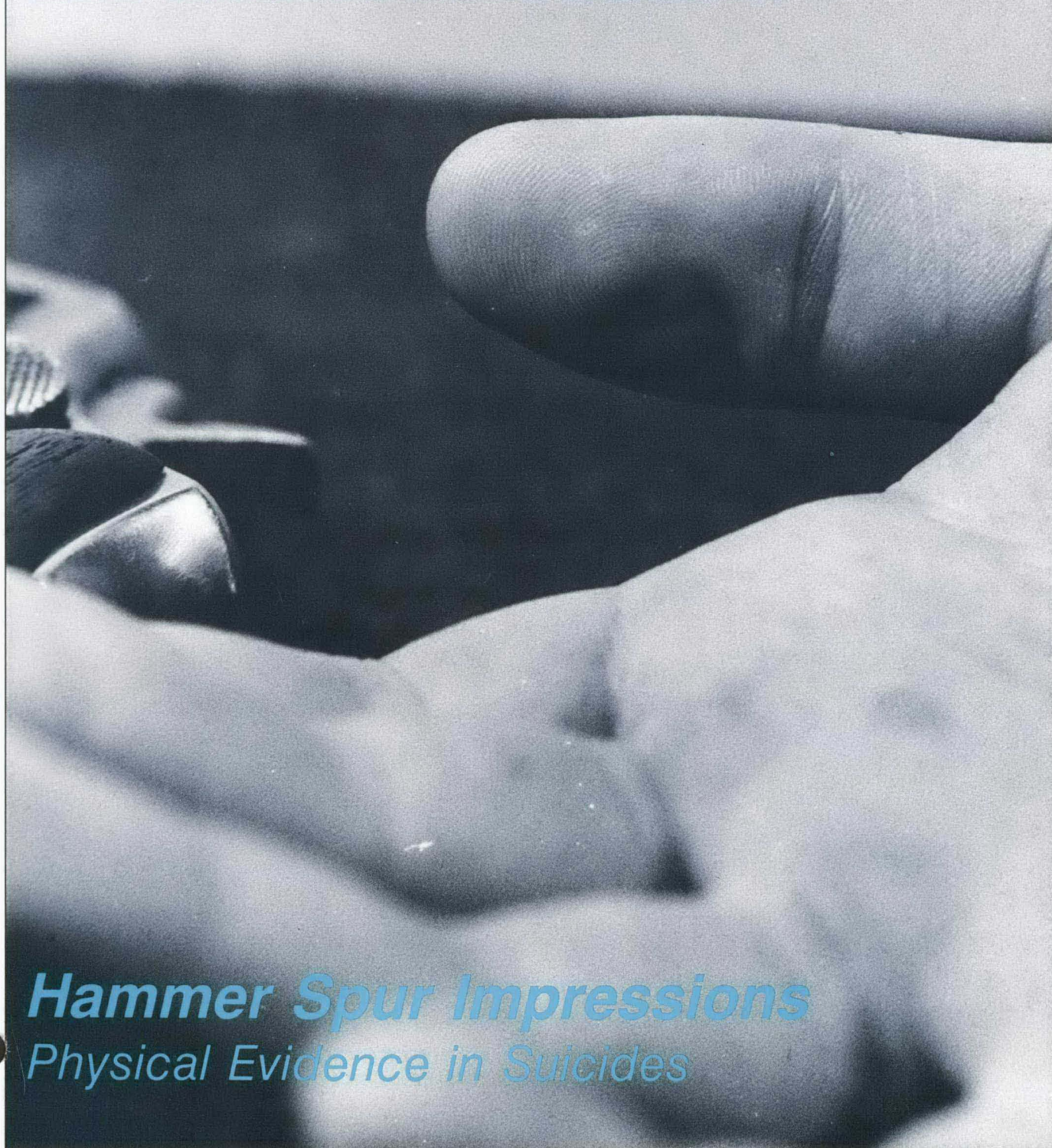




September 1988

FBI

Law Enforcement Bulletin



Hammer Spur Impressions

Physical Evidence in Suicides

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The Maligned Investigator of Criminal Sexuality

"One has only to examine some of the concepts associated with deviant sexuality to realize the enormous task confronting the modern-day investigator."

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EDITOR'S NOTE:

The male pronouns are used at times when the female gender would be equally applicable. This is done in the interest of sentence structure and readability.

Richard Beck was an individual respected for his ability to solve the most difficult homicide cases. He was also known as an officer who didn't let departmental rules and regulations stand in the way of his investigations. After numerous warnings, the powers that be decided to teach Detective Beck a lesson. He would be reassigned to the Sex Crimes Unit! If that didn't teach him a lesson, nothing would.

He was called into the captain's office and given the bad news. This time, the department had his attention. He tried to reason with the captain, explaining that he would reform his ways. The captain was unsympathetic. This time, Detective Beck had gone too far and even his excellent record wouldn't save him. The captain advised Beck that he was being assigned to the Sex Crimes Unit to teach him a lesson.

This scene was presented in a television movie starring Richard Crenna and entitled "The Rape of Richard Beck." The intent of the film was to portray a macho male who, after becoming a rape victim, is forced to confront the resultant physical and emotional

trauma. However, the filmmakers' perceptions of individuals who investigate sexual crimes are worth noting.

A similar scene appeared in the Burt Reynolds' movie, "Sharky's Machine." After being transferred from Narcotics to Vice, Detective Sharky finds that his old partner won't even accompany him as he descends into the bowels of the building to his new desk in a squad room filled with stereotypical oddballs and misfits. It is a classic illustration of the popular perception that only "weirdos" investigate "weird" crimes.

Unfortunately, these fictional accounts are not simply the products of writers' active imaginations; they mirror



Special Agent Lanning



Special Agent Hazelwood

perceptions often shared by individuals in and out of law enforcement. Conversations with investigators, friends, families, and associates confirm this attitude about those who work in the investigation and prosecution of sexual crimes. As used in this article, the term "investigation" also includes prosecution, instruction, and research. The term "sexual crimes" also includes sexual vice (prostitution and pornography).

An Analogy

A simple analogy is helpful. Investigating sex crimes is like being a garbage collector. It is important that garbage be collected and removed. If it is not, people quickly complain. Used to putting garbage by the curb, coming home from work, and finding it gone, they give little thought to the details of its disposal. The only time they pay any attention is when their garbage is not picked up, when a new landfill or incinerator is to be located near their homes, when toxic waste seeps into their drinking water, or when a garbage barge can't find a place to unload. People are interested in garbage collection only when it directly affects them. Even so, few ever become interested to the point of wanting their children to grow up to be garbage collectors. Those who do the dirty job of garbage collecting are "dirty" by association. The same may be said of investigators of sexual crimes.

Sex is probably the most talked about and least understood subject in American culture, and those who investigate, research, prosecute, or teach criminal sexuality are viewed like those who deal with the world's trash, as "dif-

ferent" or "dirty." This is unfortunate, but it is something with which the investigator must learn to cope. There will always be those, both within and outside the department, who cannot, or will not, appreciate the seriousness of sexual offenses. Nor will they understand the emotional impact such investigations can have on the investigator.

Society's attitude toward child sexual abuse, child prostitution, child pornography, rape, and other sexual crimes can be summed up in a single word—DENIAL. People don't want to hear about these problems, much less deal with them. This includes not only the average citizen but government leaders, law enforcement administrators, and investigators. Only when they or someone they know or love is victimized does this attitude change. Most of the few people who show up at public presentations on sexual assault awareness or prevention have been directly or indirectly victimized.

When people do attempt to confront these crimes, they tend to have preconceptions of offenders as evil monsters and not people who can appear and act normally. Every time a "pillar of the community" is arrested for a sexual offense, the media react as though this were a first. However, it is not amazing that "nice" people commit sexual crimes. What is amazing is that people are still surprised by it.

Criminal Sexuality vs. Sex Crimes

One of the major hindrances to an investigator's work in sexual criminality is the title most commonly associated with such work—Sex Crime Unit or Sex

"One of the major hindrances to an investigator's work in sexual criminality is the title most commonly associated with such work—Sex Crime Unit or Sex Crime Investigator."

Crime Investigator. When one of the authors was given the responsibility of teaching a course entitled "Sex Crimes," his first order of business was to change the title to "Interpersonal Violence." He did so because of his experience in teaching classes entitled "Sex Crimes." The student reaction invariably was, "Oh, boy, this is what I've been waiting for." Or, "Let me tell you a joke you can use in class." Or, "Here is where we get to see the dirty pictures." Sex crime instruction is too often considered to be a porno sideshow for cops.

Why do such stereotypes persist? Simply stated, it is the power of the word "sex." It overwhelms the word "crime." When one hears the word "sex," a range of emotions is evoked, from pleasure, ecstasy, and lust to love, warmth, and sharing. The word "crime," however, is associated with violence, anger, harm, devastation, and fear. "Sex" and "crime" do not complement each other. They don't seem to belong together at all. So, when an individual hears "sex crime," what actually registers is "sex." Is it any wonder that a person meeting or dealing with one involved in such work smiles and says, "You're one of those, huh?"

The terms "criminal sexuality" or "sexual crimes" leave no doubt as to the involvement of crime (violence, fear, harm) in sexual matters. The reader or listener automatically registers all of the feelings associated with crime, as well as, or perhaps rather than, those associated with sex. Even the word "sexuality" has a more neutral impact than the word "sex." While such a distinction may seem trivial to some, the power of

words must never be underestimated. If the reader doubts the truth of this, notice the reaction of individuals as they pass a classroom with the topic "Sex Crimes" posted on the door.

The Investigator of Criminal Sexuality

What type of person investigates sexual crimes in America today? How old are they? What is the amount of experience in law enforcement, the educational level, or marital status of the typical investigator assigned to such crimes?

In 1984, LeDoux and Hazelwood conducted a nationwide survey of police officers to determine primarily their attitudes and beliefs about the crime of rape.¹ Included in the survey were questions concerning the individual respondent, which also addressed the questions presented above. Three thousand questionnaires were mailed, and usable returns were received from 2,170 or 72 percent of those queried. Two hundred and two of those respondents were found to be currently involved in the investigation of sexual crimes. Data extracted from the study provide the reader with information about what type of individual investigates such crimes.

Ninety-two percent of the investigators assigned to sexual crimes were white males, with a mean age of 38.2 years and 13.1 years of law enforcement experience. Eighty-one percent were married and 54 percent had either attended college or obtained a bachelor degree. Statistical analysis was performed to compare sexual crimes in-

vestigators and other investigators on the variables of age, experience, gender, race, marital status, and education.² The sexual crimes investigators were found to be older (38.2 years vs. 35.9 years) and more experienced (13.1 years vs. 11.3 years) than the other investigators. On the other variables, there were no significant differences. Although slightly more female officers were assigned to sexual crimes investigation, the difference was not statistically significant.

In other words, sexual crimes investigators are not unlike other investigators in law enforcement today. Why is it then that they are viewed as being different? The authors believe that there are multiple reasons. The investigators, their departments, and their fellow officers must share equally in the responsibility. In the following sections, the authors address what each must do to correct an incorrect perception.

The Investigator's Responsibility

The investigator of criminal sexuality plays the most important role in influencing how others perceive him. If he does not approach the task in a professional manner, how can professional treatment be expected? When teaching an instructor's course in criminal sexuality, the authors reserve the first 2 hours for ethical issues. Future instructors are advised against the use of unnecessary slides (those without a learning objective), profanity, inappropriate joke telling, or sexist remarks. Professionalism must be maintained when speaking on so volatile a subject. If the classes are professionally conducted, not one word, slide, or joke

"The attitude a law enforcement agency has toward the commission of sexual offenses is reflected in its selection of individuals to investigate such crimes."

should have to be changed because a female is present.

Pictures, Profanity, and Jokes

The same advice can be applied to those who investigate such crimes. All of us have met the individual who wants to share some "dirty" pictures recovered from a case; however, when the sexual crimes investigator does so, he confirms the suspicion that he is in the job because he likes "dirty" pictures. If the truth be known, the photographs are probably being displayed for much the same reason a teenager takes the first drink or a modest person tells an off-colored joke—to prove that they are not different from their peers. Regardless of the reason, such behavior can and will be misconstrued.

The sexual crimes investigator must maintain absolute control over any pornography in his possession. Failure to do so not only causes legal problems involving the chain of custody but personal problems for the investigator. No professional investigator should ever become known as the supplier of pornography for parties or officers working the late shift.

There is nothing wrong with telling a joke, and most people will use some profanity during their lifetime. But when the investigator earns a reputation as the premier "dirty" joke teller or the most profane individual in the department, he has almost certainly compromised his position, detracting from the professionalism of the job and demeaning himself in the eyes of his colleagues.

Confidentiality

Sexual crimes investigators also have a responsibility to the victims of the crimes they investigate. The victims have a right to confidentiality, both with respect to their identity and to the information they provide the investigator. Information given to the investigator is for investigative and prosecutive purposes only! The victim never intended that it be shared with those not having a legitimate need to know. It goes without question that certain information must be shared for case comparison; however, the neighbor, bartender, service station attendant, or anyone not involved in the investigation or a similar investigation does not need to know what the victim of a sexual crime was forced to do or say while under the control of the offender. The investigator is absolutely dependent upon the victim for information pertaining to the crime and the criminal; he must not betray the victim's trust.

The instructor must also remember this concept when using investigative evidence during a training presentation. The possibility of revealing the identity of victims in crime scene photographs, sexually explicit pictures taken by an offender, or videotapes of victim statements must be carefully considered before using such material for training purposes.

Professional Space

The investigator's office or professional space is also under the scrutiny of others. The authors are reminded of entering the office of an individual who was reputed to be an expert in criminal

sexuality. On the wall behind the "expert" were a pair of black lace panties and a brassiere. On a side wall was a leather thong whip, beneath which was a sign: "Without Pain There Is No Pleasure." On the individual's desk was a statue of a robed figure. The "expert" demonstrated the function of the statue; he pushed the figure's head and an erect penis projected from beneath the robe. Needless to say, our opinion of his "expertise" (not to mention his professionalism) was substantially diminished. It is difficult for the authors to envision a victim entering that environment and feeling comfortable discussing a very personal experience at the hands of a "pervert." Even disregarding the impact of such an environment on victims, what did this person's peers or everyday visitors feel upon entering that office?

Expertise

The professional investigator of sexual crimes improves his knowledge of criminal behavior and the types of offenders investigated. He seeks out opportunities to become more proficient in investigations through readings, attendance at seminars, or job-related courses. He is well-acquainted with recent research on offender typologies, underlying motivations for the various types of sexual offenses encountered, and the emotional impact (short and long term) of sexual crimes on victims. In other words, he is not satisfied with what he learned on the job, in a book, or in a course 7 years ago. Every day brings new and startling information relevant to investigating criminal sexuality,

and it is the responsibility of the investigator to remain current in the field. The authors are convinced that education and training can only result in better performance, and consequently, more peer respect. One has only to examine some of the concepts associated with deviant sexuality to realize the enormous task confronting the modern-day investigator. The following are but a few of the areas of concern—sadism, masochism, bondage, paraphilias, sexual dysfunction, autoerotic fatalities, ritualism, fetishism, child erotica, child pornography, sado-masochism, infibulation, fellatio, sodomy, pedophilia, coprolagnia, urolagnia, post-traumatic stress disorder, and rape. The list is seemingly endless.

Terminology

The development and use of professional terminology is essential for individuals involved in this type of work. The investigator of sexual crimes deals with physicians, lawyers, judges, mental health personnel, peers, as well as offenders, victims, and witnesses. With the possible exception of offenders, victims, and witnesses, the rest are professionals. They use and expect others to use proper terminology, and while the victim and witnesses may or may not be professionals, they have the right to know that they are being questioned by a professional. While the authors recognize the investigative value of a knowledge of "street terms," the interview of a sexual assault victim, or the instruction of classes, may not be the forum for a display of such knowledge. For example, the term "fellatio"

refers to the performance of oral sex on a male. The investigator would be well advised to initially ask a rape victim if she were forced to perform fellatio or oral sex on the offender, rather than asking about "head," "face," or a "blow job." Obviously, to avoid confusion or misunderstanding, the investigator must also be familiar with various family or slang terms for body parts and sexual acts. In some cases, it may be important to determine the exact words used by an offender or the terms as understood by the victim. In other words, the professional investigator knows both the slang and professional terms, but he also knows the appropriate times for using each. As his method of investigation, as well as his attitude, becomes known within police circles, the investigator's reputation can be enhanced or diminished by such knowledge.

The Department's Role

The attitude a law enforcement agency has toward the commission of sexual offenses is reflected in its selection of individuals to investigate such crimes. It is generally accepted that among law enforcement departments, the elite investigative group is homicide. Sheriffs and police chiefs invariably mention with pride the number of homicides solved. Rarely is the same amount of pride exhibited in discussions of those who investigate sexual crimes. One has to wonder why the solution rate of homicides (70% during 1986) is almost always greater than the solution rate for sexual crimes (52% during 1986).³ In a homicide case, the

victim is deceased and can provide no verbal information for the investigator, but the rape victim most often survives to help the investigator.

Is homicide simpler to investigate because the crime is generally committed by a relative, neighbor, or associate? If it is simpler to investigate, should the best detectives be assigned to the cases? If the reason for the higher solution rate is because the better investigators are assigned to homicides, then wouldn't the department, and the public, be better served by the assignment of a higher caliber of individual to crimes of a sexual nature? In addition, if children are our most valuable resource, is not the investigation of child sexual abuse or child pornography more important than the investigation of robbery or white-collar crime?

The investigation of sexual crimes is emotionally and psychologically demanding. No department should assign investigators to such work without providing them with support and recognition, as well as monitoring their situation. If this is a dirty job that someone has to do, then that someone needs adequate office space, secure facilities for pornographic evidence, private interview rooms for victims, and funds for basic and advanced training. But even more important is someone to talk to, an occasional pat on the back, a thank you—those signs of interest and recognition that cost no money, only time. By monitoring an investigator's situation, a supervisor will also recognize when it's time to transfer an investigator to another type of work.

"The investigator working child sexual abuse and exploitation must learn to cope with an added stigma within law enforcement."

Selection of Investigative Personnel

Law enforcement agencies would do well to be selective in assigning individuals to the investigation of criminal sexuality. Any officer assigned to the investigation of sexual crimes should be a volunteer who is then carefully screened and trained for this highly specialized work. This work is not for everyone. And such an assignment should never be considered a form of discipline or punishment! If sexual crime assignments are considered to be disciplinary in nature, only the marginal performers or those in trouble will be dealing with the victims of an intrusive and violent crime.

It must be recognized that the officer selected to work with victims of sexual assault immediately and directly influences the victim's sense of self-worth. The victim has experienced fear, anger, guilt, and humiliation. The investigator's ability to recognize and deal with these emotions will affect the victim's well-being for a long period of time.

Investigators must also deal with offenders who have committed "sick," "disgusting," and "repulsive" acts. If an investigator ever expects to get a confession, he must be able to communicate empathy and understanding, even if he is repulsed. The investigator must be able to control his emotions in order to reduce his ability to reason. Holding an offender up to public ridicule like a hunting trophy accomplishes little if the case is later dismissed due to avoidable investigative error. In essence, the investigator must be able to control his emotions and do some acting when necessary.

Investigators With a Hidden Agenda

An unpleasant reality of life is that there are individuals who are attracted to this type of work for reasons other than a sense of duty toward, or concern for, victims. Some investigators are voyeuristic in their investigations; they get a vicarious thrill out of interviewing victims or viewing the pornography often associated with sexual crimes. They may demand sexual acts from prostitutes, ask a rape victim to describe her assault an unreasonable number of times, or make copies of seized materials for their private use.

There is an old joke that defines psychiatry as the study of the id by the odd. Some investigators are drawn to these cases because they are unable to confront their own sexual problems or concerns. They believe that by investigating sexual crimes, they can better understand or repress their own sexual feelings or urges. Reaction formation, a Freudian defense mechanism, is defined as "preventing the awareness or expression of unacceptable desires by an exaggerated adoption of seemingly opposite behavior."⁴

Still others are drawn to this type of work because of their own prior victimization. Former victims of child abuse or sexual assault should not be automatically excluded from the investigation of sexual crimes. However, they should be carefully evaluated to ensure that they are still functioning as objective fact-finders, not as recruiters for the brotherhood or sisterhood of sexual abuse victims. Some even get involved in these cases as a way to express their hatred or resentment of the opposite sex.

Finally, some enter this field to enforce their own moral or religious values on others. Investigators must remember that they enforce the penal code and not the Ten Commandments. Child molestation and rape are of professional interest to the law enforcement investigator because they are crimes, not because they are sins. A personal code of ethics is an important asset to any investigator. However, personal moral values are the criteria by which the investigator should judge his own behavior and not the behavior of others.

The agency responsible for selecting individuals to work in the area of sexual crimes will find that common sense in the selection process goes a long way. The axiom "the best prediction of future behavior is past behavior" is applicable here. Individuals who have had problems with the public, their peers, supervisors, or subordinates should not be selected for such work.

Training

The department must not only ensure that individuals are qualified for such an assignment but must do everything in its power to enhance or sharpen the skills of the officer in sexual assault investigation. Ideally, some training should take place *prior* to the time the officer assumes investigative duties. All too often, investigators are assigned to patrol or robbery one day and transferred to sexual assault investigations the next. An investigator cannot hope to have any understanding of criminal sexuality from the ordinary experiences of life. In some departments, officers desiring to attend job-enhancing training must do so on their own

time (often after working a shift or by taking leave) and/or must pay for such training themselves. Such an attitude sends a strong message of the importance the department attaches to such crimes and/or training.

Fellow Law Enforcement Officers

The importance of peer support (or lack thereof) cannot be overemphasized in law enforcement. What one's fellow officers say or think about him or his work affects his performance, self-esteem, and attitude. Individuals involved in the investigation of criminal sexuality say that this is the one area that is most bothersome to them. Daily, these investigators are dealing with women and children who have been emotionally and physically torn apart by the most horrific types of body invasion. They deal with offenders who are held in disdain even by other criminals—rapists, child molesters, exhibitionists, fetish thieves, and obscene phone callers. Investigators are expected to remain "above it all"; yet, when they get back to the office, fellow law enforcement officers refer to them in terms meant to be humorous—"pervert," "diaper dick," "kiddie cop." These terms offend and degrade both the investigator and the job being done.

The authors have themselves experienced, and have been told of other investigators, being introduced to law enforcement officers or members of related disciplines as the "department's expert on wienie waggings" or "our local pervert." This immediately places the investigator in the position of trying to legitimize his work. He has been labeled a "pervert" by his fellow officers

to a stranger and must now convince another individual that he is involved in a serious and demanding task. It often seems that much of a sexual crimes investigator's time is spent convincing people of his legitimacy. To some readers, this may sound trivial. The reality of the matter is that it has a negative effect on a person.

As stated previously, the respect of one's peers is extremely important to an individual, and while the authors do not believe that the comments made by fellow workers of the sexual crimes investigator are malicious in intent, the fact remains that they neither reflect nor build esteem.

Child Sexual Abuse

There are some special problems for the investigator who deals with child victim crimes. Investigators repeatedly say that they successfully separate the work they do from their personal emotions in almost all cases, except victim crimes—and especially child sexual abuse cases. Male police officers seem to have a bigger problem with this than female officers. Both male and female police officers are typically repulsed by, and strongly condemn, child sexual abuse; they both believe such cases should be aggressively investigated and prosecuted. However, the female officer is often more willing, albeit reluctantly, to do the "dirty" job, while the male officer tends to try to avoid it, in some cases with the excuse that women are better-suited for these cases. The authors are aware of no evidence to indicate that as a general rule, women are better at interviewing chil-

dren than men. Although special cases or circumstances may call for an investigator of one gender or the other, the skill and training of the investigator is more important than gender. Females are often assigned to these cases, not because they relate better to children but because they tend to be emotionally stronger and less likely to vehemently complain than males.

The investigator working child sexual abuse and exploitation must learn to cope with an added stigma within law enforcement. An investigator who seizes adult pornography at least has seized material of some interest to his fellow investigators. This normal interest in the evidence recovered gives the investigator some status. The investigator who seizes child pornography, however, returns to his department with material which offends and repulses fellow officers. When fellow officers take a brief glance at the material, the investigator is quickly left alone with his evidence.

Even some supervisors have difficulty dealing with these cases. They frequently do not want to hear the details of a case and sometimes seem to treat case files themselves as though they were contaminated. Some would prefer to deny that the problem even exists. An investigator once wrote that trying to talk to his superior about the sexual exploitation of children was like trying to convince the Air Force of the existence of UFO's.

Yet, the investigator must examine, catalog, and analyze the evidence. He may take hours, days, or even weeks, doing something his fellow officers cannot or will not do. All too often, fellow

"While much on-the-job humor may be 'gallows' humor . . . among professional, experienced investigators, it can be an effective coping mechanism."

officers assume that if they cannot deal with it, there must be something wrong with someone who can. Initially, they respond in jest, with open jokes and "humorous" remarks. However, they often progress to comments made behind the investigator's back, requests that the material be examined someplace else, requests that the investigator be moved out of the squad room, requests that the investigator be prevented from openly discussing the case in front of others, and ultimately, comments about the mental health and sexual inclinations of the investigator.

Some seem inclined to believe that the sexual crimes investigator has a personal involvement or interest in whatever activity is under investigation. Some want to believe that the vice officer is having sex with prostitutes or that the rape investigator is involved in some form of kinky sex. In other words, how could anyone work that kind of case and be normal?

It is bad enough being labeled a "pervert" if your "interest" is in other adults. The implication that the child sexual abuse investigator has some perverted interest in children is especially devastating. Usually, this takes the form of innocent joking. An investigator who specializes in child victim sexual crimes may become the brunt of numerous jokes about a lack of interest in attractive adults, playing with anatomically correct dolls, postcards picturing the Vienna Boys' Choir, and so on. Little can be done about this. One can only be careful not to overreact and add fuel to the comments. It comes with the territory. Occasionally, joking can

go further, even to the point of becoming mean and vindictive. Under these circumstances, supervisory intervention may be necessary; yet, the investigator should ensure that he is doing nothing to compound this tendency, that he is doing his job in a professional manner.

It is interesting to note how quickly the jokes and ribbing stop when a colleague has a loved one who has been molested and advice is needed. Then suddenly, this is an important and serious subject, and the investigator is a valued professional.

The officers working child sexual abuse, especially in medium or small departments, frequently become isolated from their peer groups. While police officers frequently socialize with each other and talk "shop," they don't want to hear about child molesters and child pornography. This problem is not as bad for officers assigned to specialized child abuse units or to specialized task forces. They can share experiences, vent their frustrations, and mutually reinforce one another. This is an important secondary benefit of the task force concept of investigation and of specialized training programs.

Unfortunately, many officers also can't talk about this work to spouses, family members, loved ones, or friends. Some officers may not admit, or might even deny, that they work with child sexual abuse. Family members or friends can add to the problem when they ask, "Are you still working that child stuff?" or "Can't you get a transfer to something else?" or, "Do you have to tell people you work that?"

The authors have received numerous phone calls and letters from police officers who have no specific questions but merely want to talk about a case. A recently received letter from an officer demonstrates how such work can affect an individual. It stated in part:

"I am currently assigned to forgery and auto theft. However, my first assignment as an investigator was in Juvenile/Sex Crimes. I can *honestly* say that that was the *most* trying and stress-filled assignment to date

"I know that your job is tough, unforgiving, and constantly supplied with sarcasm by other agents; when I worked sex crimes, my peers called me 'diaper dick.' My warrants were taken in jest, vice seemed 'all important.' Which I find a terrible joke; in a robbery, all one goes without is money or jewelry, but in sex crimes with children, these peers don't realize that you're talking of a potentially *ruined* life!"

Symptoms of Stress

Carole W. Soskis, M.S.W., J.D. and David A. Soskis, M.D., consultants to the FBI's Psychological Services Program, have identified work on cases involving criminal sexuality as involving a number of special stresses that must be managed appropriately if the investigator is to function well professionally and maintain good health. The strong emotional reactions provoked by this material and the isolation and prejudice to which it may expose the investigator can make this work "toxic" psycholog-

ically and socially. In these situations, as in medical settings, professionalism means the control of exposure and monitoring its effects. A worker who deals with radioactive material has a dosimeter to indicate overexposure; the investigator's only gauges are his own reactions and behavior, both at work and at home. He must be alert to the early warning signs of overexposure or stress.

Special Agent James T. Reese of the FBI's Behavioral Science Instruction and Research Unit has categorized the following early warning signs of stress problems:

"The numerous symptoms that may relate to stress disorders can be grouped in three categories: (1) emotional, (2) behavioral, and (3) physical. The number of symptoms a person may exhibit is not important, but rather the extent of changes noted from the person's normal condition. Furthermore, the combined presence of symptoms determines the potency of the problem. Indicators range from isolated reactions to combinations of symptoms from the three categories. Finally, the duration, the frequency, and the intensity of the symptoms indicate the extent to which the individual is suffering.

"In the emotional category, symptoms include apathy, anxiety, irritability, mental fatigue, and overcompensation or denial. Individuals afflicted with these symptoms are restless, agitated, overly sensitive, defensive, preoccupied and have difficulty

concentrating. These officers will overwork to exhaustion and may become groundlessly suspicious of others. They may be arrogant, argumentative, insubordinate, and hostile. Their feelings of insecurity and worthlessness lead to self-defeat. Depression is common and chronic.

"Behavioral symptoms are often more easily detected than emotional ones, for its sufferers withdraw and seek social isolation. Such individuals are reluctant to accept responsibilities and/or tend to neglect current ones. They often act out their misery through alcohol abuse, gambling, promiscuity, and spending sprees. Much of their desperate behavior is a cry for help and should be recognized as such. Other indications could be tardiness, poor appearance, and poor personal hygiene, both at work and at home. These patterns can lead to domestic disputes and spouse/child abuse.

"The physical effects of stress are extremely dangerous. The individual may become preoccupied with illness or may dwell on minor ailments, taking excessive sick leave and complaining of exhaustion during the workday. Among the many somatic indicators are headaches, insomnia, recurrent awakening, early morning rising, changes in appetite resulting in either weight loss or gain, indigestion, nausea, vomiting, and diarrhea. Such psychophysical

maladies may be a direct result of excessive stress upon the officer." ⁵

Coping Strategies

The following coping strategies are recommended for individuals responsible for the investigation of criminal sexuality.

Limit Exposure—This can be accomplished in two ways. First, an investigator should never devote himself exclusively to criminal sexuality. His life simply cannot become a 24-hour-a-day crusade. He needs to pursue outside interests, develop hobbies not related to his work, and find both family and personal time. On an occupational level, he should consider getting involved in cases or work not involving criminal sexuality. Second, an investigator probably should not make a life-long career of criminal sexuality. For many, promotion is the built-in safety valve which limits their career exposure to criminal sexuality. The authors do not believe that there is a specific time limit to an investigator's career in criminal sexuality, but each individual should carefully and regularly consider whether the time to move along has come.

Humor—A good sense of humor is a valuable attribute for the investigator dealing with such an unpleasant matter. On some occasions, the investigator must almost choose between laughing in self-defense and crying with pity. The absence of a sense of humor may make an investigator ill-suited for this type of work, and its loss is often a sign of significant psychological stress. While much on-the-job humor may be "gallows" humor or joking about things

"... the investigator of criminal sexuality can turn a job perceived as 'dirty' into a rewarding assignment."

which aren't really funny, among professional, experienced investigators, it can be an effective coping mechanism. "Once it finds its way out of the locker room, however, and into the public eye, it is a clear sign of maladaptation of stress"⁶ and constitutes unprofessional behavior.

Peer Support—Turning to others who deal with the same kind of work can also help. As previously discussed, this is easier for investigators in large departments or in specialized units. Other investigators can accomplish this by participating in specialized task forces, attending training conferences, and joining professional organizations. One such professional organization which offers peer support is the California Sexual Assault Investigators' Association.⁷ A newer, national interdisciplinary organization is the American Professional Society on the Abuse of Children.⁸

Physical Fitness—Any attempt to manage stress must include the nurturing of good physical fitness habits. Proper diet, regular exercise, and sufficient sleep are essential. Numerous books and tapes which discuss relaxation techniques for managing stress are available.

Self-satisfaction—In light of the numerous problems discussed, one might well ask why anyone would voluntarily get involved in such work. It is a question that the authors have asked themselves and others many times. The answer heard again and again is that the sense of accomplishment accompanying this kind of work makes one believe his efforts make a difference. Many Federal agents who investigate the sexual exploitation of children mention the feeling they get from help-

ing "real" victims of crime. Little can duplicate an investigator's sense of satisfaction when the victim of such a crime says, "Thank you." The bottom line, however, is that investigators of sexual assault can't wait around for the gratitude of society or their superiors. They must take pride in their work and be satisfied with what they know they have accomplished.

Summary

Individuals in and out of law enforcement often perceive that those who work in the investigation and prosecution of sexual crimes are "different" or "weird." Much of this is due to society's inability to deal openly with human sexuality and especially deviant or criminal sexuality. Individual investigators, their departments, and their fellow officers all share the responsibility for dealing with this perception.

Investigators must approach their job in a professional manner. The attitude a law enforcement agency has toward the investigation of criminal sexuality is reflected in its selection of individuals to investigate such crimes. Because of the importance of peer support, fellow officers must appreciate the problems faced by those who investigate criminal sexuality. There are also some added special problems for the investigators who deal with child sexual abuse.

Investigators must be alert to the early warning signs of overexposure or stress. By using appropriate humor, limiting exposure, maintaining good physical fitness, nurturing and seeking peer support, and feeling a sense of self-accomplishment, the investigator of criminal sexuality can turn a job perceived as "dirty" into a rewarding assignment.

FBI

Footnotes

¹R. R. Hazelwood and A. W. Burgess, ed., *Practical Aspects of Rape Investigation* (New York: Elsevier, 1987), pp. 43-57.

²t or chi square tests were used as appropriate.

³W. H. Webster, *Crime in the United States 1986* (Washington, D.C.: Federal Bureau of Investigation, 1987), pp. 12-14.

⁴J. C. Coleman, J. N. Butcher, and R. C. Carson, *Abnormal Psychology and Modern Life*, 7th ed. (Glenview, IL: Scott, Foresman and Company, 1984), p. 64.

⁵Supra note 1, pp. 308-309.

⁶Supra note 1, pp. 306.

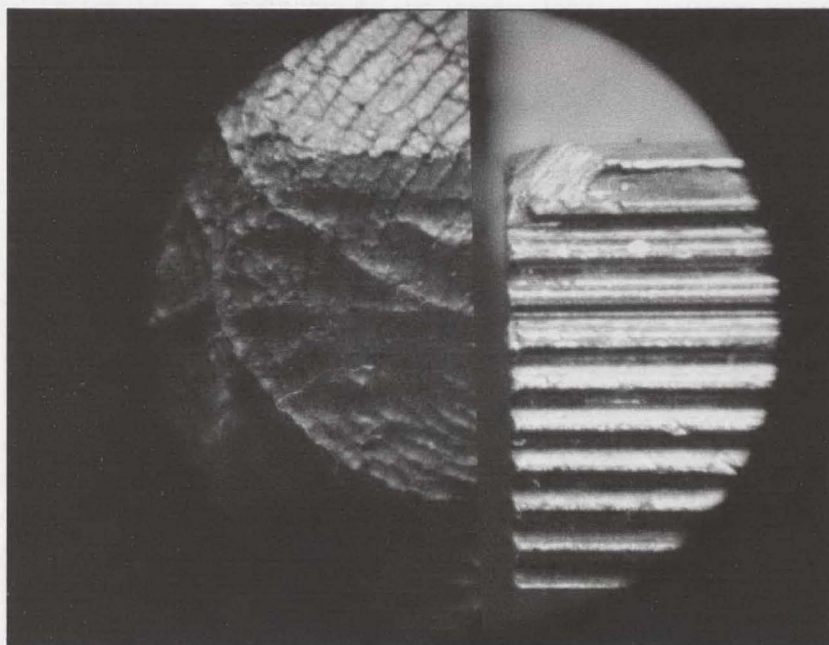
⁷Additional information can be obtained from the California Sexual Assault Investigators' Association (C.S.A.I.A.), P.O. Box 1070, Los Angeles, CA 90053, (213) 946-7993.

⁸Additional information can be obtained from the American Professional Society on the Abuse of Children (APSAC), University of Chicago, 969 East 60th, Chicago, IL 60637, (213) 836-2471.

Hammer Spur Impressions

Physical Evidence in Suicides

By
ANDREW P. JOHNSON
*Master Police Officer
Identification Section
Police Department
Fairfax, VA*



Comparison microscope photograph of a hammer spur impression and the actual hammer spur.



Officer Johnson



Col. John E. Granfield
Chief of Police

On June 23, 1987, a homicide investigator and a police officer from the Identification Section of the Fairfax County Police Department were dispatched to an alleged suicide in Centreville, VA. Upon arriving at the scene, they were met by a patrol officer, who was conducting the preliminary investigation. The victim was a white male, 61 years of age, who had apparently died of a self-inflicted gunshot wound to the head; the weapon was still in the decedent's right hand. The victim's daughter, who discovered the body when she returned home from work, advised the investigating officer that her father had given her no indication that he was contemplating suicide.

The decedent, found in the master bedroom, was clad in pajamas, lying on his back on the right side of the bed. There was a penetrating gunshot wound to the right side of the head; a 9mm Walther pistol was located in the deceased's right hand. The hammer was cocked, with a 9mm Winchester Western cartridge chambered. On the right thumb of the deceased was a hammer spur impression which contained class characteristics similar to the hammer spur on the 9mm Walther pistol.

The impression was photographed and cast. A comparison of the impression with the hammer spur of the 9mm Walther pistol was found only to be similar in size and shape of the contours of the weapon's hammer. Yet, it was one more piece of evidence supplied to the medical examiner to aid in determining the cause of the man's death to be a self-inflicted gunshot wound.

A suicide investigation frequently is one of the most challenging and frus-

trating tasks a police investigator can undertake. This is due to the emotional state of family members, civil law ramifications of the estate, and insurance settlements, which may be hanging in the balance.

During the past 20 years, the suicide rate has tripled among people aged 15 through 24. Suicide has become the third leading cause of death for this age group.¹ This fact, coupled with the economic pressures of today, increased drug usage, and the common occurrence of depression in our society, is likely to cause the suicide rate to rise each year. The resulting increase in caseloads for homicide investigators, medical examiners, and identification technicians will undoubtedly be accompanied by increased demands by insurers for positive evidence of cause of death.

When investigating a fatal gunshot incident which is a suspected suicide, it is the responsibility of the homicide investigator and identification technician to accumulate and preserve evidence essential in establishing the cause of death. This information is supplied to the medical examiner/coroner, who renders a decision as to the manner of death after weighing all the evidence, including medical, physical, circumstantial, eye witness, and toxicologic.

While examining the scene, investigators look for the usual physical evidence associated with gunshots to be present on the deceased, such as a contact entrance wound, blood spattered on the hand or hands, and gunshot residue on the hand which held the gun. An item of physical evidence often overlooked is the presence of a ham-

"A suicide investigation frequently is one of the most challenging and frustrating tasks a police investigator can undertake."

mer spur impression on the decedent's finger or fingers, the presence of which enhances the probability that death was caused by a self-inflicted gunshot wound. These impressions often are obliterated and subsequently overlooked when inked fingerprint impressions are taken for comparison and identification purposes.

The hammer spur impression is caused when the firearm is cocked in the single-action phase, causing the principal identifying features of the hammer, e.g., machine marks, outline of the hammer size and shape, and contours formed through wear and accidental damage, to be impressed into the skin of the finger. If blood circulation stops soon after the fatal wound is inflicted, some or all of the characteristics revealed in the impression may remain on the finger that cocked the weapon for several hours after death.

When processing hammer spur impressions, photographs should be taken prior to casting or lifting, using the basic rules of photography.² Film plane and lens should be parallel to the impression, and a scale ruler should be in the photograph.

Photographs should be taken in daylight, with and without flash, or with artificial light held at an oblique angle. The use of a flashlight to determine proper flash angle in low-light conditions can be helpful by creating shadows across the impression or as an artificial light source. Since some characteristics may be visible only when lighting is directed in a particular way, several photographs using different lighting should be taken.

A simple method to enhance the impression is to dust it lightly with black fingerprint powder. However, care should be taken not to apply too much

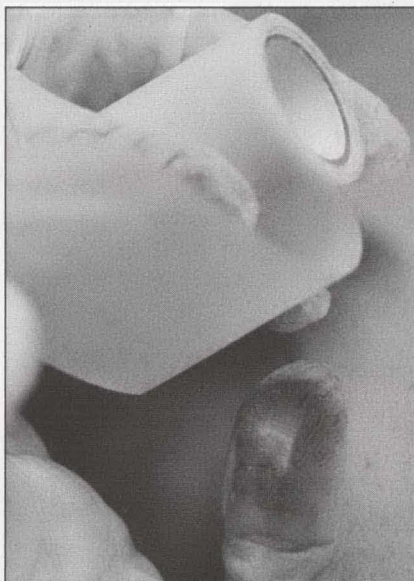
powder so as not to fill in the details. Rephotograph the impression after the powder is applied.

In addition to photographing the hammer spur impression, a lift may be made. This is done by using a latent print powder brush (without adding any more powder) and lightly brushing the finger upon which the impression appears. Then, by lightly placing a piece of cellophane lifting tape over the finger/impression, a lift is made to be placed on a card.

A cast rather than lift of the impression can be obtained by using Mikrosil or another brand of casting material. Mixing the casting materials to make a working stock and spooning the mixture into the impression are crucial steps. A small amount should be placed on a control surface to test consistency. If the mixture is too thin, it is necessary to wait until the material starts to



Impression is dusted with black fingerprint powder.



Cellophane lifting tape is applied.



Tape is lifted from the impression and placed upon a card.

"An item of physical evidence often overlooked in suicide investigations is the presence of a hammer spur impression on the decedent's finger or fingers. . . ."



Equal lengths of Mikrosil or another brand of casting material are mixed into a working stock. The casting material is then spooned directly into the impression and over the surrounding area.

thicken. Should it be too thick, another batch should be mixed. After obtaining the right consistency, the casting material is spooned directly into the impression and over the surrounding area and allowed to cure. Only after the cast hardens should the cast be removed from the finger to be treated as an exhibit.

The weapon recovered, along with any photographs, lift(s), or a cast of the impression, should be submitted to a fire arm/toolmark examiner for an analysis. The examiner will perform the comparison of the known hammer spur

characteristics displayed in the photograph, lift, or cast, looking for matches of both class characteristics and accidental characteristics.

The Fairfax County Police Department has been experimenting with this technique for the past 5 years. While a hammer spur impression is not present in all cases of suicide by firearms, it has proven beneficial to the agency in ascertaining the cause of death in many questionable self-inflicted gunshot cases. It is hoped that the information shared here will be beneficial to other agencies.

Anyone desiring additional information on this method should contact Master Police Officer Andrew P. Johnson, Identification Officer, Fairfax County Police Department, 10600 Page Avenue, Fairfax, VA 22030 or phone (703) 246-4204.

FBI

Footnotes

¹Robert J. Barry, "Teenage Suicide—An American Tragedy," *FBI Law Enforcement Bulletin*, vol. 55, No. 4, April 1986, p. 17.

²Eastman Kodak Company, *Using Photography to Preserve Evidence*, 1976 Standard Book Number 0-87985-166-X, pp. 15-20 and 29-33.

Community Sensing Mechanisms

A Police Priorities Study

"... the Edmonton Police Department ... conducted a survey ... to determine business community perceptions of current police services, personal safety and security, police priorities, and future programs. ..."

By
W.J. BROWN

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Contemporary theoretical literature makes the distinction between "open" and "closed" organizations, the main difference being the impact of environmental constraints and circumstances on organizational functioning. Increasingly, organizations are viewed as open social systems existing and conducting transactions within a larger environment.¹ Thus, while some organizations continue primarily to be reactive to their environments, many are proactive, using an array of sensing mechanisms to determine the state of their environment.² This article, however, goes beyond a process simply to evaluate current services; rather, it describes a

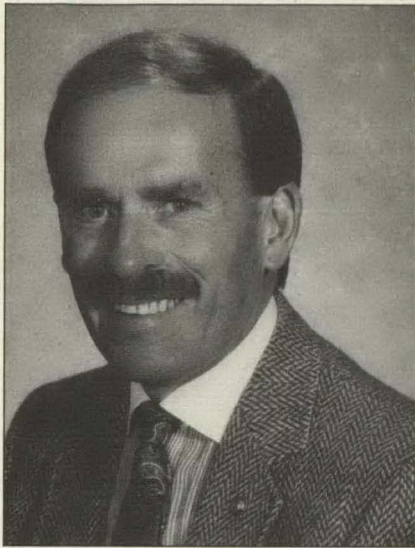
methodology to establish program priorities and to identify future programs and services. This is important for police managers as a guide for program development, priorities setting, and resource allocation.

Methodology

Recognizing the importance of monitoring the environment within which it operates, the Edmonton Police Department, in conjunction with the chamber of commerce, conducted a survey in 1985 to determine business community perceptions of current police services, personal safety and security, police priorities, and future

programs to better serve the business community. The study was undertaken in two phases. Phase I consisted of informal interviews from a cross-section of the business community in order to identify important police issues and related themes. Phase II of the study was the development, distribution, and analysis of a questionnaire derived from variables identified in phase I. After undergoing various revisions, a pretest of the survey was carried out with a small sample of chamber of commerce members to determine questionnaire validity and reliability.

Distribution of the survey to 3,362 chamber of commerce members began



Mr. Brown



Leroy Chahley
Chief of Police

in April 1985, with a telephone followup to increase the response rate commencing in early May. Returned surveys were categorized by date received, and a response rate was calculated. Survey data coding and entry was a continual process until the survey cutoff date in early July; the Statistical Package for Social Sciences (SPSS-X) at the University of Alberta was used for statistical analysis. The final report was released in September 1985, at a joint police department-chamber of commerce news conference. Subsequently, study results were tabled with the police commission for consideration in 1986 priority setting exercises.

Results

Overall response rate for the survey was 27.3 percent, that is, 918 of the total 3,362 chamber of commerce membership completed the questionnaire. The largest group of respondents were between the ages of 30 and 49 (63.4%), were male (84.5%), had post graduate or professional degrees (22.1%), represented the service sector (32.8%), conducted their business from

a single shop/business premise (34.3%), indicated corporate annual gross sales as \$3 million plus (42.2%), and employed 10 to 19 persons (15.8%). Because of the 27.3 percent response rate, it was essential to ensure the sample was representative of the community in order to extrapolate and attribute sample results to the chamber membership at large.

Table 1 shows a fairly close relationship by business sector between the percentage of respondents in the survey sample who completed the questionnaire and total chamber of commerce membership. One can conclude, therefore, that the sample is representative of the business community as a whole.

Evaluation of Police Services

This section of the questionnaire consisted of four questions and several subquestions about first-line response services, such as time taken to answer the telephone, respond to the calls, and investigate the situation. Contrary to what one might believe, the business community does not appear to place a

Table 1
Comparison of percentage distributions
between chamber of commerce and survey sample

SECTOR	CHAMBER MEMBERSHIP%	SURVEY SAMPLE%
1. Retail	10.2	10.9
2. Wholesale	4.7	8.1
3. Manufacturing	14.2	10.9
4. Service	43.1	32.8
5. Distribution	4.7	5.1
6. Professional	13.3	20.2
7. Other	9.9	12.0

"An important component of the evaluation was to determine business persons' perceptions of personal safety and security. . . ."

Table 2
Perceptions of personal safety
and security by time and location

GEOGRAPHIC LOCATION	TIME OF DAY	
	7:00 A.M.- 6:00 P.M.	6:00 P.M. - 7:00 A.M.
Jasper Avenue	76% secure	29% secure
Parkades	As many insecure as secure	13% secure
Shopping center lots	69% secure	As many insecure as secure
Shopping centers	83% secure	68%
Business premises	84% secure	67%
Residence	84% secure	77%
Neighborhood	80% secure	64%
Public parks	60% secure	20%

heavy demand on police services. In the 3 months prior to receiving the questionnaire, 78.7 percent had not requested police assistance at their place of business on business-related matters; similarly, 75.6 percent of business respondents had not had dealings with the police in the previous 3 months on matters of a personal nature. Of those who had requested police assistance at their place of business on business-related matters, 64.3 percent indicated their request was routine. A high percentage of respondents were satisfied with telephone response time, patrol unit response time, and quality of on-scene investigations. The majority of respondents described the police officer's attitude as pleasant, with the impression of the department unchanged as a result of the service provided or citizen-police contact. Ninety-five percent of respondents indicated they would request police assistance again under similar circumstances.

Evaluation of Preventive Programs

Questions in this portion of the questionnaire focused on structured programs delivered to the business community on a nonresponse or preventive basis. A major consideration was the level of business community awareness of business-related programs, such as Merchant Crime Alert, Cooperative Policing Program, and others. Unfortunately, the largest percentage of business respondents (53.5%) were only "somewhat" conversant with business-related police programs. Only 2.2 percent were completely conversant, while 6.4 percent indicated they were conversant a great deal.

In addition, business respondents were asked whether they believed in the value of foot patrols and whether they were visible. Overwhelmingly, respondents (98%) believed in downtown foot patrols, with downtown respondents showing the strongest belief. Gen-

erally, downtown foot patrols were not thought to be visible; 375 respondents (45.8%), the largest percentage, indicated downtown foot patrols were only somewhat visible and 12.7 percent stated they were not at all visible.

Perceptions of Personal Safety and Security

An important component of the evaluation was to determine business persons' perceptions of personal safety and security in various commercial and residential locations by time of day. This was seen as being important in that it was a direct reflection of the public's willingness to shop or conduct business in various areas and important information for police intervention strategies and tactics. Specific locations were identified; these included the main downtown shopping corridor (Jasper Avenue), parkades, shopping center lots, one's place of business, one's residence, neighborhood, and public parks.

"A major function of a police priorities study is to obtain feedback. . . ."

Table 3
Summary of responses regarding police programs

PROGRAM	NUMBER OF RESPONDENTS				VALUE	RANK
	VERY IMPORTANT 4	MODERATELY IMPORTANT 3	SLIGHTLY IMPORTANT 2	NOT AT ALL IMPORTANT 1		
Response To Calls For Service	816	68	12	1	3,493	1
Random Patrols Through Warehouse/Business Areas During Nonbusiness Periods	500	325	59	12	3,105	2
General Patrol Activities	385	436	68	4	2,988	3
Merchant Crime Alert	387	347	101	29	2,820	4
Alarms Monitoring Program	393	308	123	47	2,789	5
Foot Patrols	327	379	132	54	2,763	6
Traffic Control	236	413	195	47	2,620	7
Reportable Vehicle Collision Investigations	224	425	197	45	2,610	8
Cooperative Policing Program	275	387	138	28	2,565	9
Traffic Enforcement	99	335	323	141	2,188	10
Pedestrian Control	99	234	379	179	2,035	11
Active Suppression of Street Prostitutes in the 104/105 St. Area	160	182	300	244	2,030	12
Active Suppression of Street Prostitutes in the 96 St. Area	139	160	330	259	1,955	13

Table 2 clearly demonstrates specific areas where perceptions of personal safety and security are very low, notably, the main downtown shopping corridor (Jasper Avenue) at night, parkades at all times, shopping center lots at night, and public parks at night. It is interesting to note that the percentage (64%) of the business respondents who felt secure in their neighborhoods at night compares favorably with the 60-percent figure generated by the Federal Solicitor General (1982) Victimization

Study. Both figures, however, are at variance with the Edmonton Area Study (1984); in this annual survey, 80 percent of the respondents indicated they felt secure in their own neighborhoods after dark.

Police Priorities

A major function of a police priorities study is to obtain feedback from various stakeholders or constituents about the relative importance of various

programs offered by a police agency. Table 3 illustrates the types of business programs offered and the degree of importance of each.

The results show that response to calls for service is ranked as the most important police program, followed in descending order by random patrols through warehouse/business areas during nonbusiness periods, general patrol activities, and merchant crime alert. The least important police program for the business community at

large is active suppression of street prostitution in two stroll areas of the city; however, a secondary analysis reveals that 77.6 percent of downtown business persons rate suppression of prostitution as being important.

Respondents were also asked whether there were services or programs being provided by the department that ought to be discontinued or transferred to private security agencies; 86.7 percent answered "no" to the question of discontinuing services or programs, while 79 percent answered "no" to the question of transferring services or functions. Of the 13.3 percent (105 respondents) who thought services ought to be discontinued, radar enforcement drew the largest response. Again, a small minority (20 respondents) argued against active suppression of street prostitution. (See table 4.)

Similarly, of the 20.7 percent (160 respondents) who thought services ought to be transferred, traffic enforcement (radar) again was the most important issue, followed in descending order by the alarms monitoring program, traffic control, and reportable vehicle collisions and random patrols through warehouse/business areas. Table 5 shows the complete list of programs or services to be transferred.

Future Programs or Services

The purpose of the last portion of the survey was to identify new programs or services business persons thought were important. This was done by incorporating key themes and issues from the interview process in the questionnaire. The analysis is interesting in that there is slight agreement, but a wide variety of opinion, on new program development. These results provide the

department with direction, but not necessarily strong support for such new programs or services as executive security programs, resource for computer security, prosecution for computer security abuses, business security training, and consultation internal theft investigations.

Discussion and Conclusion

This article describes in some detail a cost-effective sensing mechanism to provide municipal police managers with current information on quality and delivery of current programs, priorities assessment, and identification of future programs and services. It provides long-term direction to police managers in the establishment of or ranking of program priorities and the proper allocation of police resources.

The obvious question is whether such an exercise has cost benefits. It

Table 4
Programs to be discontinued

PROGRAM	NUMBER OF RESPONSES	RANK
Traffic Enforcement (radar)	55	1
Active Suppression of Street Prostitutes in the 96 St. Area	20	2
Active Suppression of Street Prostitutes in the 104/105 St. Area	20	2
Reportable Vehicle Collision Investigations	13	3
Pedestrian Control	11	4
Alarms Monitoring Program	9	5
Traffic Control	4	6
Merchant Crime Alert	2	7
Response to Calls for Service	2	7
General Patrol Activities	2	7
Foot Patrols	1	8
Total Responses	139	

"... a cost-effective sensing mechanism [can] provide municipal managers with current information on quality and delivery of current programs, priorities assessment, and identification of future programs and services."

Table 5
Services to be transferred

PROGRAM	NUMBER OF RESPONSES	RANK
Traffic Enforcement (radar)	43	1
Alarms Monitoring Program	40	2
Traffic Control	36	3
Reportable Vehicle Collision Investigations	27	4
Random Patrols Through Warehouse/Business Areas During Nonbusiness Periods	27	4
Pedestrian Control	23	5
Merchant Crime Alert	7	6
Response to Calls for Service	4	7
General Patrol Activities	4	7
Foot Patrols	3	8
Cooperative Policing Program	1	9
Active Suppression of Street Prostitutes in the 96 St. Area	1	9
Active Suppression of Street Prostitutes in the 104/105 St. Area	1	9
Total Responses	217	

has been argued that the methodology provides a valuable source of information for management and operations decisionmaking, that is, the establishment of correct program priorities and proper allocation of resources.

What do the results of the survey show? First, preventive programs delivery to the business community has produced only a "somewhat conversant" result. Why is the preventive business program not reaching business persons? Are there too few resources being expended? Is the program really essential? Is there a problem with delivery? Should more resources be allocated? Should the program be

discontinued? These are the types of policy issues arising from this type of survey which goes beyond a simple evaluation of current services. In a similar way, the methodology has raised policy questions about beat programs (strong belief in, yet low visibility of, in downtown area), active suppression of street prostitution (lack of support generally yet very important program for downtown business persons, hence suppression activities remain at constant level), impetus for police department input in creation of defensible space through environmental design (important as results indicate for parkades and shopping center parking lots), radar enforcement (the judicious

use of radar to focus on specific traffic problems rather than a "duck pond" approach perceived primarily to be a civic revenue generator), and finally, creation of new programs and services (in this case, there is direction but not strong support from the business community for specific new programs and services).

FBI

Footnotes

¹D. Katz and R.L. Kahn, *The Social Psychology of Organizations* (New York: Wiley and Sons, Inc), 1966.

²W. J. Brown and L.K. Ng, "Operation Citizen Participation," *Journal of Police Science and Administration*, vol. 11, No. 2, 1983; T.H. Plister and J.C. McDavid, "Victim's Evaluations of Police Performance," *Journal of Criminal Justice*, vol. 6, 1978, pp. 133-149; F.F. Fustenberg and C.F. Welford, "Calling the Police: The Evaluation of Police Service," *Law & Society Review*, vol. 7, 1973, pp. 393-406.

National Law Enforcement Officers Memorial Fund



Officers of the Society of Former Special Agents of the FBI, accompanied by EAD John E. Otto, presented a \$5,000 check from the J. Edgar Hoover Memorial Fund to the National Law Enforcement Officers Memorial Fund, demonstrating the close ties among law enforcement professionals, past and present. The memorial, to be erected in Washington, DC, is being built to honor those officers killed in the line of duty.

Pictured, left to right, are (front row), George Hartley, 1988 President of the Society of Former Special Agents of the FBI, Jim Peters, Director of Development for the National Law Enforcement Officers Memorial Fund, EAD Otto, and James McGovern of the Society. In the back row are Charles Stanley, Charles Wyland, George Scatterday, and Eugene Coleman, past officers of the Society.

Sexual Harassment in the Police Station

"Title VII prohibits discrimination based on sex with respect to 'compensation, terms, conditions, or privileges of employment.'"

By
JEFFREY HIGGINBOTHAM, J. D.
Special Agent
Legal Counsel Division
FBI Academy
Quantico, VA

Law enforcement officers of other than Federal jurisdiction who are interested in any legal issue discussed in this article should consult their legal adviser. Some police procedures ruled permissible under Federal constitutional law are of questionable legality under State law or are not permitted at all.

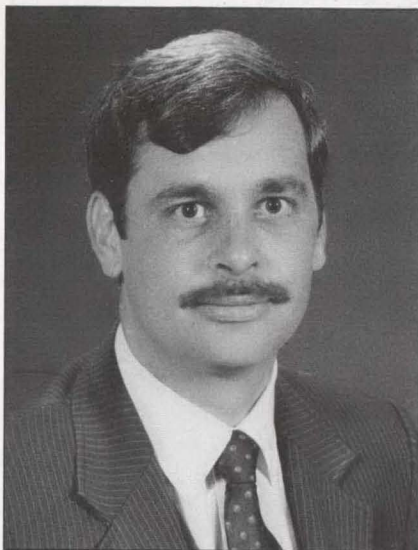
The workplace is changing. More women than ever before are establishing careers where but a few years ago they did not. This influx of women into the workplace affects law enforcement as more women seek a career in this once male-dominated profession. This addition of women to the law enforcement profession is welcome. They can perform alongside men and bring special skills and abilities to law enforcement which increase the effectiveness of the profession.

However, the increasing number of women joining law enforcement also poses a challenge to law enforcement managers and executives. As in many other professions, women joining the law enforcement ranks are sometimes stereotyped by those who believe that they are not capable of being good police officers. Moreover, the addition of women to a male-dominated profession, where notions of machismo may prevail, can create a situation where women are singled out and made to feel unwelcome solely because of their

gender, regardless of their work performance.

The challenge to law enforcement managers and executives is to break down the inaccurate stereotypes attached to women and eliminate any notion of disparate treatment of employees based on gender. While common sense and good management practice dictate this must be done, the law requires it.¹ Under Title VII of the 1964 Civil Rights Act, commonly referred to simply as Title VII, when an employer causes, condones, or fails to eliminate unfair treatment of women in the workplace, liability may be found.²

The purpose of this article is to examine one specific aspect of civil liability suits claiming disparate treatment based on sex. The article will focus on claims of sexual harassment in the workplace. It will examine the definition of sexual harassment, the legal theories underlying sexual harassment liability, the grounds for sexual harassment claims, and civil liability of



Special Agent Higginbotham

employers and co-workers for sexual harassment. The article will conclude with recommended measures for eliminating sexual harassment in the workplace and thus reducing the risk of a successful lawsuit alleging claims of sexual harassment.

Sexual Harassment: A Definition

It is somewhat difficult to provide a precise definition of conduct which constitutes sexual harassment. It is apparently more easily recognized than defined. Sexual harassment falls within the broader, prohibited practice of sex discrimination and may occur when an employee is subjected to unequal and unwelcome treatment based solely on the employee's sex.

Specific guidance on the types of conduct which would constitute sexual harassment is provided in the Equal Employment Opportunity Commission's Guidelines on Discrimination Because of Sex.³ These guidelines, though not carrying the force of law, "constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance."⁴ The guidelines describe sexual harassment as follows:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct

has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."⁵

In general, sexual harassment can take two forms. First, sexual harassment exists when an employee is requested or required to engage in or submit to a sexual act as a term or condition of a job benefit or assignment. Second, sexual harassment may arise when the comments, conduct, or actions of the employer, supervisors, or co-workers create an unwelcome and hostile work environment for an employee based on gender. Both denigrate the workplace and must be prevented.

Sexual Harassment: Theories Of Liability

Since by general definition sexual harassment falls into two categories, it is not surprising that courts have imposed liability on employers and co-workers for participating in, condoning, or permitting sexual harassment at work under two parallel theories. These two theories upon which liability may be found have been referred to as *quid pro quo* liability and *hostile environment* liability.⁶

Quid pro quo liability is established when a sexual act is the condition precedent before an individual is hired, promoted, or the recipient of any other job benefit. The converse is also true. *Quid pro quo* liability can be found where the refusal to engage in a sexual act is the reason for the refusal to hire, the firing, denied promotion, or withheld job benefit. Unlike the hostile working environment theory, the plaintiff in a *quid pro*

“... when an employer causes, condones, or fails to eliminate unfair treatment of women in the workplace, liability may be found.”

quo case must show the sexual demand was linked to a tangible, economic aspect of an employee's compensation, term, condition, or privilege of employment.⁷

Much to the credit of law enforcement managers, cases where a plaintiff successfully demonstrated that submission to a sexual act was a condition of employment are rare. This is as it should be. In a profession sworn to uphold the law and defend the civil and constitutional rights of all persons, it would be the ultimate paradox to condition the benefits of employment on the relinquishment of an employee's own civil rights.

The second legal theory upon which sexual harassment can be predicated is the hostile working environment. Individuals who must work in an atmosphere made hostile or abusive by the unequal treatment of the sexes are denied the equal employment opportunities guaranteed to them by law and the Constitution.⁸ As the Court of Appeals for the 11th Circuit said:

“Sexual harassment which creates a hostile or offensive environment for members of one sex is every bit the arbitrary barrier to sexual equality at the workplace that racial harassment is to racial equality. Surely, a requirement that a man or woman run a gauntlet of sexual abuse in return for the privilege of being allowed to work and make a living can be as demeaning and disconcerting as the harshest of racial epithets.”⁹

The elements of a hostile environment case were most clearly spelled

out in *Henson v. City of Dundee*.¹⁰ To prevail in such a suit, the court noted that a plaintiff must establish four elements. First, as in all Title VII cases, the employee must belong to a protected group. This requires only “a simple stipulation that the employee is a man or a woman.”¹¹ Second, the employee must show that he/she was subject to unwelcome sexual harassment. Third, the harassment complained of was based upon sex, and but for the employee's gender, the employee would not have been subjected to the hostile or offensive environment. Fourth, the sexual harassment affected a term, condition, or privilege of employment.

It can easily be seen that the greatest attention is focused on factors two, three, and four. If a plaintiff can establish each of those elements, with membership in a protected group being a given, then a claim of sexual harassment has been stated and liability may attach. Because these three factors form the core of the sexual harassment claim, each will be discussed in turn.

Unwelcome Sexual Harassment

In 1986, the Supreme Court had the occasion to address the issue of what constituted unwelcome sexual harassment. In *Meritor Savings Bank v. Vinson*,¹² a bank employee alleged that following completion of her probationary period as a teller-trainee, her supervisor invited her to dinner, and during the course of the meal, suggested they go to a motel to have sexual relations. The employee first declined, but eventually agreed because she feared she might lose her job by refusing. Thereafter, over the course

of the next several years, the employee alleged her superior made repeated demands of her for sexual favors. She alleged she had sexual intercourse 40-50 times with her superior, was fondled repeatedly by him, was followed into the women's restroom by him, and even forcibly raped on several occasions. In defending the suit, the defendant-bank averred that because the employee had voluntarily consented to sexual relations with her superior, the alleged harassment was not unwelcome and not actionable.

The Supreme Court disagreed. The Court stated that “the fact that sex-related conduct was ‘voluntary,’ in the sense that the complainant was not forced to participate against her will, is not a defense to a sexual harassment suit brought under Title VII.”¹³ The focus of a sexual harassment claim “is whether [the employee] by her conduct indicated that the alleged sexual advances were unwelcome, not whether her actual participation in sexual intercourse was voluntary.”¹⁴ Sexually harassing conduct is unwelcome if the “employee did not solicit it or invite it, and the employee regarded the conduct as undesirable or offensive.”¹⁵

The determination of whether specific conduct, even if “voluntary,” constitutes unwelcome sexual harassment is a fact-bound inquiry.¹⁶ Each case brings different facts and parties, leading to potentially different results. However, the courts have provided some guidance as to the types of facts which are relevant in determining whether conduct complained of in a sexual harassment suit is unwelcome.

For example, in *Meritor Savings Bank v. Vinson*,¹⁷ the Supreme Court noted:

"While 'voluntariness' in the sense of consent is not a defense to such a claim, it does not follow that a complainant's sexually provocative speech or dress is irrelevant as a matter of law in determining whether he or she found particular sexual advances unwelcome. To the contrary, such evidence is obviously relevant."¹⁸

Thus, the Supreme Court ruled that to some extent,¹⁹ the employee's own conduct is at issue when he/she files suit alleging sexual harassment. The nature of relevant employee conduct extends to the employee's participation in office vulgarities and sexual references,²⁰ the employee's nonwork conduct where a moral and religious character particularly sensitive to sexual jokes is claimed,²¹ and to prove that the employee actually initiated the sexual advance or innuendo.²² Also relevant to the issue of "unwelcome" conduct is whether and when the employee complained. At least two courts have ruled that a failure to report instances of alleged sexual harassment, where the opportunity and mechanism to do so existed, was proof that the conduct later complained of was not genuinely offensive or unwelcome.²³

Whether conduct is "unwelcome" is a "totality of circumstances" analysis. Conduct alleged to be sexual harassment must be judged by a variety of factors, including the nature of the conduct; the background, experience, and actions of the employee; the background, experience, and actions of co-workers and supervisors; the physical environment of the workplace; the lexicon of obscenity used; and an objective analysis of how a reasonable

person would react to and respond in a similar work environment.²⁴ However, rather than risk making an incorrect *ad hoc* determination of whether conduct is or is not unwelcome in each instance of alleged sexual harassment, police managers should be prepared to take appropriate action when conduct directed against employees because of sex first appears to be offensive and unwelcome.

Harassment Based On Sex

As stated earlier, the second major element of a Title VII claim of hostile environment sexual harassment requires that the harassment be directed against an employee based on the employee's gender. Conduct which is offensive to both sexes is not sexual harassment because it does not discriminate against any protected group.²⁵ "The essence of a disparate treatment claim under Title VII is that an employee . . . is intentionally singled out for adverse treatment on the basis of a prohibited criterion."²⁶

The prohibited criterion here is, of course, an employee's gender. In *quid pro quo* cases, this requirement is self-evident. The request or demand for sexual favors is made because of the employee's sex and would not otherwise have been made. However, discrimination based on gender is not always as clear in a hostile environment case. "In proving a claim for a hostile work environment due to sexual harassment, . . . the plaintiff must show that but for the fact of her [or his] sex, [the employee] would not have been the object of harassment."²⁷

The term "sexual harassment" usually brings to mind sexual advances or acts and comments and jokes relat-

ing to sexual activities. However, while sexual harassment includes all those types of conduct if they are unwelcome, the concept itself is broader. Any unwelcome conduct aimed at an employee which would not have occurred but for the employee's sex is sexual harassment. For example, in *Hall v. Gus Construction Co.*,²⁸ three female employees of a road construction firm filed suit alleging sexual harassment by fellow male employees. The conduct complained of included the use of sexual epithets and nicknames, repeated requests to engage in sexual activities, physical touching and fondling of the women, the exposure of the men's genitals, "mooning," the display to the women of obscene pictures, urinating in the women's water bottles and gas tank of their work truck, refusal to perform necessary repairs on the work truck until a male user complained, and refusal to allow the women restroom breaks in a town near the construction site. The defendant construction company argued that some of the conduct — such as the urinating in water bottles and gas tanks, the refusal to perform needed repairs on the truck, and the denial of restroom breaks — could not be considered as sexual harassment because the conduct, though perhaps inappropriate, was not sexually oriented.

The court disagreed. It concluded that the "incidents of harassment and unequal treatment . . . would not have occurred but for the fact that [the employees] were women. Intimidation and hostility toward women because they are women can obviously result from conduct other than explicit sexual advances."²⁹ Additionally, there is no requirement that the incidents, sexually

"Any unwelcome conduct aimed at an employee which would not have occurred but for the employee's sex is sexual harassment."

oriented or not, be related to or part of a series of events. Sexual harassment can be based on repeated, though unrelated, events.³⁰

Police managers and executives should be aware that any type of unwelcome conduct which is directed at an employee because of that person's gender may constitute sexual harassment. The lesson, as before, is to be alert and stifle any conduct which threatens disparate treatment because of the employee's sex.

Harassment Affecting A Condition Of Employment

Title VII prohibits discrimination based on sex with respect to "compensation, terms, conditions, or privileges of employment."³¹ While it can readily be seen how the *quid pro quo* theory of a sexual harassment claim is sex discrimination with regard to compensation, terms, conditions, or privileges of employment, how can a sexually hostile environment affect a condition of employment, if no economic or tangible job detriment is suffered?³²

The answer is simple. One of the conditions of any employment is the psychological well-being of the employees.³³ Where the psychological well-being of employees is adversely affected by an environment polluted with abusive and offensive harassment based solely on sex, Title VII provides a remedy. "[T]he language of Title VII is not limited to 'economic' or 'tangible' discrimination. The phrase 'terms, conditions or privileges of employment' evinces a congressional intent 'to strike at the entire spectrum of disparate treatment of men and women' in employment."³⁴

However, this is not to say that any conduct, no matter how slight, directed against an employee because of sex constitutes a hostile working environment. "For sexual harassment to be actionable, it must be sufficiently severe or pervasive 'to alter the conditions of the victim's employment and create an abusive working environment.'"³⁵ Isolated incidents³⁶ or genuinely trivial ones³⁷ will not give rise to sexual harassment liability. Not every sexual epithet or comment will affect the conditions of employment to a sufficiently significant degree to create a hostile environment in violation of Title VII. Nonetheless, law enforcement management must realize that Title VII obligates it to provide a workplace where the psychological health of its employees is protected against sexual harassment.

Grounds For Sexual Harassment Claims

Generalizations about the kinds of conduct which translate into a legal finding of sexual harassment are difficult since each case is a fact-oriented determination involving many factors. However, an analysis of the cases indicates that at least three broad categories of conduct can be identified which, if found, generally lead to a legal finding of sexual harassment.

First, invariably when allegations of *quid pro quo* sexual harassment are proved, liability follows.³⁸ That such is the case is not surprising. Demands for sex acts in exchange for job benefits are the most blatant of all forms of sexual harassment. In addition, where a job benefit is denied because of an employee's refusal to submit to the sexual demand, a tangible or economic loss is

readily established. The primary difficulty in a *quid pro quo* case is in carrying the burden of proof and establishing that the event(s) complained of actually occurred. Because such incidents usually occur in private conversations, the cases often involve a one-on-one contest of testimony.³⁹ However, if the employee sufficiently proves the event(s) happened, courts readily conclude sexual harassment existed.

Second, courts frequently conclude sexual harassment exists where the conduct complained of was intentionally directed at an employee because of the employee's gender, was excessively beyond the bounds of job requirements, and actually detracted from the accomplishment of the job. When the conduct becomes so pervasive that the offending employee's attention is no longer focused on job responsibilities and significant time and effort is diverted from work assignments to engage in the harassing conduct, courts will generally conclude that sexual harassment exists.

This principle can be illustrated by examining two law enforcement-related cases. In *Vermett v. Hough*,⁴⁰ a female law enforcement officer alleged sexual harassment by her co-workers. One specific act alleged to have been offensive to her was a male officer placing a flashlight between her legs from behind. The court ruled that the conduct was nothing more than "horseplay"⁴¹ and a stress-relief mechanism in a high-pressure job. The "horseplay" was viewed by the court to be more indicative of the female's acceptance as a co-worker than sexual harassment. Moreover, "horseplay" was an occasional

visitor in the police station but not on an inordinate basis.

The second case, *Arnold v. City of Seminole*,⁴² illustrates the other side of the coin — office joking out of control leading to sexual harassment. In *Arnold*, a female officer chronicled a series of events and conduct to which she was subjected because she was female. Among the offensive conduct which created a hostile working environment were the following: 1) A lieutenant told her he did not believe in female police officers; 2) superior officers occasionally refused to acknowledge or speak to her; 3) obscene pictures were posted in public places within the police station with the female officer's name written on them; 4) epithets and derogatory comments were written next to the officer's name on posted work and leave schedules; 5) false misconduct claims were lodged against her; 6) work schedules were manipulated to prevent the female officer from being senior officer on duty, thus denying her command status; 7) she was singled out for public reprimands and not provided the required notice; 8) members of the female officer's family were arrested, threatened, and harassed; 9) other officers interfered with her office mail and squad car; 10) attempts to implicate the female officer in an illegal drug transaction were contemplated; and 11) the female officer was not provided equal access to station house locker facilities. Based on this amalgam of proof, which far exceeded any colorable claim of office camaraderie, the court ruled that the female officer had indeed been subjected to an openly hostile environment based solely on her sex.

A note of caution is in order. The line between innocent joking that con-

tributes to *esprit de corps* and offensive sexual harassment can be a fine one. Police managers should be cognizant of such conduct and be prepared to take immediate and corrective action at the first moment it appears to be in danger of exceeding acceptable bounds.

The third category where sexual harassment will generally be found arises from conduct or statements reflecting a belief that women employees are inferior by reason of their sex or that women have no rightful place in the work force. For example, where a supervisory employee stated, among other things, that he had no respect for the opinions of another employee because she was a woman, sexual harassment was found.⁴³ Similarly, a supervisor who treated his male employees with respect but treated his women employees with obvious disdain, used the terms "babe" and "woman" in a derogatory fashion, and indicated his belief that women should not be working at all was found to have sexually harassed his female employees.⁴⁴

While the law alone cannot realistically dispossess people of their personal prejudices, it can require that they not exhibit them in the workplace. Police managers have the responsibility to see that they do not.

Liability For Sexual Harassment

One of the primary goals of Title VII is to eliminate sexual harassment from the workplace.⁴⁵ However, to the extent it does not, civil liability remedies are available against both the employer and the offending co-workers. Both are matters of concern for law enforcement managers.

The Supreme Court in *Meritor Savings Bank v. Vinson*⁴⁶ made it clear that an employer would not be held liable simply because sexual harassment occurred in the workplace. Rather, the Court ruled that employer liability would be guided by agency principles, though it declined "to issue a definitive rule on employer liability."⁴⁷

The lower courts have consistently applied agency principles to effect a remedy for sexual harassment. Three such principles can be identified. First, where a supervisory employee engages in *quid pro quo* sexual harassment, i.e., the demand for sex in exchange for a job benefit, the employer is liable. As one court explained:

"In such a case, the supervisor relies upon his apparent or actual authority to extort sexual consideration from an employee. . . . In that case the supervisor uses the means furnished to him to accomplish the prohibited purpose. . . . Because the supervisor is acting within at least the apparent scope of the authority entrusted to him by the employer when he makes employment decisions, his conduct can fairly be imputed to the source of his authority."⁴⁸

Second, in cases where a plaintiff has successfully proved that sexual harassment by supervisory employees created a hostile working environment, courts will hold the employer liable. The Fourth Circuit Court of Appeals noted this to be the rule:

"[O]nce the plaintiff in [a sexual harassment] case proves that harassment took place, the most difficult legal question typically will

“... ‘the mere existence of a grievance procedure and a policy against discrimination’ will not by itself insulate an employer from liability.”

concern the responsibility of the employer for that harassment. *Except in situations where a proprietor, partner or corporate officer participates personally in the harassing behavior*, the plaintiff will have the additional responsibility of demonstrating the propriety of holding the employer liable under some theory of *respondeat superior*.⁴⁹

Third, if the sexually hostile working environment is created at the hands of co-workers, the employer will be liable only if it knew or reasonably should have known of the harassment and took no remedial action. It is the burden of the offended employee to “demonstrate that the employer had actual or constructive knowledge of the existence of a sexually hostile working environment and took no prompt and adequate remedial action.”⁵⁰ Actual knowledge includes situations where the unwelcome, offensive conduct is observed or discovered by a supervisory or management-level employee⁵¹ and where supervisory employees are personally notified of the alleged sexual harassment.⁵² Constructive knowledge arises when the sexually harassing conduct is so widespread or pervasive that knowledge is imputed to the employer.⁵³ “[A]bsence of [actual] notice to an employer does not necessarily insulate that employer from liability.”⁵⁴

These three principles suggest the manner in which sexual harassment liability can be prevented. Law enforcement managers and executives must not engage or participate in any conduct which constitutes sexual harass-

ment. In addition, when such conduct comes to its attention, corrective action must be taken. Further, management has an affirmative obligation to monitor the workplace to ensure sexual harassment does not become a widespread practice.

Though the remedies available under Title VII are directed only against the employer and are limited by statute to primarily equitable relief,⁵⁵ not including compensatory damages,⁵⁶ other remedies may also be available to impose liability against employers or co-workers for sexual harassment claims. In addition to the relief available under Title VII, a plaintiff may seek monetary damages for a violation of Federal civil and constitutional rights,⁵⁷ as well as for State tort violations.⁵⁸ The important point to be noted is that liability may not be appropriate where no sexual harassment exists or where the employer takes swift remedial action.⁵⁹ The primary goal of law enforcement managers and executives should be to prevent the occurrence of any type of sexual harassment. If it does exist, sexual harassment must quickly be discovered and stopped. If this is done, no liability will attach.

Policy Recommendations

Since the potential for sexual harassment allegations and lawsuits exists in any workplace where men and women are co-workers, law enforcement must be prepared to respond if it occurs at the police station. Perhaps the best way to do so is to establish clear policy and procedure along the ensuing line.

First, the policy must identify that conduct which constitutes sexual har-

assment. It should include by definition both the request or demand for sexual favors in exchange for job benefits and any unwelcome sexual advances, physical contact, verbal contact, or other conduct directed against an employee by any other employee or supervisor because of the employee's sex which creates a hostile working environment. Consideration should also be given to a training program which emphasizes and reinforces the definition of sexual harassment so that a common understanding of all employees is achieved. Second, the policy and procedure must prohibit the offensive conduct and provide for appropriate remedial and punitive measures which will be taken if the policy is violated.

A mandatory and accessible grievance procedure should also be established so that police management can become aware of any sexual harassment and move quickly to resolve it. Care must be taken, however, not to establish a single-chain grievance procedure. Rather, multiple persons should be authorized to receive sexual harassment complaints so that an employee is not stifled by a requirement to report the harassment to the very person who may be the offender. Consideration should also be given to having persons of both sexes named as grievance counselors so that no unnecessary discomfort is required of an employee who alleges sexual harassment which would be embarrassing to discuss with a member of the opposite sex.

Lastly, the policy and procedure should establish a mechanism for the thorough and timely investigation of

sexual harassment complaints. All employee allegations of sexual harassment should be treated seriously since each complaint constitutes actual knowledge of a potential problem in terms of an employer's civil liability. Finally, law enforcement management must effectively resolve each instance of sexual harassment. The importance of this last requirement cannot be overstated. Besides the self-evident need to do so for sound management principles alone, the Supreme Court has noted that "the mere existence of a grievance procedure and a policy against discrimination"⁶⁰ will not by itself insulate an employer from liability. The grievance procedure must effectively resolve problems.

Conclusion

Though persons of either sex are subject to and entitled to protection against sexual harassment, litigated cases indicate that women are more often the victims of sexual harassment than men. Law enforcement may be vulnerable to that trend because of the rising numbers of women choosing this previously male-dominated profession. Law enforcement executives should be alert to the possibility of sexual harassment in their departments and agencies and move swiftly to eliminate it if it exists. To guard against exposure to civil liability, police agencies should have policy and procedure to redress instances of sexual harassment. The policy and procedure should be readily available, designed to encourage victims of harassment to come forward, provide for swift and thorough investigations, and be followed by decisive and appropriate sanction.

FBI

Footnotes

- ¹42 U.S.C. §2000e-2(a)(1) makes it "an unlawful employment practice for an employer . . . to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's . . . sex."
- ²See, e.g., 42 U.S.C. §§2000e-5 and 2000e-6.
- ³29 C.F.R. §1604.11 (1987).
- ⁴*General Electric Co. v. Gilbert*, 429 U.S. 125, 141-142 (1976).
- ⁵29 C.F.R. §1604.11(a).
- ⁶*Katz v. Dole*, 709 F.2d 251 (4th Cir. 1983).
- ⁷*Henson v. City of Dundee*, 682 F.2d 897 (11th Cir. 1982). See also, *Vermett v. Hough*, 627 F.Supp. 587 (W.D. Mich. 1986).
- ⁸*Supra* note 1. See also, U.S. Constitution, amendment 14.
- ⁹*Henson v. City of Dundee*, *supra* note 7, at 902.
- ¹⁰682 F.2d 897 (11th Cir. 1982).
- ¹¹*Id.* at 903.
- ¹²106 S.Ct. 2399 (1986).
- ¹³*Id.* at 2406.
- ¹⁴*Id.*
- ¹⁵*Moylan v. Maries County*, 792 F.2d 746 (8th Cir. 1986).
- ¹⁶*Meritor Savings Bank v. Vinson*, 106 S.Ct. 2399, 2406 (1986).
- ¹⁷*Id.*
- ¹⁸*Id.* at 2407.
- ¹⁹The Supreme Court noted that a trial court must exercise its discretion to decide whether the relevance of the evidence is outweighed by the danger of unfair prejudice, but may not establish a *per se* rule excluding such evidence. *Id.*
- ²⁰See, *Loffin-Boggs v. City of Meridian*, 633 F.Supp. 1323 (S.D. Miss. 1986), *aff'd*, 824 F.2d 921 (5th Cir. 1987), *cert. denied*, 108 S.Ct. 1021 (1988).
- ²¹*Laudenslager v. Covert*, 45 F.E.P. Cas. 907 (Mich. Ct. App. 1987).
- ²²*Highlander v. K.F.C. National Management Co.*, 805 F.2d 644 (6th Cir. 1986).
- ²³See, *Silverstein v. Metroplex Communications*, 678 F.Supp. 863 (S.D. Fla. 1988); *Neville v. Taft Broadcasting Co.*, 42 F.E.P. Cas. 1314 (W.D.N.Y. 1987). However, in *Meritor Savings Bank v. Vinson*, *supra* note 12, the Supreme Court refused to hold that the failure of an employee to use an employer's grievance procedure automatically insulated the employer from liability. That issue was "plainly relevant" but not conclusive. 106 S.Ct. at 2409.
- ²⁴*Rabidue v. Osceola Refining Co.*, 805 F.2d 611 (6th Cir. 1986); see also, 29 C.F.R. §1604.11(b).
- ²⁵See, e.g., *Henson v. City of Dundee*, *supra* note 7. See also, *Bohen v. City of East Chicago, Ind.*, 799 F.2d 1180 (7th Cir. 1986) (conduct equally offensive to men and women is not a violation of equal protection).
- ²⁶*Henson v. City of Dundee*, *supra* note 7, at 903.
- ²⁷*Id.* at 904.
- ²⁸842 F.2d 1010 (8th Cir. 1988).
- ²⁹*Id.* at 1014.
- ³⁰*Vermett v. Hough*, 627 F.Supp. 587 (W.D. Mich. 1986).
- ³¹42 U.S.C. §2000e-2(a)(1).
- ³²See, *Meritor Savings Bank v. Vinson*, 106 S.Ct. 2399, 2404 (1986). The existence of a tangible effect on a condition of employment is inconsequential. No economic or tangible job detriment need be suffered at all.
- ³³*Rogers v. EEOC*, 454 F.2d 234 (5th Cir. 1971), *cert. denied*, 406 U.S. 957 (1972); *Meritor Savings Bank*

- v. Vinson*, 106 S.Ct. 2399, 2405 (1986). See also, *Broderick v. Ruder*, _____ F. Supp. _____, (No. 86-1834 D.D.C. 5/13/88) (Sexual activities in the workplace between other employees can affect the psychological well-being of an employee and create a hostile environment).
- ³⁴*Meritor Savings Bank v. Vinson*, 106 S.Ct. at 2404 (citations omitted).
- ³⁵*Id.* at 2406.
- ³⁶See, *Fontanez v. Aponte*, 660 F.Supp. 145 (D. Puerto Rico 1987); *Sapp v. City of Warner Robins*, 655 F.Supp. 1043 (M.D. Georgia 1987); *Strickland v. Sears, Roebuck & Co.*, 46 F.E.P. Cas. 1024 (E.D. Va. 1987); *Petrosky v. Washington-Greene County Branch*, 45 F.E.P. Cas. 673 (W.D. Pa. 1987).
- ³⁷See, *Moylan v. Maries County*, *supra* note 15; *Katz v. Dole*, *supra* note 6.
- ³⁸See, e.g., *Arnold v. City of Seminole*, 614 F.Supp. 853 (E.D. Oklahoma 1985). See also, discussion at footnote 48 and accompanying text, *infra*.
- ³⁹See, *Lake v. Baker*, 662 F.Supp. 392 (D.D.C. 1987).
- ⁴⁰627 F.Supp. 587 (W.D. Michigan).
- ⁴¹*Id.* at 599.
- ⁴²614 F.Supp. 853 (E.D. Oklahoma 1985).
- ⁴³*Porta v. Rollins Environmental Services*, 654 F.Supp. 1275 (D.N.J. 1987), *aff'd*, 845 F.2d 1014 (3d Cir. 1988).
- ⁴⁴*DelGado v. Lehman*, 665 F.Supp. 460 (E.D. Va. 1987).
- ⁴⁵See, *Arnold v. City of Seminole*, 614 F.Supp. 853, 872 (E.D. Oklahoma 1985). See also, 29 C.F.R. §1604.11(f).
- ⁴⁶*Supra* note 12.
- ⁴⁷106 S.Ct. at 2408.
- ⁴⁸*Henson v. City of Dundee*, 682 F.2d 897, 910 (11th Cir. 1982).
- ⁴⁹*Katz v. Dole*, 709 F.2d 251, 255 (4th Cir. 1983) (emphasis added).
- ⁵⁰*Id.* at 255.
- ⁵¹*Hall v. Gus Construction Co.*, 842 F.2d 1010, 1016 (8th Cir. 1988).
- ⁵²*Sapp v. City of Warner Robins*, 655 F.Supp. 1043, 1050 (M.D. Ga. 1987). See also, *Hall v. Gus Construction Co.*, *supra* note 51, at 1016.
- ⁵³See, e.g., *Arnold v. City of Seminole*, *supra* note 42; *Hall v. Gus Construction Co.*, *supra* note 51; *Henson v. City of Dundee*, *supra* note 10.
- ⁵⁴*Meritor Savings Bank v. Vinson*, *supra* note 12, at 2408.
- ⁵⁵See, 42 U.S.C. §2000e-5(g).
- ⁵⁶See, e.g., *Arnold v. City of Seminole*, 614 F.Supp. 853, 871 (E.D. Oklahoma 1985).
- ⁵⁷See, e.g., *Johnson v. Ballard*, 644 F.Supp. 333 (N.D. Ga. 1986); *Bohen v. City of East Chicago, Ind.*, *supra* note 25; *Brown v. Town of Allentown*, 648 F.Supp. 831 (D.N.H. 1986); *Hunt v. Weatherbee*, 626 F.Supp. 1097 (D. Mass. 1986).
- ⁵⁸See, e.g., *Brown v. Town of Allentown*, *supra* note 57; *Priest v. Rotary*, 634 F.Supp. 571 (N.D. Cal. 1986); *Owens v. Turnage*, 46 F.E.P. Cas. 528 (D.N.J. 1988).
- ⁵⁹See, e.g., *Sapp v. City of Warner Robins*, *supra* note 52; *Strickland v. Sears, Roebuck & Co.*, 46 F.E.P. Cas. 1024 (E.D. Va. 1987); *Smemo-Rosenquist v. Meredith Corp.*, 46 F.E.P. Cas. 531 (D. Ariz. 1988).
- ⁶⁰*Meritor Savings Bank v. Vinson*, 106 S.Ct. 2399, 2408 (1986). See also, *Vermett v. Hough*, *supra* note 7; *Katz v. Dole*, *supra* note 6.

Book Review

Police Professionalism: The Renaissance of American Law Enforcement, by Thomas J. Deakin, J.D., Charles C. Thomas, publisher, 2600 South First Street, Springfield, IL 62794-9265, \$43.50, 342 pages.

As former FBI Director Clarence M. Kelley points out in his foreword, "The police have led the way toward their own professionalism, and today our citizens, realizing this, have joined with police and the entire criminal justice system to make our communities safer." It is this leadership from within law enforcement to develop its own professionalism which Thomas Deakin describes in detail with a number of illustrative examples contained in what is basically a chronological narrative. Deakin has drawn extensively on knowledge gained firsthand during his FBI career regarding that agency's significant role over the years in providing that leadership toward professionalism which came from within the evolving profession itself.

Deakin traces the origins of police professionalism in America during the period from 1890 to 1910, with the movement toward depoliticizing police departments in major cities and the adoption of the military model, which itself would lead to criticism of police professionalism in the 1960's. The early years also saw the initiation of formal police instruction in this country, the beginnings of a police literature, and the birth of the IACP.

No small tribute is paid to several individuals whose efforts were instrumental in the development of police professionalism. Deakin singles out August Vollmer, whose ideas and influence extended far beyond the relatively small confines of Berkeley, CA, and shaped the foundations for police training, application of science and technology to criminal investigations, and nationwide exchange of information among the growing number of new professionals in law enforcement. J. Edgar Hoover termed the 1930's a renaissance in law enforcement professionalism (after the initial surge receded somewhat in the 1920's), and

as Deakin aptly chronicles, Hoover's FBI played a leading role in that "renaissance," both in the eyes of the law enforcement profession and especially in the perception of the American public.

Following the "renaissance" came what Deakin terms "the efficiency era," as personified by Orlando W. Wilson, academician and administrator. The author candidly notes that Wilson's contributions to this era of police professionalism came without the cooperation of Hoover and the FBI. The same point is made regarding the expanded role of the IACP under Quinn Tamm, who had retired from the FBI as an assistant director.

A product of "the efficiency era," the California style of policing based on the military model and often referred to as "stranger policing," was one of a number of aspects of police professionalism severely questioned in the aftermath of the urban riots of the 1960's. This questioning led to a "second renaissance" of policing in America, with the tone being set by such leaders as Patrick V. Murphy and Clarence Kelley. Deakin closely examines the redefinition of police professionalism which resulted, as well as the accompanying redirection and significant expansion of the service role of the FBI in enhancing the professionalism of State and local law enforcement agencies.

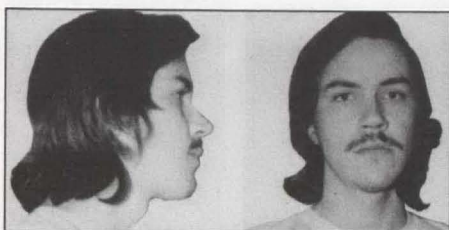
Deakin concludes by citing several recent developments as good omens of how the new professionalism will serve its practitioners in the future. These include a return to applications of foot patrols in community policing, the research programs of the Police Foundation, and finally, accreditation, described in one quotation as "a culmination of a growing professionalism."

Chief John E. Granfield
Fairfax County, VA, Police Department

WANTED BY THE FBI

Any person having information which might assist in locating these fugitives is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC 20535, or the Special Agent in Charge of the nearest FBI field office, the telephone number of which appears on the first page of most local directories.

Because of the time factor in printing the FBI Law Enforcement Bulletin, there is the possibility that these fugitives have already been apprehended. The nearest office of the FBI will have current information on the fugitives' status.



Photographs taken 1978

Joseph Arlin Shepherd,

also known as Joe Sheperd, Joe Shepherd, Joseph Arlen Shepherd, Joseph A. Shepherd, Joseph Arlon Shepherd, Joseph Arlond Shepherd.

W; born 1-5-53; Sweetwater, TN; 6'; 150 to 155 lbs; slender bld; brn hair; green eyes; med comp; occ-auto mechanic, laborer; remarks: Reportedly illiterate; scars and marks: Scar left forearm.

Wanted by FBI for INTERSTATE FLIGHT-MURDER, AGGRAVATED ASSAULT

NCIC Classification:

POPIPMPO17DIPO17PI19

Fingerprint Classification:

17 O 29 W IMO 17

I 28 W OOI

I.O. 4819

Social Security Numbers Used: 411-94-4104; 411-54-4404

FBI No. 877 750 K10

Caution

Shepherd, an escapee from custody who may be armed with a shotgun, is being sought in connection with the sexual assault and murders of two teenage females whose bodies were found buried in shallow graves. Shepherd, who has also been charged with assaulting a police officer, reportedly has stated he would not be taken alive. He should be considered armed, dangerous, and an escape risk.



Left ring fingerprint



Photograph taken 1977

Leo Joseph Koury,

also known as Mike Decker, Leo J. Koury. W; born 7-14-34; Pittsburgh, PA; 5'11"; 240 lbs; hvy bld; blk hair; brn eyes; dark comp; occ-restaurant operator, baseball umpire; remarks: Reported to be a diabetic requiring insulin shots.

Wanted by FBI for RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS-MURDER, EXTORTION, ATTEMPTED MURDER

NCIC Classification:

121013CO15TTAA12CI14

Fingerprint Classification:

12 9 U OOO 15 Ref: 1
2 tA OI 2

I.O. 4824

Social Security Number Used: 224-38-4566

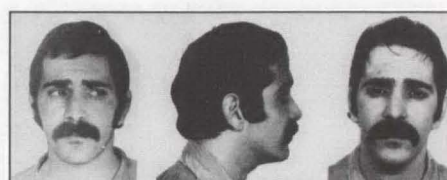
FBI No. 738 312 B

Caution

Koury, a known organized crime figure who operated several Virginia restaurants frequented by the gay community, is being sought in connection with the shooting murders of two individuals and attempted contract murder of three others. He is also wanted for conspiracy to kidnap an individual for a substantial ransom payment. Koury should be considered armed and extremely dangerous.



Right index fingerprint



Photographs taken 1971 and 1973

Luis R. Archuleta,

also known as Lorenzo Buscateri, Lawrence Carbone, Jose Martinez Lopez, Lawrence Larry Pasateri, Ramon Benito Trevino Pedrosa, Benito Trevino Pedroza, Larry Pusateri, Larry Lurcea Pusateri, Larry Luneca Pusateri, Lawrence Pusateri (True Name), Lawrence Carbone Pusateri; Lorenzo Pusateri, and others.

W; born 1-6-43; Brooklyn, NY; 5'7"; 150 lbs; med bld; brn hair; brn eyes; med comp; occ-barber; scars and marks: Scar on left eye; tattoos: Cross with branch of flowers and "GLORIA" on left arm, butterfly and woman's head on right arm, rose on chest, rosary entwined with madonna on back.

Wanted by FBI for INTERSTATE FLIGHT-ESCAPE, HOLDING HOSTAGES

NCIC Classification:

PO6712PO142065PMPI15

Fingerprint Classification:

17 O 11 R OOO 14 Ref: 11
L 18 R OMI 20

I.O. 4810

Social Security Number Used: 549-56-8517

FBI No. 817 439 D

Caution

Archuleta, using a .38-caliber handgun, held a prison guard hostage during his escape from custody. At the time of escape, he was serving a lengthy sentence for shooting and seriously wounding a police officer. Consider Archuleta armed, dangerous, and an escape risk.



Right middle fingerprint

WANTED BY THE FBI



Photographs taken 1977

Norman Edward Risinger,

also known as J.E. Owings, James E. Owings, James Edward Owings, Norman Edward Reisinger, Norman Edward Risimer, N.E. Risinger, Norman Risinger, Norman Edward Patrick Risinger, "Spider." W; born 3-17-42; Port Arthur, TX; 6'; 160 to 180 lbs; med bld; balding-graying hair; brn/hazel eyes; light comp; occ-mechanic; remarks: Wears mustache and beard, reportedly a member of the Outlaw motorcycle gang; scars and marks: Scar between eyebrows, scar on stomach and back; left ear pierced; tattoos: Devil with words "Born to Raise Hell" on left forearm, skull with crossed pistons and words "Outlaws Forever" and "CHICAGO" on left upper arm, and others. Wanted by FBI for INTERSTATE FLIGHT-MURDER

NCIC Classification:

1901TTAATT16SRAA04AA

Fingerprint Classification:

19 L 1 U tat Ref: T U T U T U T 1
M 1 U a-a A A T T R R U 3

I.O. 4855

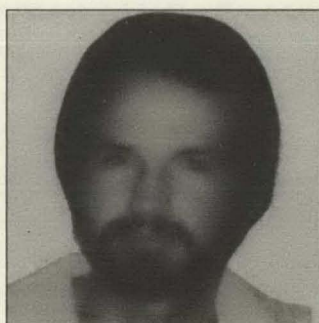
FBI No. 198 922 D

Caution

Risinger is being sought as the alleged gunman in the execution-style, shotgun murders of three rival motorcycle gang members whose bodies, weighted with concrete blocks, were later found floating in a rock pit. Consider Risinger armed and dangerous.



Right thumb print



Date photograph taken unknown

Larry Porter Chism,

also known as Gary Joseph Buomi, Gary Joseph Buoni, Larry Chism, Larry P. Chism. W; born 12-19-48; Forrest City, AR; 5'10"; 145 to 155 lbs; med bld; brn hair; brn eyes; light comp; occ-cashier, clerk-typist, farmer, law student, logger, salesman; remarks: Reportedly wears thick lens glasses; scars and marks: Birthmark on left thigh, scar on both arms.

Wanted by FBI for INTERSTATE FLIGHT-KIDNAPING, THEFT OF PROPERTY

NCIC Classification:

18TT08PO1321TT092011

Fingerprint Classification:

18 M 9 T IO 13
L 1 T IO

I.O. 4842

Social Security Numbers Used: 431-82-5804; 431-82-5894

FBI No. 367 973 N5

Caution

Chism, who is being sought as a prison escapee, was at the time of escape, serving a lengthy sentence for armed robbery and kidnaping. Chism, reportedly a heroin addict, is alleged to have escaped custody by overpowering a deputy sheriff and subsequently kidnaping two individuals. Consider Chism armed, dangerous, and an escape risk.



Right index fingerprint



Photographs taken 1974 and 1975

James William Kilgore,

also known as Charles Adams, Ron Adams, Charles Baker, Charles Barber, George William Dickerson, David Ian Holcomb, James Kilgore, Jim Kilgore, Charles Owen, Charles Owens, Robin Stewart, Gary Lee Waycott, "Paul." W; born 7-30-47; Portland, OR; 5'10"; 175 lbs; med bld; brn hair; blue eyes; med comp; occ-cook, house painter; remarks: Athletically inclined, plays basketball and golf; reportedly very near sighted and needs glasses most of the time. Wanted by FBI for UNLAWFUL POSSESSION OF UNREGISTERED BOMB DEVICE

NCIC Classification:

POCI131315DI67PO1315

Fingerprint Classification:

13 O 23 W IOI 15
I 17 R OOI

I.O. 4803

Social Security Numbers Used: 553-68-0622; 553-58-0622

FBI No. 448 488 LI0

Caution

James William Kilgore, reportedly a member of an extremist group that has claimed credit for numerous bombings including police facilities and vehicles, is being sought for the unlawful possession of an explosive device. He may be accompanied by Kathleen Ann Soliah, Identification Order 4804. Both individuals may possess explosives and should be considered armed and dangerous.



Right middle fingerprint

Interesting Pattern

A plain whorl consists of one or more ridges which make or tend to make a complete circuit with two deltas, between which, when an imaginary line is drawn, at least one recurving ridge within the inner pattern area is cut or touched. The presented pattern conforms to definition and is classified as a plain whorl. The tracing is outer. Contained within the innermost circuit is a humorous configuration of ridges which was noted by one of our alert examiners.



Change of Address

Not an order form

FBI

Law Enforcement Bulletin

Complete this form and return to:

Director
Federal Bureau of
Investigation
Washington, DC 20535

Name _____

Title _____

Address _____

City _____

State _____

Zip _____

Washington, D.C. 20535

Official Business
Penalty for Private Use \$300
Address Correction Requested

The Bulletin Notes

On January 25, 1988, Officer Christopher Reynolds of the La Grange, GA, Police Department answered a call to a home where a pit bull terrier had broken loose and was threatening the residents. Having already injured one person, the dog was in the process of attacking a 13-month-old child when Officer Reynolds grabbed the pit bull and wrestled it to the ground. The dog was finally subdued after a 10-minute struggle. After being treated for injuries to his lip and chest, Officer Reynolds was back on the job the same day. The Bulletin staff is pleased to join Officer Reynolds' superiors in honoring his heroic actions.

