated that they made regular oral and written reports to the FBI on the matters about which they testified. Attorneys for Jencks requested that the judge receive copies of those reports to review for possible impeachment information. The request was denied.[22]

In an opinion by Justice William J. Brennan, the U.S. Supreme Court held that "the criminal action must be dismissed when the government, on the grounds of privilege elects not to comply with an order to produce, for the accused's inspection and for admission into evidence, relevant statements or reports in its possession of government witnesses touching the subject matter of the trial." The holding in

Jencks v. U.S. prompted Congress to pass the Jencks Act.[23]

The Jencks Act, Title 18, Section 3500, U.S. Code, requires the government (prosecutor) to produce a verbatim statement or report made by a current or prospective government witness (other than the defendant), but not until after the witness has testified. *Jencks* material comprises evidence used in the course of a federal criminal prosecution in the United States. It usually consists of documents relied upon by government witnesses who testify at trial. It is described as exculpatory, favoring the U.S. government's prosecution of a criminal defendant. The act also covers other documents related to the testimony or relied upon by government witnesses at trial. Typically, it may consist of police notes, memoranda, reports, summaries, letters, or verbatim transcripts used by government agents or employees to testify at trial. After the government's witness testifies, the court shall, upon motion of the defendant, order the government to produce any statement of the witness in its possession relating to the subject matter as to which the witness testified.[24] It has become routine practice federally, to provide *Jencks* material prior to testimony.

Under the Jencks Act, a statement of a prosecution witness includes:

1) written statements made by witnesses and signed or otherwise adopted or approved by them;
2) a stenographic, mechanical, electronic, or other recording or a transcription of it, which substantially is a verbatim recital of an oral statement made by the witness to an agent of the government and recorded contemporaneously with the making of such an oral statement; or
3) a statement, however taken or recorded, or a transcription of it made by the witness to a grand jury.

If the United States elects not to comply with an order of the court to deliver to the defendant a statement or portion of it as the court may direct, the court shall strike from the record the testimony of the witness, and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require the declaration of a mistrial.[25]

The Jencks Act has been characterized as intending to assure defendants of their right to confront their accusers under the Sixth Amendment. Its provisions are not a constitutional mandate. As a result, some state courts do not have *Jencks* requirements.[26] In addition, the statements themselves may contain *Brady* and *Giglio* information regarding whether they must be produced consistent with *Jencks*.

Jencks material has been viewed as substantive information about a case that the witness has testified about. In the past, that type of information, as well as potential *Brady* and *Giglio* information, generally was found easily in official reports and memoranda. But, with the advent of modern technology, *Brady, Giglio,* and *Jencks* material may be hidden in the ether of cyberspace and, therefore, more difficult to find and identify. However, although harder to find and identify, it still is discoverable, and the solemn obligation to disclose remains.[27]

Discovery and the "E Factor"

Anyone who has watched an episode of a modern television show depicting law enforcement has seen the impact of technology. Patrol vehicles now

are connected to the Internet, as are the officers themselves with smart phones, GPS devices, and cameras. Police departments stay connected with officers, witnesses, citizens, and prosecutors through such electronic means as e-mail, SMS, Web sites, blogs, social networks, and text messages. These systems make communications faster, more reliable, easier, and constant. They allow for retrieval of information because most of these systems, by their electronic nature, store the information in some form of memory. Without a doubt, law enforcement has "taken the on ramp" to the information superhighway at full speed. However, the quest for faster, better, and more efficient communications sometimes has unintended consequences, particularly in the realm of discovery.

Cross

In a marijuana case also involving a firearm, the defendant, Cross, was picked out of a photo lineup. Shortly before testifying, the officer misplaced the actual photo array. The officer testified truthfully, but, because the array was created using a popular software program, the defense asked why he did not produce an electronic copy. The Court expressed disappointment in the government:

> The electronic file would contain metadata, including its creation date and last modified date. [The officer's] testimony was truthful, one would expect that the government would still attempt to locate the electronic file because the metadata would corroborate his testimony. Such corroboration is particularly important given the questionable assertions about the alleged identification and concerns regarding the authenticity of the array. Under these circumstances, [the officer's] and the government's failure to do so raises further suspicion.[28]

The *Cross* case demonstrates a key point: Police officers and prosecutors should be aware of the capabilities of the technology they use during an investigation. Courts expect law enforcement to think about things, such as metadata. Judges recognize the government's eagerness to use metadata for its own purposes (e.g., demonstrating guilt), so they expect it to apply that standard to its discovery obligations.[29]

Hornsby

Not limited to police officers, when people use technology, particularly in the forms of e-mail and text messages, to communicate, those messages usually feature a conversational tone. E-mails and texts often take the place of the spoken word and may lack the formality and professionalism of official communications. These electronic communications are stored and retrievable and, if *Brady, Giglio, or Jencks* material, they also are discoverable.

Former Prince George's County, Maryland, school CEO Andre Hornsby was suspected of involvement in several kickback schemes. During the course of the investigation, the FBI developed a cooperator who agreed to wear a wire during a meeting with Hornsby, and she obtained incriminating statements. Afterwards, an FBI agent wrote an e-mail to the cooperator stating, "Congratulations. You really nailed a powerful man." Later, the FBI agent was cross-examined for 3 hours concerning the nature of the agency's and government's relationship with the cooperator.[30] The case resulted in a mistrial when the jury was unable to reach a verdict.

Grace

W.R. Grace & Company, which manufactured asbestos, and the townspeople of Libby, Montana, were involved in a civil matter over an alleged cancer cell.[31] W.R. Grace also was accused in a criminal action where the company was charged with a 30-year conspiracy to defraud the government and endanger the residents of Libby.[32]

During the investigation, the FBI developed a source—an

"insider." The lead case agent communicated with the insider via e-mail. Recognizing some of those e-mail communications could be discoverable under *Brady, Giglio,* or *Jencks,* the prosecutor requested the FBI to provide the relevant e-mails. In response, the FBI provided the prosecutor with about 20 e-mails that seemed to fit into the *Brady, Giglio,* and *Jencks* categories.[33]

During cross-examination, the defense asked the insider about the number of e-mails exchanged with the government. The answer was some 200. The court concluded that the quantity of e-mails indicated a close relationship between the government and the witness and, therefore, was suggestive of a bias the insider held against the defendant.[34]

Armed with this suggestion, the defense argued that the relationship was too close, there was actual animus on the part of the witness toward the defendant, and the evidence of that animus, the 200 e-mails, should have been properly disclosed consistent with *Giglio* and *Brady*.[35] The judge, apparently incensed by the failure of the government to properly disclose the e-mails, provided the following jury instruction:

> You should consider any proof offered by [the witness] with skepticism. Prosecutors have…the affirmative responsibility to learn of any evidence favorable to the accused and to disclose such evidence in a timely manner so that it can be effectively used by the accused. The government has violated its solemn obligation and duty in this case by suppressing or withholding material proof pertinent to the credibility of [the W]. In evaluating [the witness'] testimony you should consider the bias that he has displayed toward W.R. Grace, his relationship with the prosecution team and the extent to which those matters may have influenced his testimony.[36]

> ***…most of these systems, by their electronic nature, store the information in some form of memory.***

One of the defense attorneys commented on the case:

> In the course of the *Grace* Trial it became clear the Government had committed *Brady* violations. And the *Brady* violations related to e-mails, like four years of e-mail communications between the lead case agent and the government's star witness cooperator. And at the time that those emails came to light, the lead prosecutor told the court that it had never occurred to him to produce those, and I believe him. So, that's absolutely going forward for me, an area that I will focus on and I think that it's important for defense practitioners generally to insist that the government review their own electronic communications for exculpatory material.[37]

The Need for Policy and Communication with Prosecutors

Given the explosion of electronic communications and their discovery potential, agencies should adopt policies with respect to creation and preservation and coordinate these with prosecutors. Policies should caution employees on the discovery implications of e-communications. Employees should assess the need to communicate by electronic means, as well as the appropriateness of the content of their communications.

Policies should address which types of e-communications have discovery implications and what steps to take to preserve them. For example, while certain logistical communications, such as sending a text

informing a coworker of the time of a meeting, would not be problematic, other communications that contain substantive case-related information, such as a text describing the unreliability of a source, clearly has discovery implications.

Agencies also should consult with prosecutors concerning the preservation and storage of e-communications. The discovery obligation cannot be met if the material to be disclosed has not been preserved. Likely, courts will not be forgiving if law enforcement agencies have not made a good-faith effort to preserve communications they know may be discoverable. Preservation may entail storing the communication in its original state, such as in an electronic folder or, perhaps, printing the communication and placing it in the case file.

Conclusion

While technology has made communication generally easier, this brings important considerations. The government has a responsibility tied directly to the constitutional guarantee of due process to ensure that certain information is preserved and provided to the defense in a criminal prosecution. This applies to communications generated by electronic means. Law enforcement must remember that the content of the communication, not the form, determines its discoverability.✦

Endnotes

[1] The use of Facebook and other social networking sites by officers and agencies will be addressed in an upcoming article in the *FBI Law Enforcement Bulletin.*

[2] U.S. Constitution, Amendment V-VI, "speedy and public trial" and prohibition against deprivation of "life, liberty or property without due process of law."

[3] Rule 16, Federal Rules of Criminal Procedure (FRCP).

[4] FRCP 16; *Brady v. Maryland*, 373 U.S. 83; 10 L.Ed. 2d 215; 83 S.Ct. 1194 (1963); *Giglio v. U.S.*, 405 U.S. 150; 31 L.Ed. 2d 104; 92 S.Ct. 763 (1972); Jencks Act, 18 U.S.C. § 3500.

[5] Stephanos Bibas, "The Story of *Brady v. Maryland*: From Adversarial Gamesmanship Toward the Search for Innocence?" *http://papers.ssrn.com/sol3/papers.cfm?abstract_id=763864* (accessed August 2, 2011).

[6] *Id.*

[7] *Id.*

[8] *Brady v. Maryland*, 373 U.S. 83; 10 L.Ed. 2d 215; 83 S.Ct. 1194 (1963).

[9] *Id.*

[10] *Id.*

[11] *United States v. Agurs*, 427 U.S. 97; 49 L.Ed 2d 342; 96 S.Ct. 2392 (1976).

[12] *Giglio v. U.S.*, 405 U.S. 150; 31 L. Ed. 2d 104; 92 S.Ct. 763 (1972).

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *Napue v. Illinois*, 360 U.S. 150; 92 S.Ct. 763; 31 L.Ed. 2d 1217 (1959).

[17] *United States v. Bagley*, 473 U.S. 667; 87 L.Ed. 2d 481; 105 S.Ct. 3375 (1985).

[18] *Id.*

[19] January 4, 2010, memo, *Guidance for Prosecutors Regarding Discovery*, issued by Deputy Attorney General David W. Ogden ("Ogden Memo"). *http://www.justice.gov/dag/discovery-guidance.html*

[20] *Ibid.*

[21] Internet Movie Database (IMDB), *http://www.imdb.com/title/tt0047443/* (accessed August 2, 2011).

[22] *Jencks v. United States*, 353 U.S. 657; 77 S.Ct. 1007; 1 L.Ed. 2d 1103 (1957).

[23] *Id.*

[24] Jencks Act, 18 U.S.C. § 3500.

[25] *Id.*

[26] *Palermo v. United States*, 360 U.S. 343 (1959).

[27] FRCP 16; *Brady v. Maryland*, 373 U.S. 83; 10 L.Ed. 2d 215; 83 S.Ct. 1194 (1963); *Giglio v. U.S.*, 405 U.S. 150; 31 L.Ed. 2d 104; 92 S.Ct. 763 (1972); Jencks Act, 18 U.S.C. § 3500.

[28] *United States v. Cross*, 2009 WL 3233267 (EDNY).

[29] *Id.*

[30] *United States v. Andre Hornsby* (D.Md. 2007-08).

[31] IMDB, *http://www.imdb.com/title/tt0120633/* (accessed August 2, 2011).

[32] *United States v. WR Grace & Company* (D. Mt. 2009).

[33] *Id.*

[34] Andrew D. Goldsmith, "Trends—Or Lack Thereof—In Criminal E-Discovery: A Pragmatic Survey of Recent Case Law," *United States Attorney's Bulletin* 59, no. 3 (May 2011).

[35] *Id.*

[36] *United States v. WR Grace & Company* (D. Mt. 2009).

[37] "Sidebar: Reflections on the WR Grace Trial," *American Lawyer Magazine*, *http://www.law.com/jsp/tal/PubArticleTAL.jsp?id=1202433359449&Sidebar_Reflections_on_the_WR_Grace_Trial&slreturn=1&hbxlogin=1* (accessed August 2, 2011).

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

Bulletin Notes

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

Lieutenant Wilson

Assistant Chief McCoy

One morning, Lieutenant James Wilson of the Trenton, Tennessee, Police Department responded to a residential fire. One of the first to arrive at the scene, he learned that an 18-month-old baby was inside. Without hesitation, he entered the residence and searched the living room and front bedroom before he was overcome by smoke and had to exit. Upon arrival of the fire department, Lieutenant Wilson and a fireman entered the smoke- and flame-engulfed home to search for the baby. The fireman located the child in a play pen and handed him to Lieutenant Wilson, who took the baby to safety. Lieutenant Wilson determined that the child was not breathing and performed CPR while Assistant Chief Jeff McCoy drove them to the hospital. The child survived the ordeal, and Lieutenant Wilson was treated for smoke inhalation.

Special Agent Carter

Special Agent Lytal

Criminal Investigator Helldorfer

Special Agent Johnnie Carter of the West Tennessee Judicial Violent Crime and Drug Task Force conducted a traffic stop near Memphis. The 25-year-old driver refused to roll down the window or unlock the door of the vehicle. He then began to stab himself repeatedly in the chest with a knife. Special Agent Carter called for the assistance of Special Agent David Lytal. Upon Special Agent Lytal's arrival, both agents broke out the driver's side window and disarmed him. Special Agent Carter, a trained EMT, immediately began treating the driver while awaiting emergency medical response. The driver, in critical condition, was transported to a local hospital and underwent emergency surgery. On-scene investigation determined that the driver was a suspect in a homicide that occurred just hours earlier in Durham, North Carolina. Criminal Investigator Tim Helldorfer later interviewed the suspect who gave a full statement relative to his involvement in the homicide.

U.S. Department of Justice
Federal Bureau of Investigation
FBI Law Enforcement Bulletin
935 Pennsylvania Avenue, N.W.
Washington, DC 20535-0001

Periodicals
Postage and Fees Paid
Federal Bureau of Investigation
ISSN 0014-5688

Official Business
Penalty for Private Use $300

Patch Call

The patch for the Hope, Arkansas, Police Department depicts the city's oldest building, its 1912 train depot, adjacent to railroad tracks. These serve to represent the commerce and social growth brought to Hope's downtown area by the railroad since 1875, the year the city was established. The patch also proudly indicates that Hope is the birthplace of the 42nd President of the United States, Bill Clinton.

The Montana Highway Patrol patch was adopted in 1956 as a tribute to the Vigilantes, the first law enforcement group in the Montana Territory. The Patrol star with the state seal is at the center of the patch, above the Vigilante code, "3-7-77." Around 1863, the Vigilantes began using the code as they sought to bring peace to the territory. To this day, its true significance remains a mystery.