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Helping First Responders Withstand Traumatic Experiences

By JAN HEGLUND



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"We call them heroes, but at what price?"

Years of exposure to critical incidents and daily pressures to protect their communities can have an overwhelming effect on emergency responders. They begin to question themselves. "What is wrong with me? Am I the only person who feels like this? When will I begin feeling better about myself, my life, my job?"²

First responders service society. Citizens rest more easily knowing that they are there, they are skilled, and they solve problems. In short, emergency responders are professional caregivers. But, who cares for the caregivers? When they are suffering from depression, exhibiting symptoms of post-traumatic stress disorder (PTSD), or, worst of all,



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As emergency responders progress through their careers, each incident, each experience goes into their backpacks as a rock.

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Reverend Heglund serves as a chaplain in the FBI's San Francisco office and as the chaplain coordinator for the West Coast Post-Trauma Retreat in San Rafael, California.

contemplating suicide, law enforcement officers, firefighters, and other emergency services personnel deserve care, attention, and healing. A facility in California has helped many of these dedicated first responders recover from the toxic effects of the professions they have felt compelled to enter.

Carrying the Weight

The West Coast Post-Trauma Retreat (WCPR) is a non-profit residential program for emergency responders suffering from severe critical-incident stress. WCPR likens this experience to putting rocks in a backpack. As emergency responders progress through their careers, each incident, each experience goes into their backpacks as a rock. Over the years, they struggle to function wearing this heavy load, yet continue to add rock after rock. For many, this

backpack eventually becomes impossible to carry. “To provide a safe and confidential environment for the promotion of healing and education to those dedicated to the first-responder profession” constitutes WCPR’s mission.³

In 2001, the program began and offered retreats three times a year. Over the past several years, the need for this type of initiative has been so successfully acknowledged that retreats now occur every month. The program consists of skilled and experienced clinical and peer staff specifically trained in trauma recovery. Licensed clinicians, chaplains, and peer support members from law enforcement, fire, and emergency medical services volunteer their skills. All are heavily involved in other work regarding emergency responders but unhesitatingly admit that taking part in

WCPR proves the most rewarding. Although the program cannot undo the critical incidents that have so adversely affected the clients, its goal is to help these professionals and retirees regain control over their lives and return to work with a new perspective on stress and coping, move on with their lives if that proves a more appropriate decision, or simply enjoy retirement. WCPR also provides assistance for spouses and significant others (the SOS program) because the lives of those who care about responders also are affected.

All retreats are held in a serene, private location. Clients arrive on Sunday afternoon and usually are scared, tired, and lost. Each is matched with a clinician who works individually with the client at different times in the process. The week is tightly scheduled with the days starting at 8 a.m. and going as late as 10 p.m. As the week progresses, so do the clients.

In addition to the clinical work, a large educational component, an in-house Alcoholics Anonymous meeting, a carefully selected number of videos, and chapel services are offered. A psychiatrist discusses medication and PTSD with the clients. The chaplain offers spiritual support and a pastoral presence for the clients, as well as for the team members because incidents discussed by

the clients may act as triggers for these individuals. Although some clients list themselves as agnostic or unbelievers, it has been found, without exception, that they desire a spiritual component to the program.

Adjusting the Fit

How a first responder is affected by a critical incident often has to do with what that person brings to the event. What the program calls “department betrayal” is a constant issue. Responders often are upset at the way their agencies have treated them. Family histories, previous critical incidents, and inaccurate views of their own abilities or confidence levels affect what may be a very difficult

situation for some responders and not for others. WCPR’s attempt to normalize feelings helps clients understand their reactions. For example, they spend one morning debriefing a significant family relationship with the hope of recognizing and understanding the association and its affect on their responses to critical incidents.

As the week continues, the process of walking the clients through, not around, their traumatic experiences and family histories can cause their pain and discomfort levels to rise. Staff members remind clients to “trust the process” and urge them to leave their secrets at the retreat; a place they quickly realize as perhaps the safest

and most confidential they ever will find. When clients can do this, their relief is immediately noticeable.

The team’s cohesiveness is vital. During the week, members hold regular meetings to discuss the progress of the clients, the week in general, and the well-being of the team. To further bolster a sense of community between the staff and clients, they honor birthdays and special celebrations at dinner. Moreover, all team members are available at any time to assist clients who cannot sleep or need to talk.

Lightening the Load

On the last day, clients spend time together while the

Warning Signs for First Responders

Physical	Dizziness, chest pain, headaches, elevated blood pressure, rapid heart rate, grinding of teeth, difficulty breathing, exhaustion
Cognitive	Nightmares, hypervigilance, suspiciousness, poor concentration, blaming others for your problems, heightened or lowered alertness
Emotional	Guilt, grief, denial, anxiety, irritability, loss of emotional control, depression, suicidal thoughts
Behavioral	Isolation from family and friends, loss or increase of appetite, increased alcohol consumption, change in usual communications with family and friends

Source: West Coast Post-Trauma Retreat’s brochure at <http://www.wcpr2001.org>.



team conducts a debriefing of the week. Both of these closing activities prove paramount as everyone leaves to go back to their “world.” Each client is assigned a peer and a clinician who draft and check 90-day plans. Peers will contact the clients regularly to see how they are progressing on their plans.

At the graduation ceremony, clients receive certificates of completion, along with selected gifts and cards. A particularly moving part involves distributing two flat river rocks that each client received at the beginning of the week. At that time, staff members had urged clients to write on the rocks one or two words concerning which problems were causing them the most distress. After graduation, everyone walks down to a quiet,

green area where, under a large pine tree, former clients have left hundreds of rocks. Current clients are encouraged to add their rocks as a symbol that they can leave their issues, now resolved, at the tree. Some are not ready to do so, but many have worked through their difficult situations and deposit their rocks under the tree.

The appearance of the clients from the first day of the retreat to the day of graduation demonstrates the effectiveness of the program. Laughter, friendship, and problems resolved rule the day.

Conclusion

The toxic effects of working as emergency responders can become overwhelming. These dedicated professionals deserve

the opportunity to recover from these exposures and return to their duties and personal lives as whole, healthy individuals. One effort, the West Coast Post-Trauma Retreat, offers a therapeutic and educational residential program that can help law enforcement officers, firefighters, and other emergency services personnel deal with the rigors of their chosen professions. As one client so poignantly commented, “If those people hadn’t been there for me, I honestly don’t know what would have happened. I don’t think I would be here to talk about it.”⁴ ♦

Endnotes

¹ For specific information about the West Coast Post-Trauma Retreat, access its Web site at <http://www.wcpr2001.org>.

² Ibid.

³ Ibid.

⁴ Ibid.

Fallen Partner



On the plaza of the Culture Center at the state capitol in Charleston is Fallen Partner, a memorial to law enforcement officers killed in the line of duty in West Virginia. Designed by a local sculptor, the 7-foot bronze statue, resting on a nearly 3-foot granite base, was dedicated May 19, 1990.

Conceived and funded in 1986 by the West Virginia Fraternal Order of Police, the statue depicts a policeman wearing a composite uniform without a hat, thus representing all law enforcement agencies in the state. The left hand holds a scroll and shield that carries the Latin word *pax*, for peace. The right hand holds the badge and holstered gun of a slain partner. At the base is a plaque with the names of fallen officers. Originally dedicated with 107 names, the plaque now holds 119.

"This monument is raised to honor all law enforcement officers of West Virginia," the memorial's inscription states. "Every day, police courageously place themselves as living shields between the public and danger. We especially honor and commemorate those officers who have suffered injury or death while protecting us from harm, upholding our laws, and preserving the peace of our society." ♦



On-Scene Mental Health Services Establishing a Crisis Team

By Andrew T. Young, Ed.D., L.P.C.,
and Neal Brumley, M.S.

The expectation that law enforcement officers can address every concern in each situation is daunting and unrealistic. Some departments have adopted special training or used other resources to better serve the needs of citizens. One example involves an on-scene crisis counseling unit (crisis team) comprised of volunteer mental health professionals who respond to calls with police officers. This type of program, as well as crisis counseling in general, have proven useful and helpful for both officers and victims as they deal with such situations as domestic violence, homicide, suicide, sexual assault, and other traumatic experiences. The authors, seeking to understand the benefits of a mental health-based response (one not limited to mental illness or domestic violence) to those in crisis, created surveys and examined responses from victims and officers involving the impact of this intervention.¹

Creating the Crisis Team

Lubbock, Texas, located in the northwestern part of the state, has over 200,000 residents. The Lubbock Police Department employs approximately 400 officers and averages 130,000 calls for service each year. A former chief created the agency's crisis team following a discussion with the director of the local crisis help line and referral center. Both recognized the common phenomenon of crime victims, especially those of domestic violence, who want to cooperate with law enforcement to change their circumstances, yet return to their original situation within days of the incident that prompted police intervention. In an effort to change such circumstances, the chief asked several employees to travel to Austin, Texas, to learn about their crisis team program for implementation in Lubbock. As a result, the Lubbock Police Department's Crisis Team program began in July

2000 with the primary goal of resolving domestic disputes, especially in cases where officers have been repeatedly called. The program also seeks to reduce the incidence of domestic violence, free officers to perform the duties for which they were better trained, provide necessary support to victims, stabilize volatile situations, and give referral information. Over time, due to the needs of victims, the team began responding to a wider variety of crises that included sexual assaults, suicide intervention, traffic fatalities, grief support, and homicides.

Mental health professionals were recruited from the community to volunteer for the team. Out of the 61 volunteers over the life of this program, the majority (57 percent) had a bachelor's degree in a mental health-related field, 38 percent had a master's degree (often in counseling), and 5 percent had a doctorate. Further, 54 percent had a background in psychology and 18 percent in social work. Others had training in family studies and pastoral care.

Identifying Responsibilities

These volunteers provide "crisis intervention, judicial advocacy, and information and referral services."² They determine if those with whom they come in contact present a danger to themselves or others and then take appropriate action, which may entail coordinating with officers or initiating the necessary medical response via police radio. Volunteers also may assess at-risk individuals (e.g., children, elderly, and disabled) to ensure safety and support and contact particular agencies, such as child and adult protective services, as required by law. Other roles include describing victim rights and compensation, providing information on typical psychological reactions, explaining and helping

individuals with petitions for an emergency protective order, assisting in contacting sources of social support, protecting victims from the media, and coordinating with law enforcement (e.g., giving statements to detectives, supplying officers with pertinent information about a crime, establishing liaison between victims and officers, and offering information about jail release dates and times).

The crisis team patrols Lubbock every Friday and Saturday night from 7 p.m. through 2 a.m. Volunteers work in pairs in an unmarked police car to respond to officer requests for assistance within 15 minutes anywhere inside the city limits. They access information via an in-car computer about every call officers respond to and self-initiate a response if they can determine the scene

is safe and the situation might benefit from the presence of a mental health professional. Officers request involvement during other times by paging the coordinator who, in turn, assembles the appropriate volunteers for response.

Responding to Calls

The team averaged 118 calls per year (768 total) from July 4, 2000, to December 31, 2007. Several trends emerged after analyzing the calls.

- 29.3 percent involved domestic disturbances and domestic violence calls.
- 13 percent concerned attempted and completed suicides and suicidal ideation.
- 11 percent were in response to murders, death investigations, and child deaths.
- 6 percent pertained to traffic accidents and fatalities.
- 4.3 percent resulted from sexual assault calls (although officers can contact a specialized agency to respond to these calls).

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...the authors
constructed a survey
to learn about
officers' perceptions
of this program.
”

Examples of Responses Written by Victims Served by the Crisis Team

“I think everything was handled in a professional manner.”

“They were excellent but, of course, couldn’t fix what was wrong.”

“Through all the sadness and grief, I remember the group being so supportive, even with my son’s friends.”

“I had someone to sit on the curb with outside my house; otherwise, I would have been alone while they were putting my dad’s body in the van.”

- 3 percent of calls involved each of the following, respectively: child or elderly abuse; mental illness; burglaries, robberies, or shoplifting; and missing persons, kidnappings, or runaways.
- 1 percent of the total call volume was comprised of each of the following, respectively: nondomestic assault, chemically dependent subjects, and assistance to officers involved in lethal-force incidents.

Further, in approximately 5 percent of the total number of cases, alcohol and other drug use or suicide ideation were factors. Other calls included assisting the homeless, responding to house fires, establishing child care after officers served a drug warrant, and responding to boating and construction accident fatalities. Victims consented to a follow-up phone call or visit 32.4 percent of the time.

From July 2000 through December 2007, the Lubbock Police Department drew upon volunteers in a variety of situations, increasing in frequency during the latter part of this time frame. A rise in the use of the crisis team occurred in four areas over the examined years. The team did not respond to any murders from 2000 to 2003 but dealt with such crimes more frequently in the subsequent years,

culminating in seven responses in 2007. Although it did not respond to any death investigations from 2000 to 2002, it handled 17 in 2007. The team helped officers in 2 sexual assault incidents from 2000 to 2003 and 23 from 2004 to 2007. In 2006, it responded to 11 traffic fatalities, representing 9 more than in the previous examined years. Statistics about suicides were not made available by the department for any year before 2006. However, the crisis team met with surviving family members or witnesses concerning all nine of the suicides that occurred in 2006. In 2007, the team responded to 11 of the 16 suicides.

The largest increase in crisis team call volume occurred from 2002 (53 total) to 2005 (121 total), which represented a 128 percent increase and a dramatic difference from the 5 percent rise in the number of police department calls over the same time period (from 123,598 in 2002 to 130,347 in 2005). From 2005 through 2007, department calls decreased 2 percent (from 130,347 to 128,441), and crisis team calls declined 11 percent (from 121 to 108).

Data were collected on the time police officers, as well as team volunteers, left a scene. Officers returned to service before the crisis team on 25 percent of the calls, freeing them to respond to other issues.

Gathering Officer Perceptions

At the time of implementation, some officers at the Lubbock Police Department doubted the effectiveness of this type of program or the usefulness of having on-scene mental health professionals. Many viewed these volunteers as “do-gooders” who could get in the way of officers performing their duties. With this in mind and after giving the program ample time to prove itself, the authors constructed a survey to learn about officers’ perceptions of this program.

They reviewed all crisis team calls to determine which officers would have used its services and found that members from patrol, person crimes, juvenile, and special operations were most likely to request this type of response. They sent the questionnaire to the 284 officers, supervisors, and commanders in these sections/divisions. Although 91 officers completed the survey (a response rate of 32 percent), 73 reported using the crisis team on at least one of their calls.³ The Patrol Division most often utilized the team and represented 88 percent of the sample. Detectives from the Person Crimes Section comprised 10 percent, and the remaining 2 percent came from officers who did not report their section/division. Finally, 79 percent used the team more than once.

Most officers (93 percent) believed that the department should keep the program; the other 7 percent left this question blank. In the space provided on the survey, responding officers described how volunteers dealt directly with traumatized family members, freed officers to conduct investigations, had extensive patience and the resources available for victims, and were an asset often overlooked. Also, officers reported that victims were more

receptive to someone not in uniform and that volunteers should receive some type of compensation, as well as work later hours and more days of the week.

Analyzing Victim Opinions

The authors mailed 190 questionnaires to victims and their families served by the crisis team for whom addresses were accessible (2003-2006). Although 97 were returned because the victims no longer lived at the address given in the report, 25 completed questionnaires were returned and analyzed, representing a response rate of 27 percent for surveys sent to appropriate addresses. The age of the respondents ranged from 15 to 71. Females accounted for 18 people in the sample, 5 were male, and 2 did not report their gender. Additionally, 15 were Caucasians, 6 were Hispanic, and 4 did not disclose their race or ethnicity.

A death investigation was the most frequent crisis experienced by respondents (32 percent); three of these eight deaths were children. Suicide accounted for seven cases, three were domestic disputes,

two involved sexual assaults, and two pertained to traffic accidents. One respondent experienced an assault and another one a robbery. One checked the option “other” but did not indicate the nature of the crisis. Nineteen individuals reported receiving a follow-up call or visit, two stated that they did not receive either, and four advised that they could not remember.

Examining Results

Common factors across both the officer and victim surveys focused on perceptions of the crisis team and its volunteers and how helpful this

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**...officers reported
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uniform....**

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program proved to officers and victims. Victims ranked their perception of the overall helpfulness of the crisis team intervention both at the time of their crisis and during the follow-up call. On a scale from 0 to 10, with 10 being the most helpful, one person stated that the intervention was not helpful. The rest of the sample (96 percent) indicated a level of helpfulness from average (5) to extremely helpful (10). The mean was 8.2, indicating a level of helpfulness well above average. One victim suggested that the follow-up call was not helpful, while the rest of the sample (96 percent) suggested a level of helpfulness from average (5) to extremely helpful (10). Ratings of the helpfulness of the follow-up calls were well above average, with a mean of 8.1.

The officer survey also provided a checklist for ranking the helpfulness of the team. Overall, 74 percent marked the category helpful to me; 95 percent checked helpful to the victim(s); and 93 percent of the officers indicated that the volunteer on their call was courteous and professional. No negative feedback was given, although the checklist provided an opportunity to do so.

Officers were asked to rank how well the team fulfilled its purpose of assisting victims and officers. When judging the ability to help victims, no officer indicated a poor ranking; 1 percent rated the team fair; 4 percent marked adequate; 41 percent circled very well; 48 percent answered above and beyond; and 6 percent did not respond to this question. Regarding its goal of assisting officers, no officer indicated poor or fair; 14 percent marked adequate; 60 percent answered very well; 23 percent circled above and beyond; and 3 percent did not respond to this question.

Through an examination of program goals, utilization statistics, and surveys of police officers and victims, the authors were able to draw several conclusions about the helpfulness of the team. Their research revealed that the volunteers provided necessary assistance to victims, stabilized volatile situations, and furnished referral information. However, the goal of reducing the incidence of repeated response to the same domestic disputes by officers could not be measured using the data provided. But, the information does indicate that the team helped free officers to perform duties for which they are trained.

The authors acknowledge some limitations to this research. First, they only received feedback from a small number of victims (3 percent of the available sample). Second, the surveys lacked psychometric data. The authors recommend additional research on the reliability and validity of the measures em-

ployed in gathering data from officers and victims. Finally, a limitation existed regarding the lack of information about the volunteers. Differences in how they conduct themselves on the scene may constitute an important variable.

Conclusion

Both officers and victims appeared to benefit from the immediate assistance and support provided by mental health professionals on the Lubbock Police Department's Crisis Team. Such assistance in these darkest of circumstances may aid victims in their coping and recovery.

The authors believe that further research in this area is needed. One realm of particular interest may involve how a crisis team program may improve police officers' morale because it frees them to

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perform other duties, and, consequently, they may perceive its creation as a supportive gesture on the part of department leaders. Such an initiative also may benefit community relations as individuals learn that their local law enforcement agency has endeavored to meet the needs of victims. ♦

Endnotes

¹ For a more in-depth review of the research in this article, see Andrew T. Young, Briana Riley, and Jill Fuller, "On-Scene Mental Health Counseling Provided Through Police Departments," *Journal of Mental Health Counseling* 30, no. 4 (October 2008).

² Lubbock, Texas, Police Department, *Policies and Procedures: Victim Services Crisis Team*, (2000), 4.

³ One purpose of the study was to gather information about perceptions of the team; therefore, only officers who reported using it were included in the sample.

Dr. Young, an associate professor at Lubbock Christian University, also serves as the clinical director for the Lubbock, Texas, Police Department's critical incident stress management team and as an assistant negotiator and consultant with the SWAT team.

Captain Brumley serves with the Lubbock, Texas, Police Department.

We Need Your E-mail Addresses

The *FBI Law Enforcement Bulletin* has been available to our readers online since March 1990. We are excited to inform you of our plans to make our magazine more accessible as an online magazine. With the August 2009 issue, we began sending our readers e-mails announcing the latest edition and providing a direct link to the *FBI Law Enforcement Bulletin* on <http://www.fbi.gov>. There, you will be able to find the current edition, as well as previous editions of the *FBI Law Enforcement Bulletin* going back 10 years.

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We look forward to hearing from you at lebonline@fbiacademy.edu. Please continue to send comments, questions, or suggestions regarding articles to the *FBI Law Enforcement Bulletin* editors at leb@fbiacademy.edu.

Editor
FBI Law Enforcement Bulletin

Preliminary Crime Statistics for 2008

The FBI's Preliminary Annual Uniform Crime Report showed that the nation experienced a 2.5 percent decrease in the number of violent crimes and a 1.6 percent decline in the number of property crimes for 2008 compared with data from 2007. The report is based on information that the FBI gathered from 12,750 law enforcement agencies that submitted 6 to 12 comparable months of data for both 2007 and 2008. The complete Preliminary Annual Uniform Crime Report is available exclusively at <http://www.fbi.gov/ucr/ucr.htm>.

Violent Crime

In 2008, all four of the violent crime offense categories declined nationwide compared with data from 2007. Murder and nonnegligent manslaughter fell 4.4 percent, aggravated assault dropped 3.2 percent, forcible rape decreased 2.2 percent, and robbery went down 1.1 percent.

Violent crime declined in all city groups. Those cities with populations of 250,000 to 499,999 saw the greatest drop in violent crime (4.0 percent). Violent crime in nonmetropolitan counties decreased 3.3 percent and in metropolitan counties fell 2.5 percent.

Murder and nonnegligent manslaughter dropped 9.1 percent in cities with 100,000 to 249,999 in population. However, in cities with populations less than 10,000, murder and nonnegligent manslaughter rose 5.5 percent.

Cities with 250,000 to 499,999 inhabitants experienced the greatest decline in forcible rapes at 4.4 percent; cities under 10,000 in population showed the only rise in forcible rapes at 1.4 percent. Forcible rape offenses

decreased 7.3 percent in nonmetropolitan counties but increased 0.6 percent in metropolitan counties.

Although robbery overall showed a decrease, cities with populations less than 25,000 showed increases in robbery. Robberies also rose in both metropolitan and nonmetropolitan counties, 0.7 percent and 0.6 percent, respectively.

Aggravated assault decreased in all city groups. Cities with 250,000 to 499,999 inhabitants experienced the greatest decline at 6.0 percent. Aggravated assaults fell in both metropolitan and nonmetropolitan counties, 3.9 percent and 3.4 percent, respectively.

Violent crimes went down in all four regions of the country in 2008. However, slight increases in murder were reported in the Northeast (0.7 percent) and in the Midwest (0.4 percent). The Northeast also showed increases of 2.5 percent for forcible rape and 0.3 percent in robbery.

Property Crime

Nationwide, burglaries were the only property crime to show an increase (1.3 percent) in 2008 compared with 2007 data. Larceny-thefts went down 0.6 percent, and motor vehicle thefts declined 13.1 percent.

Property crimes decreased in all city groupings. Cities with 250,000 to 499,999 inhabitants had the greatest decline in property crimes with 5.1 percent. Property crimes dropped 0.9 percent in nonmetropolitan counties but increased 0.2 percent in metropolitan counties.

Burglary offenses increased 3.3 percent in cities with 500,000 to 999,999 persons.

Burglaries also rose in both metropolitan and nonmetropolitan counties, 2.1 percent and 1.0 percent, respectively.

Larceny-theft increased 0.5 percent in the nation's largest cities (1 million and over in population) but decreased in all other city groups. In metropolitan counties, larceny-thefts rose 1.4 percent but in nonmetropolitan counties fell 1.2 percent.

For motor vehicle theft, declines occurred in all population groupings. Cities with 250,000 to 499,999 inhabitants experienced the greatest drop at 16.8 percent.

Three of the nation's four regions had decreases in property crimes in 2008 when

compared with data from 2007. The greatest decline in 2008 was in the West, where property crimes went down 4.2 percent. In the Northeast, however, property crimes increased 1.6 percent.

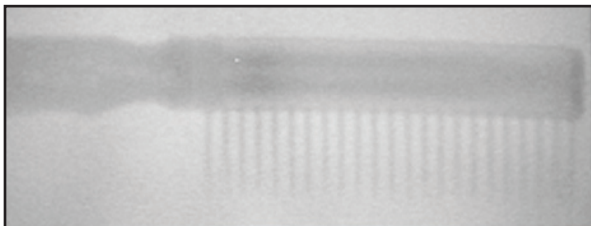
Arson

Arson offenses, tracked separately from other property crimes, decreased 3.9 percent nationwide. But, law enforcement agencies in cities 250,000 to 499,999 in population recorded the only increase in arson (2.1 percent). Arson offenses fell in all four regions in 2008 with the West experiencing the largest decline (5.9 percent). ♦

Unusual Weapon

Hairbrush

Law enforcement officers must be aware that offenders may attempt to use this plastic device that appears to be a normal hairbrush. Actually, the handle pulls apart from the head, which acts as a sheath.



The Importance of NIMS to Campus Emergency Response

By MARK FAZZINI, M.S.



© Rich Malec

Too often, evil acts seem to occur anywhere in society. Recently, some of the most shocking incidents have taken place on the grounds of highly esteemed colleges and universities, institutions that exist to better society. These occurrences have helped highlight the need for authorities to have effective countermeasures in place to address threats to campus safety.

Understanding the importance of the National Incident Management System (NIMS) to colleges and universities

requires a recognition of what it means to emergency response capabilities. NIMS was developed in March 2004 by the Department of Homeland Security to provide a systematic, proactive approach for government agencies at all levels, nongovernment organizations, and the private sector to work seamlessly to prevent, protect against, respond to, recover from, and mitigate the effects of incidents—regardless of cause, size, location, or complexity—to reduce the loss of life, destruction of property,

and harm to the environment. It gives campuses a much-needed method of protection.

UNDERSTANDING NIMS

What It Offers

A recent report funded through the Illinois Criminal Justice Authority examined the relationship between local law enforcement and postsecondary institutions in Illinois and across the nation.¹ One of its key findings revealed that many campuses have experienced critical incidents of some sort within

the past 5 years. Considering this fact, along with the importance of NIMS to the effective and efficient planning for or response to an emergency incident, every college and university should become compliant.

Institutions also can reap important financial benefits. Responding to and recovering from an emergency can cost a considerable amount of money. Only organizations that have implemented NIMS can recoup any portion of such expenses from the federal government.

Additionally, NIMS offers a predefined, yet flexible, organizational structure that can be altered, as necessary, to ensure maximum effectiveness during small operations or complex responses and extended in scope if an incident grows in size. NIMS can adapt according to geographical boundaries, operational function, or a combination of both.

How It Works

NIMS allocates responsibilities among four main areas—planning, operations, logistics and administration, and finance. Each has its own assigned primary and secondary functions that then can break down further into branches, divisions, groups, task forces, or strike teams. An incident commander is necessary in any operation, but the positions in each of the

four realms of responsibility are staffed only if the event dictates the need.

The establishment of uniform titles, with accompanying responsibilities, allows for an easy-to-understand command structure. This practice helps emergency responders from diverse communities work together effectively and efficiently under a single banner of operations. For instance, two officers from fire departments at opposite ends of a state could understand the responsibilities of a planning section chief.

NIMS-compliant agencies working together all gain an understanding of and share common terminology and acronyms to effectively communicate and accomplish objectives. Also standardized, the typing, or sufficiently

defining, of resources ensures that emergency managers request the right equipment, supplies, and other provisions for a particular purpose. For example, a section chief may need a tanker. Some personnel instinctively may think of an airplane tanker and others a fire truck tanker. Standardized typing of equipment eliminates any potential confusion.

NIMS also employs standard forms to document different aspects of a response. Each department shares these same familiar forms. Documentation of all activities records important information, such as resources deployed, safety precautions taken, media messages written, and equipment ordered, pertaining to the response to an incident, as well as the necessary justification

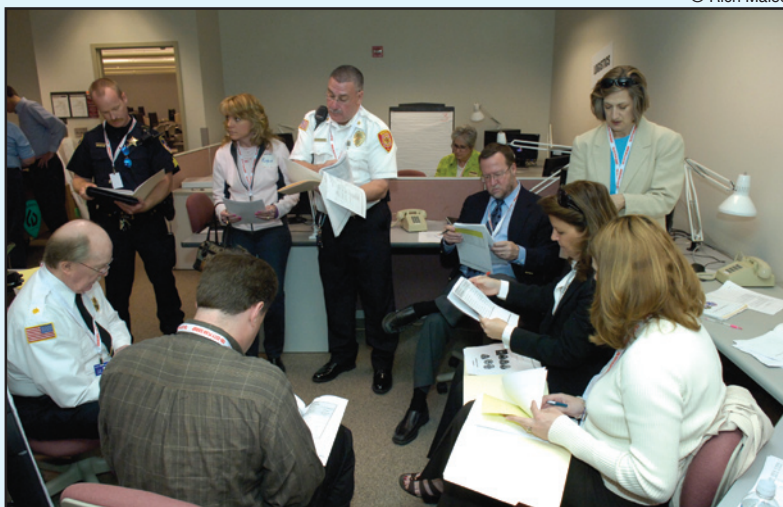
“

...NIMS offers a predefined, yet flexible, organizational structure that can be altered, as necessary, to ensure maximum effectiveness....

”



Chief Fazzini heads the College of DuPage Police Department in Glen Ellyn, Illinois.



EOC in operation during May 2008 Tri-City Team's full-scale exercise

for requesting reimbursement of expenses from the federal government. And, if necessary, it helps in the defense of any lawsuits that potentially can result from a response effort.

BECOMING COMPLIANT

Institutions interested in implementing NIMS must follow the five steps that constitute the "continuum for compliance." To this end, a college or university must have its governing board initiate the institution's work within the NIMS structure, train personnel toward the effort, establish an all-hazard emergency operations plan, test the campus' efforts, and implement a continual review of the system.

Accepting the System

The governing board or authority has to adopt NIMS for all departments and agencies. It

can accomplish this by passing a resolution and incorporating NIMS compliance into school policies and procedures. The institution's contract specifications also may include compliance language where appropriate. Additionally, the authority should encourage the school's nongovernment associates to pursue compliance.

Training All Personnel

Next, staff members must undergo NIMS training, which consists of various incident command system (ICS) classes, the level of which depends on the nature of the involvement they will have during a crisis response. Currently, six basic ICS classes exist that various members of the campus need to take. Personnel can complete several courses, ICS-100: Introduction to the Incident

Command System; ICS-200: ICS for Single Resources and Initial Action Incidents; IS-700: National Incident Management System (NIMS), an Introduction; and IS-800: National Response Plan (NRP), an Introduction, independently through the Internet. They must take ICS-300: Intermediate ICS and ICS-400: Advanced ICS in a classroom setting. These two classes provide the fundamentals of using the standard forms, and students work through several scenarios to familiarize themselves on how the entire NIMS system works.

Individuals who will make major decisions during an emergency and who may act, perhaps, as an incident commander or section chief need to complete all six basic classes. Personnel who will serve as support for the highest level of decision making should take at least the 100, 200, 700, and 800 courses. All administrators and supervisors should gain a familiarity with the NIMS system by completing classes 100 and 700. Some members of the incident management team also may want to take other specialized courses; for instance, the public information officer may want to complete IS-702: NIMS Public Information.

As a way to reduce costs, institutions may wish to have designated staff members attend train-the-trainer classes. This

will give the agency its own in-house instructors to teach additional personnel while having less impact on the budget. Further, staff then could receive training on-site, rather than taking time off to attend courses away from the campus. Not only would training time be reduced but institutions could eliminate transportation costs to other locations.

Developing a Plan

The campus must implement an all-hazard emergency operations plan that works hand in hand with the NIMS system. To develop the plan, the institution should form a committee with membership from all constituents, including police and fire personnel. For additional assistance, authorities can refer to the Internet, where many colleges have their plans available, for examples and consult with county or state emergency management officials. After finalizing the plan, the committee must distribute it to all campus administrators, area police and fire departments, and the local emergency management office.

Testing the Plan

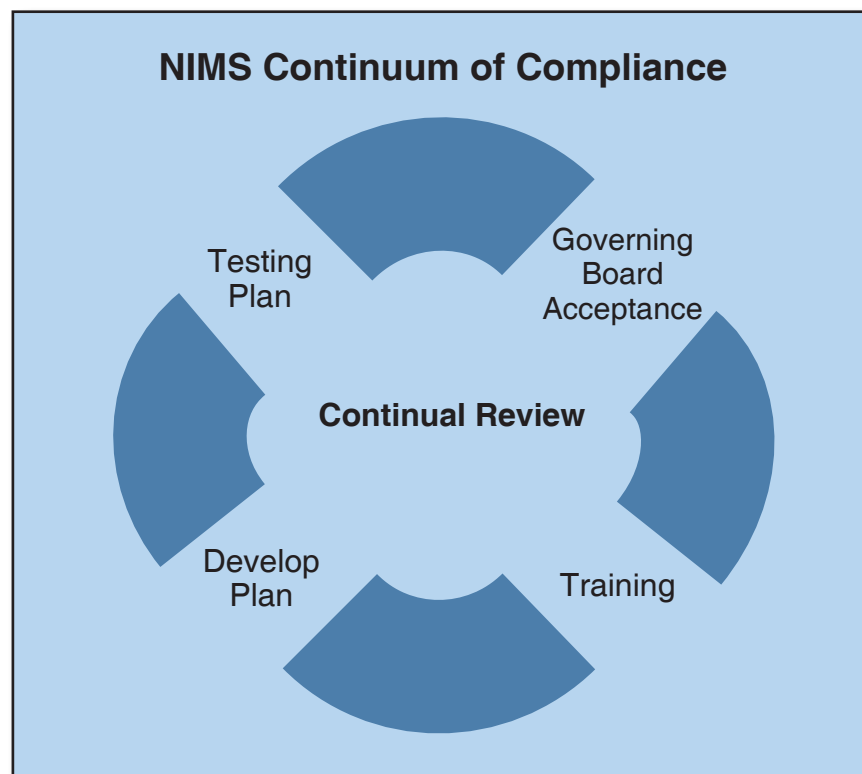
Also important, the institution—along with such community partners as local police, fire, and other agencies—tests the plan. Including the other constituents helps ensure their

knowledge of the plan and, thus, the effectiveness of a critical incident response should a real situation occur. Involved campus entities should consist of members of the incident management team (IMT) and, perhaps, IMT alternates, public relations staff, counselors, and other campus leaders.

Different methods of testing exist. Tabletop exercises often are the most preferred. In these, participants, including the IMT, formulate a response to given scenarios. The sessions last from a few hours to all day, depending on the amount of time allocated for training.

A functional exercise can test a particular component of the emergency operations plan. For instance, phones and radios could be used to test the communication system established for an emergency command center (EOC). Personnel can set up these systems beforehand to eliminate the time needed to do so during the test. These exercises typically take longer than a tabletop event and may involve the deployment of human and other resources.

Another way to evaluate the effectiveness of emergency plans is to conduct a full-scale exercise. This would involve the



mobilization of more staff and resources than the other methods. For these events, personnel should set up staging areas and have staff help evaluate response times. Such exercises, or mock drills, take more time to run through than other tests; they also cost more because they involve the most staff. To reduce expenses, institutions can hold the exercise during regular work hours, rather than paying employees overtime.

Campuses wisely will use multiple methods to ensure their plans are current and functional. Testing of emergency response plans must occur to know whether or not they will work. Over time, procedures and resources will change. Only by conducting exercises and mock

drills can institutions make sure their plans stay current.

College Of DuPage's Exercises

Deciding to collaborate with other community partners to improve its response capabilities, the College of DuPage joined with three neighboring villages—Glen Ellyn, Wheaton, and Winfield—to form the Tri-City Crisis Response Group, initially developed to operate a medical distribution site at the campus in the event of a terrorist incident. Now, the group exists to respond to incidents that threaten to overwhelm the resources of any one of the participating communities. To further this effort, the college outfitted a computer laboratory with 30

phone lines, Internet access, and cable television to function as an EOC for the group. In the event of an activation, personnel move a storage box loaded with phones, signs, manuals, and maps into the EOC. The group regularly meets and trains together. It dramatically has increased the response capability of any one of the individual partners.

During 2008, the College of DuPage planned or participated in four exercises testing emergency plans in place. In February, it took part in a functional exercise with the DuPage County Homeland Security Office. In May, the college, along with the Tri-City Crisis Response Group, conducted a full-scale exercise to test the command structure of the group. In July, because of its status as one of the county's medical distribution sites in the event of a terrorist act, the College of DuPage participated in a mock drill using over 200 individuals to test medical distribution capabilities on-site. In August, it worked with a local high school to test the college's ability to evacuate all of the high school students and staff to one of its buildings.

Monitoring the Process

Constant monitoring and review represents the final and ongoing component of the NIMS compliance continuum.



College of DuPage local Emergency Operations Center in the college board room

Perspective

Leaders and Organizational “Noise”

By Gary Hoelzer, M.S.

Leadership is not just steering a group toward a common goal; rather, it is creating an environment in which people truly desire to achieve the common goal as a group.¹

We have heard it—the soft, or not so soft, murmur of discontent over a recent policy change, the raise that did not meet expectations, a hike in health-care costs, the promotion that went to another candidate, the need to constantly work shorthanded, and the list goes on. While we may not have known what to call it, we recognize the “tune.” It is organizational noise, the drone of workplace life found even in the best departments. When more than two people work together for a common purpose, they become organized into groups, units, squads, or other entities. Someone has to lead, and someone has to follow or, at least, go along well enough that the job gets done. And, along with the efficiency of the organization comes those things endemic to professional life.

Unfortunately, in many law enforcement agencies, this noise becomes the tune that carries the day. Pretty soon, the drone of the work environment can replace the clarion trumpet call that brings everyone to attention, unites individuals into a cohesive unit, and moves them toward the goal. The presence of such noise should serve as our wake-up call. We need to ensure that our employees hear the trumpet over the monotonous hum of organizational life.

Recognizing the Noise

While every organization will experience bureaucratic noise, we have a knob for the volume level—sensitive leadership. We can ensure the fairness of personnel processes and recognize

employees for their knowledge and experience (e.g., by giving them opportunities to participate in operational planning related to their area of expertise). Perhaps, we have a broad perspective given our place in the organizational hierarchy, but our desks limit our view of the actual field conditions in which personnel assigned to us work. We must not overlook them when revising a procedure or developing a new operational plan.

Most officers have similar reasons why they entered policing. They wanted to make a difference, have more than a mundane job, and bring justice to the community by removing the “bad guys.” So, after 5, 10, or 15 years, what changed? Somehow, organizational noise drowned out the high calling of law enforcement service. Are we blowing the trumpet hard and loud enough for personnel to hear it over the drone? Do we remind our employees of the noble calling of policing? Have we reminded the weary veterans to remember why they chose law enforcement work? Or, have the years of fighting the battles, both inside and outside the department, affected what *we* hear?

Captain Hoelzer serves with the Town and Country Police Department in St. Louis County, Missouri, and is an adjunct professor at Maryville University and Missouri Baptist University.



Adjusting the Volume

So, the noise of organizational life has become not only a little too loud but indistinguishable from the mission and goals of the agency. What do we do? Focus on getting everyone in the department to sing the same tune, as well as the right one.

We must regain our vision and focus. If we have lost sight of it, how can we expect our employees to see it? As leaders, our job does not focus on ease and comfort—not the perks or the conferences in desirable locations, nor, for that matter, the mounds of paper on our desks. We must *lead*, and if we have lost our way in the midst of the bustle of organizational life, how can we expect our officers and other personnel to follow us toward the noble and demanding call to protect and serve?

It is time to major on the majors. A lot of “pebbles” exist, but the “rocks” will have lasting value and remain when we are gone. The two most important things about an organization are its primary purpose for existence and the people responsible for accomplishing it. Law enforcement agencies’ missions typically remain the same from coast to coast and border to border: to protect lives and property and to maintain law and order. We must write it down, post it, talk about it, and relate procedures and policy changes to it. Let us make the mission public once again.

As leaders, we need to value our personnel. How many of us have said that we would have a great job if it were not for the people? Such sentiment indicates that, perhaps, we have neglected our most important assets. Our organizations employ persons—20, 50, or 2,000 of them. This number includes spouses, parents, siblings, teachers, and youth coaches. Their families struggle with bills, sickness, and divorce. We should take some time away from our offices and

get to know our personnel. But, we also must remember that captains, majors, and chiefs seldom write tickets, make an arrest, or deal with a crisis that erupts into domestic violence at 3 a.m. We work very few weekends and no midnights or Christmas. It is time to tell our employees how much we appreciate the truly invaluable service that they provide to our communities.

Let us reduce organizational conflict. As formal leaders of our agencies, we have a lot of input on how loud the noise becomes. We should use participative management when appropriate. Rather than over-regulating, we must make sure policies and rules are necessary and that they further the mission. Our practice should be to issue drafts before finalizing policies; we may have missed something, and everyone will benefit when mistakes are caught before a bad idea becomes a rule. We must use quality circles or improvement teams. The best suggestions can come from anywhere in the department, not just the front office.

Conclusion

Organizational noise always will exist. But, with effective leadership, it will be merely the “white noise” of a law enforcement agency on a mission. As formal leaders, we need to focus, once again, on the intrinsic value of our calling and appeal to the virtuous nature of the men and

women who sought a career in policing. When we create this type of atmosphere, we can lead our personnel to effectively carry out law enforcement’s important mission. ♦

“

...we need to focus, once again, on the intrinsic value of our calling and appeal to the virtuous nature of the men and women who sought a career in policing.

”

Endnotes

¹ Sergeant Hille T. Unterberg, Town and Country Police Department, St. Louis County, Missouri, personal communication with the author, December 16, 2008.

Bulletin Reports

Victim Services in Rural Areas

Law enforcement officers often are the first professionals to approach victims after a crime and may be the only contact these individuals have with the criminal justice system. Increasingly, urban officers are learning to work more effectively with victims, and their departments are establishing victim assistance components. Many rural law enforcement agencies, however, face challenges in making these changes.

The new online guide “Victim Services in Rural Law Enforcement” by the Office for Victims of Crime (OVC), Office of Justice Programs, U.S. Department of Justice explores creative and economical ways for rural law enforcement agencies to meet the needs of victims at the crime scene and during follow-up contact. Based on the experiences of 17 sites that received OVC funding to establish or enhance victim assistance efforts in their law enforcement agencies, the publication reviews the grant project, highlights site activities, identifies core elements and challenges of rural law enforcement-based victim service programs, and offers a blueprint for rural law enforcement agencies interested in initiating their own victim service efforts. The guide (NCJ 226275) can be accessed via the National Criminal Justice Reference Services’s Web site, <http://www.ncjrs.gov>.

Juvenile Justice Report

The Federal Advisory Committee on Juvenile Justice (FACJJ) Annual Report 2008 addresses significant issues facing the nation’s juvenile justice system. It is a report card on the efforts and compliance by the United States and its territories in response to the requirements of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 2008. This annual report to the President and Congress focuses on the need to reauthorize the JJDP Act of 2008 and presents 19 recommendations to the President and Congress on major issues facing this country’s juvenile justice system. These recommendations fall into the five broad areas of deinstitutionalization of status offenders; jail removal and sight and sound separation; disproportionate minority contact; effective assistance of counsel; and mental health, substance abuse, and the juvenile justice system.

Within this publication, the FACJJ also presents a report on national compliance with the four core protections of the JJDP Act of 2008, which include deinstitutionalizing status offenders and nonoffenders; separating adult and juvenile offenders in secure institutions; eliminating the practice of detaining or confining juveniles in adult jails and lockups; and addressing the disproportionate number of minority youth who come into contact with the juvenile justice system. To view the entire report (NCJ 223723), access the National Criminal Justice Reference Service’s Web site, <http://www.ncjrs.gov>.

Our Oath of Office A Solemn Promise

By JONATHAN L. RUDD, J.D.

Early in the morning, on their first full day at the FBI Academy, 50 new-agent trainees, dressed in conservative suits and more than a little anxious about their new careers, stand as instructed by the assistant director of the FBI and raise their right hands. In unison, the trainees repeat the following words as they are sworn in as employees of the federal government:

I [name] do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

At the end of their academy training, and as part of the official graduation ceremony,

these same new-agent trainees once again will stand, raise their right hands, and repeat the same oath. This time, however, the oath will be administered by the director of the FBI, and the trainees will be sworn in as special agents of the Federal Bureau of Investigation.¹ Similar types of ceremonies are conducted in every state, by every law enforcement agency, for every officer across the country. And, each officer promises to do one fundamentally important thing—support and defend the Constitution of the United States.

All too often in our culture, we participate in ceremonies

and follow instructions without taking the time to contemplate and understand the meaning and significance of our actions. This article attempts to shed some light on the purpose and history of the oath and to further enhance our understanding of the Constitution that we as law enforcement officers solemnly swear to uphold.

Origins of the Oath

The idea of taking an oath in support of a government, ruler, or cause was not new to the founding fathers. The practice stems from ancient times and was common in England and in the American colonies.



“During the American Revolution, General George Washington required all officers to subscribe to an oath renouncing any allegiance to King George III and pledging their fidelity to the United States.”²

When asked where the requirement that all law enforcement officers take an oath to support and defend the Constitution comes from, some have speculated that it is linked to the presidential oath found in the Constitution.³ They reason that because the president is the chief executive and law enforcement officers are generally seen as members of the executive branch of government, the requirement to take an oath is inferred from Article II of the Constitution. Others assume that it comes from statutes enacted by Congress and the various state legislatures. Most

are surprised to learn that the requirement to take an oath is found in the Constitution itself. Article VI mandates that both federal and state officers of all three branches of government (legislative, executive, and judicial) take an oath to support the Constitution of the United States.

The Senators and Representatives [...], and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution[...].⁴

Wording of the Oath

Unlike the presidential oath, the particular wording of this oath is not delineated in the Constitution, merely the

requirement that an oath be taken. As suspected, the wording of the oath has been formulated by the federal and state legislatures.

The significance the founding generation placed on the requirement to take an oath as mandated in Article VI is highlighted by the fact that the very first act of the first Congress of the United States was to establish a simple 14-word oath: “I do solemnly swear (or affirm) that I will support the Constitution of the United States.”⁵

From the founding of our new government until the Civil War era, this simple oath adequately served its intended purpose. However, in April 1861, in light of the conflicts surrounding the Civil War, President Abraham Lincoln demanded that all federal, executive branch employees take an expanded oath in support of the Union. Shortly thereafter, at an emergency session of Congress, legislation was enacted requiring all employees to take the expanded oath. By the end of the year, Congress had revised the expanded oath and added a new section, creating what came to be known as the Ironclad Test Oath or Test Oath.⁶ “The war-inspired Test Oath, signed into law on July 2, 1862, required ‘every person elected or appointed to any office...under the Government of the United



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

“...in our culture, we participate in ceremonies and follow instructions without taking the time to contemplate and understand the meaning and significance of our actions.”

States...excepting the President of the United States' to swear or affirm that they had never previously engaged in criminal or disloyal conduct.”⁷

As early as 1868, Congress created an alternative oath for individuals unable to take the Test Oath “on account of their participation in the late rebellion.”⁸ Nearly two decades later, Congress repealed the Test Oath and mandated the federal oath of office we have today.⁹ This oath, taken by most federal employees, can be found in Title 5, U.S. Code, Section 3331.¹⁰

State officers, on the other hand, are required by federal statute to take the original oath first promulgated in 1789.¹¹ In addition to this requirement, state constitutions and legislatures have generally added words and sentiments appropriate to their respective states. One obvious addition is the dual requirement to support and defend not only the federal Constitution but also the constitution and laws of the individual state.¹²

Meaning of the Oath

At the core of each of these oaths, whether the federal oath in its current form or the various state oaths with their additional obligations, lies the simple language put forth by our first Congress: “I do solemnly swear that I will support and defend

the Constitution of the United States.”

A brief analysis of these words and their meanings may help to solidify their significance. “I...”—an individual, person, citizen, one member of the whole, officer; “do”—perform, accomplish, act, carry out, complete, achieve, execute; “solemnly”—somerly, gravely, seriously, earnestly, sincerely, firmly, fervently, with thought

“

***...the Constitution
is based on
lasting principles
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balance, stability,
and consistency
through time.***

”

and ceremony; “swear (or affirm)¹³”—vow, pledge, promise, guarantee; “that I will”—a positive phrase confirming present and future action, momentum, determination, resolve, responsibility, willpower, and intention; “support”—uphold, bear, carry, sustain, maintain; “and defend”—protect, guard, preserve, secure, shield, look after; “the Constitution of the United States.”

The Constitution of the United States

It is significant that we take an oath to support and defend the Constitution and not an individual leader, ruler, office, or entity. This is true for the simple reason that the Constitution is based on lasting principles of sound government that provide balance, stability, and consistency through time. A government based on individuals—who are inconsistent, fallible, and often prone to error—too easily leads to tyranny on the one extreme or anarchy on the other. The founding fathers sought to avoid these extremes and create a balanced government based on constitutional principles.

The American colonists were all too familiar with the harmful effects of unbalanced government and oaths to individual rulers. For example, the English were required to swear loyalty to the crown, and many of the early colonial documents commanded oaths of allegiance to the king.¹⁴ The founding fathers saw that such a system was detrimental to the continued liberties of a free people. A study of both ancient and modern history illustrates this point. One fairly recent example can be seen in the oaths of Nazi Germany. On August 19, 1934, 90 percent of Germany voted for Hitler to assume complete power. The very next day, Hitler’s cabinet decreed the Law

On the Allegiance of Civil Servants and Soldiers of the Armed Forces. This law abolished all former oaths and required that all soldiers and public servants declare an oath of unquestioned obedience to “Adolf Hitler, Fuhrer of the German Reich and people.”¹⁵ Although many of the officers in Hitler’s regime came to realize the error of his plans, they were reluctant to stop him because of the oath of loyalty they had taken to the Fuhrer.¹⁶

The founding fathers diligently sought to avoid the mistakes of other nations and, for the first time in history, form a balanced government where freedom could reign. To appreciate this ideal, we first must acknowledge what some have called the preface or architectural blueprint to the Constitution—the Declaration of Independence.¹⁷ “While the Declaration of Independence, as promulgated on July 4, 1776, did not bring this nation into existence or establish the government of the United States of America, it magnificently enunciated the fundamental principles of republican or constitutional government—principals that are not stated explicitly in the Constitution itself.”¹⁸ The essence of these fundamental principles were memorialized when Thomas Jefferson penned the famous words

We hold these truths to be self-evident, that all men are created equal, that they are

endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed....¹⁹

**“
...each branch of government specializes in its particular area of expertise with no one branch having ultimate power over the whole.
”**

Once the colonists declared their independence from Great Britain, they knew they needed a form of government that would keep the 13 colonies united. However, many were skeptical of creating a central government that would destroy their independence as separate and sovereign states. The result was the creation of the Articles of Confederation and Perpetual Union, which lasted only 7 years. This document provided for a weak legislative body and no judicial or executive branch.

Although some have referred to the Articles of

Confederation as America’s first constitution, it never was given that status by the colonists. American colonists were familiar with, and placed great emphasis on, the supremacy of written constitutions. Immediately following the Declaration of Independence, in addition to creating the Articles of Confederation, 11 of the 13 colonies drafted and ratified state constitutions. The inferiority of the Articles of Confederation can be seen by the fact that “[m]ost of the new state constitutions included elaborate oaths that tied allegiance to and provided a summary of the basic constitutional principles animating American constitutionalism. There was no oath in the Articles of Confederation.”²⁰

The Articles of Confederation provided the Federal Government with too little authority to maintain law, order and equality among the new states. So America’s best minds came together once again in Philadelphia, where they had declared their independence from Britain 11 years before, and hammered together a far better government for themselves, creating a Constitution that has served Americans well for more than 200 years now.²¹

The Constitution was not miraculously formulated by ideas invented by the founding fathers during the Constitutional

Convention. To the contrary, in the years preceding the “Miracle at Philadelphia,” Thomas Jefferson, James Madison, Benjamin Franklin, Samuel Adams, John Adams, John Jay, Alexander Hamilton, George Wythe, James Wilson, and others made every effort to study and comprehend the nature and politics of truly free government.²² During the Revolutionary War, John Adams wrote the following to his wife:

The science of government is my duty to study, more than all other sciences; the arts of legislation and administration and negotiation ought to take [the] place of, indeed to exclude, in manner, all other arts. I must study politics and war, that my sons may have liberty to study mathematics and philosophy. My sons ought to study mathematics and philosophy, geography, natural history and naval architecture, navigation, commerce, and agriculture, in order to give their children the right to study painting, poetry, music, architecture, statuary, tapestry, and porcelain.²³

Based on these studies and the collective wisdom of these men, the Constitution our founding fathers created was an amazingly concise, yet comprehensive, document. Comprising a mere seven articles, it embodies the fundamental principles of popular

sovereignty, separation of powers, and federalism, allows for a process of amendment, and provides a system of checks and balances. A closer look at these principles and how they apply to law enforcement today may be instructive.



The Preamble and Popular Sovereignty

It has been said that the Preamble sets forth the goals or purposes of the Constitution.²⁴ When read from the perspective of a law enforcement officer, the purposes described therein could be seen as a mission statement for today’s law enforcement community.

... in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity....

The opening and closing words of the Preamble—“We the people of the United States

[...] do ordain and establish this Constitution for the United States of America”—embrace the idea of “popular sovereignty,” a government ordained and established by the consent of the people. From the outset, then, we see that this new government was to be different from any government then in existence. It was not a monarchy where the rule of one could easily lead to tyranny; it was not an aristocracy where the rule of a privileged few could descend into oligarchy, nor was it even to be a pure democracy where mob rule could slip into anarchy.²⁵ The American dream was to be founded on a constitutional republic where elected representatives swear to uphold the Constitution as they serve at the will and by the consent of the people. This was something “[s]o rare that some historians maintain it has been accomplished only three times during all of human history: Old Testament Israel, the Golden Age of Greece, and the era of emergence of the United States of America.”²⁶

Separation of Powers and Federalism

The structure of the Constitution itself emphasizes the principle of separation of powers. Article I established the legislative branch with the power to make laws; Article II, the executive branch with the authority to enforce the laws;

and Article III, the judicial branch with jurisdiction over legal disputes. “It is important to note that the Constitution in no way granted the federal courts the power of judicial review, or an ultimate interpretive power over the constitutional issues. Modern federal courts possess this huge power thanks to a long series of precedents beginning with the 1803 case of *Marbury v. Madison*.”²⁷ Under the doctrine of separation of powers, each branch of government specializes in its particular area of expertise with no one branch having ultimate power over the whole.

Another aspect of the separation of powers, which is of significance to law enforcement today, is the principle of federalism. Federalism is a legal and political system where the national or federal government shares power with the state governments while each maintains some degree of sovereignty.²⁸ The Constitution helps to delineate the roles of the federal government by spelling out, to some degree, its limited powers, which are outlined in the first three Articles. Section 10 of Article I also places specific, limited restrictions on the states; however, these restrictions actually serve to emphasize the powers reserved exclusively to the federal government (e.g., the power to make treaties with other nations). Article IV delineates a few fundamental

requirements incumbent upon state governments, as well as guaranteeing to each state a republican form of government. Other than the limited guidance given to the states, the Constitution does not direct the states on the establishment and functions of state governments. The idea is that there are certain limited activities the federal government is best situated to handle; there are other activities that are best left to the states; and still others best dealt with by counties, cities, families, and individuals.

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It is significant that we take an oath to support and defend the Constitution and not an individual leader, ruler, office, or entity.

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Under this system of government, the founding fathers realized that conflicts between state and federal jurisdiction would arise. Accordingly, in Article VI of the Constitution, they designated the Constitution itself and other federal laws as “the supreme Law of the Land.”²⁹ This clause (known as the supremacy clause) serves as a “conflict-of-laws rule

specifying that certain national acts take priority over any state acts that conflict with national law.”³⁰

The Bill of Rights and the Fourteenth Amendment

Although the federal government was intended to be a government of limited powers, there were many who feared the inevitable expansion of those powers, particularly in light of the supremacy clause. Without the promise of a Bill of Rights limiting the power of the federal government, the Constitution never would have been ratified. Accordingly, “a total of 189 suggested amendments were submitted to [the first] Congress. James Madison boiled these down to 17, but the Congress approved only 12 of them.”³¹ The states ended up ratifying 10 as amendments to the Constitution, which became known as the Bill of Rights.

Included within the Bill of Rights are a number of provisions that have had a great impact on criminal law enforcement. In particular, the First Amendment freedoms of religion, speech, press, and assembly; the Fourth Amendment restrictions on unreasonable searches and seizures; the Fifth Amendment protection against compelled self-incrimination; and the Sixth Amendment guarantee of the right to counsel in all criminal prosecutions. The Bill of Rights, however, initially

served only as a limitation on the federal government and did not apply to the states. While states had their own state constitutions with their own bills of rights, individual state officers were not bound to provide the protections afforded the people under the federal Constitution. This changed, however, with the adoption of the Fourteenth Amendment in 1868, just 3 years after the end of the Civil War.³²

Over time, via the Fourteenth Amendment's due process clause, the Supreme Court has selectively incorporated most of the provisions of the Bill of Rights and applied them to the states, thereby unifying fundamental criminal procedure law throughout the United States.

Today, every law enforcement academy in America provides training in constitutional law, because virtually every aspect of an officer's job touches that area where the authority of government and the liberty of the individual meet. Arrests, searches and seizures, investigative detentions, eyewitness identification, interrogations—all of these everyday law enforcement tasks, and more, are governed by the Federal Constitution. Under their own constitutions, the States may provide greater protections to their people; but by virtue

of the Due Process Clause of the 14th amendment, they cannot provide less.³³

Due, in part, to major paradigm shifts regarding the rights and freedoms of individuals, which gained momentum during the Civil War, the enactment of the Fourteenth Amendment and the Supreme Court's interpretation of its due process clause, and the many advances in the area of technology, communication, and transportation,



the federalism that prevailed in the first half of our country's existence is very different from the federalism of today. "Since the New Deal of the 1930s, more and more areas of American law, government, and life have crossed an invisible line from state responsibility into the federal domain."³⁴ While some lament the far-reaching power of today's federal government, in the area of law enforcement, most of these changes have been welcome, particularly when they have allowed local, state, and federal

law enforcement agencies to pool their resources and fight crime, which itself continues to defy jurisdictional boundaries.

Checks and Balances

Finally, the founding fathers built a system of checks and balances into the Constitution, whereby the executive, legislative, and judiciary would check and balance each other and state governments would balance the federal while it, in turn, would maintain a check on the states.³⁵

When considering our system of checks and balances, obvious examples surface, such as when the president (executive) nominates judges to serve on the Supreme Court (judicial) with the advice and consent of the Senate (legislative). However, nowhere is the use and effect of checks and balances more poignantly illustrated than in the everyday lives of today's law enforcement officers. For example, when officers determine that they have enough probable cause to search a home or make an arrest, barring special limited circumstances, they do not execute the search or arrest of their own accord and based on their singular authority as members of the executive branch. To the contrary, they seek the review and approval of a neutral and detached magistrate—a member of the judicial branch. Even though they may not realize it, every time officers prepare an affidavit and request approval

of a warrant, they are engaging in the process of checks and balances so painstakingly advanced by our founding fathers over two centuries ago.

While debates were raging among colonists over whether or not to ratify the Constitution, which had recently been adopted by the Constitutional Convention, the father of the Constitution, James Madison, wrote the following insightful words:

Ambition must be made to counteract ambition.

The interest of the man must be connected with the constitutional rights of the place.... If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.³⁶

The most fundamental of the many checks and balances in our system of government is the power to control oneself. At no time is a commitment to this principle more eloquently expressed than when individual officers raise their hands and solemnly swear to support and defend the Constitution of the

United States. May all of us do so with a firm understanding of the principles we have determined to defend and a clear recognition of the people we promise to protect.

Conclusion

We owe an incomparable debt of gratitude to the men and women who fought to bring us the Constitution, and those who have fought to preserve it to this day. In memory of the federal, state, and local law enforcement

“

The Constitution helps to delineate the roles of the federal government by spelling out, to some degree, its limited powers....

”

officers who have made the ultimate sacrifice in the service of this country, may we read the words of President Lincoln anew and rededicate our lives to the privilege of protecting and defending the Constitution of the United States.

Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But in a larger sense, we cannot dedicate—we cannot consecrate—we cannot hallow—this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced.

It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under

God, shall have a new birth of freedom; and that government of the people, by the people, for the people shall not perish from the earth.³⁷ ♦

Endnotes

¹ 5 U.S.C. § 3331, *infra* at endnote 10. See also 5 U.S.C. § 2905(a) which leaves the decision of whether or not to renew the oath due to a change in status to the discretion of the head of the executive agency.

² Edwin Meese III et al. eds., 2005, THE HERITAGE GUIDE TO THE CONSTITUTION, Article VI, Oaths Clause by Matthew Spalding, 294-295.

³ U.S. CONST., art. II, § 1, cl. 8, which states

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

(For insight regarding whether or not George Washington added the words *so help me God* to the end of the oath of office he took in 1789, see Forrester Church, SO HELP ME GOD: THE FOUNDING FATHERS AND THE FIRST GREAT BATTLE OVER CHURCH AND STATE, 2007, 445.).

⁴ U.S. CONST., art. VI, cl. 3.

⁵ UNITED STATES STATUTES AT LARGE, Vol. I, Statute I, Chapter I, §§ 1-5, June 1, 1789, which, in pertinent part reads

STATUTE I.

Chapter I.—*An Act to regulate the Time and Manner of administering certain Oaths.*

Sec. 1. *Be it enacted by the Senate and [House of] Representatives of the United States of America in Congress assembled*, That the oath or affirmation required by the sixth article of the Constitution of the United States, shall be administered in the form following, to wit: "I, A.B. do

solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States." [...]

Sec. 3. *And be it further enacted*, That the members of the several State legislatures[...], and all executive and judicial officers of the several States, who have been heretofore chosen or appointed, or who shall be chosen or appointed [...] shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation[...].

Sec. 4. *And be it further enacted*, That all officers appointed, or hereafter to be appointed under the authority of the United States, shall, before they act in their respective offices, take the same oath or affirmation[...].

⁶ REVISED STATUTES OF THE UNITED STATES: FIRST SESSION OF THE 43RD CONGRESS, 1873-74, Part I, 1st Edition, 1875, Title XIX, Section 1756, which states the July 2, 1862, statute as follows:

Every person elected or appointed to any office of honor or profit, either in the civil, military, or naval service, excepting the President [...], shall, before entering upon the duties of such office, and before being entitled to any part of the salary or other emoluments thereof, take and subscribe the following oath: "I, AB, do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and

defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God."

⁷ U.S. Senate: Oath of Office (http://www.senate.gov/artandhistory/history/common/briefing/Oath_Office.htm).

⁸ REVISED STATUTES OF THE UNITED STATES: FIRST SESSION OF THE 43RD CONGRESS, 1873-74, Part I, 1st Edition, 1875, Title XIX, Section 1757, which states the July 11, 1868, statute as

Whenever any person who is not rendered ineligible to office by the provisions of the Fourteenth Amendment to the Constitution is elected or appointed to any office of honor or trust under the Government of the United States, and is not able, on account of his participation in the late rebellion, to take the oath prescribed in the preceding section, he shall, before entering upon the duties of his office, take and subscribe in lieu of that oath the following oath: "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

⁹ UNITED STATES STATUTES AT LARGE, Vol. 23, p. 22, Chapter 46, Sec. 2 (May 13, 1884).

¹⁰ 5 U.S.C. § 3331, which states

An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services, shall take the following oath: "I, AB, do solemnly swear (or affirm) that I will support

and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.” This section does not affect other oaths required by law.

¹¹ 4 U.S.C. § 101 (July 30, 1947), which states

Every member of a State legislature, and every executive and judicial officer of a State, shall, before he proceeds to execute the duties of his office, take an oath in the following form, to wit: “I, AB, do solemnly swear that I will support the Constitution of the United States.”

¹² For example, see CONSTITUTION OF KENTUCKY §228 Oath of Officers [...] as ratified and revised 1891

Members of the General Assembly and all officers, before they enter upon the execution of the duties of their respective offices [...], shall take the following oath or affirmation: I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of _____ according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted a person thus offending, so help me God.

¹³ The delegates to the first Congress allowed for the word *affirm* to be used instead of *swear* to appease those whose religious beliefs forbid them from taking oaths. See HERITAGE GUIDE, 295.

¹⁴ HERITAGE GUIDE, 294.

¹⁵ William Shirer, THE RISE AND FALL OF THE THIRD REICH. New York, NY: Simon & Schuster, 1990, 226-230.

Service oath for soldiers of the armed forces: “I swear by God this sacred oath that I shall render unconditional obedience to Adolf Hitler, the Fuhrer of the German Reich and people, supreme commander of the armed forces, and that I shall at all times be ready, as a brave soldier, to give my life for this oath.”

Service oath for public servants: “I swear: I will be faithful and obedient to Adolf Hitler, Fuhrer of the German Reich and people, to observe the law, and to conscientiously fulfil my official duties, so help me God.”

¹⁶ *Id.*

¹⁷ Mortimer J. Adler, WE HOLD THESE TRUTHS: UNDERSTANDING THE IDEAS AND IDEALS OF THE CONSTITUTION, Collier Books, Macmillan Publishing Company (1987).

¹⁸ *Id.* at 7.

¹⁹ THE DECLARATION OF INDEPENDENCE (July 4, 1776).

²⁰ HERITAGE GUIDE, 295.

²¹ THE MAKING OF AMERICA: LIFE, LIBERTY AND THE PURSUIT OF A NATION, by the Editors of Time, vi.

²² W. Cleon Skousen, THE MAKING OF AMERICA: THE SUBSTANCE AND MEANING OF THE CONSTITUTION, The National Center For Constitutional Studies (1986), 41.

²³ W. Cleon Skousen, THE FIVE THOUSAND YEAR LEAP: 28 GREAT IDEAS THAT CHANGED THE WORLD (1981, 2009), p. 146, quoting from Adrienne Koch, ed., THE AMERICAN ENLIGHTENMENT, George Braziller, New York, 1965, 163.

²⁴ “The Preamble was placed in the Constitution more or less as an after-thought. It was not proposed or discussed on the floor of the Constitution. Rather, Gouverneur Morris, a delegate from Pennsylvania who as a member of the

Committee of Style actually drafted the near-final text of the Constitution, composed it at the last moment. It was Morris who gave the considered purposes of the Constitution coherent shape, and the Preamble was the capstone of his expository gift. The Preamble did not, in itself, have any substantive legal meaning.” HERITAGE GUIDE, 43.

²⁵ Referencing the teachings of the Greek Historian Polybius who lived from 204 to 122 B.C. as quoted in Skousen, THE FIVE THOUSAND YEAR LEAP, 142.

²⁶ Floyd G. Cullop, THE CONSTITUTION OF THE UNITED STATES: AN INTRODUCTION, Mentor (1999), preface to the third edition. (The United States is the oldest continuous government based on a written constitution in the world.)

²⁷ Larry Schweikart and Michael Allen, A PATRIOT’S HISTORY OF THE UNITED STATES: FROM COLUMBUS’S GREAT DISCOVERY TO THE WAR ON TERROR, Sentinel, Penguin Group (2004), 117.

²⁸ Lawrence M. Friedman, AMERICAN LAW: AN INTRODUCTION, Second Edition, W. W. Norton & Company (1998), 146.

²⁹ U.S. CONST., art. VI, cl. 2.

³⁰ HERITAGE GUIDE, 291.

³¹ Skousen, THE MAKING OF AMERICA, 673.

³² John C. Hall, “The Constitution and Criminal Procedure,” *FBI Law Enforcement Bulletin*, September 1986, 24-30.

³³ *Id.* at 30.

³⁴ Friedman, AMERICAN LAW, 160.

³⁵ *Id.* at 161.

³⁶ Charles R. Kesler ed., THE FEDERALIST PAPERS, No. 51: The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments (Madison).

³⁷ THE GETTYSBURG ADDRESS, by President Abraham Lincoln, November 19, 1863.

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

The Bulletin Notes

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



Officer Ferris



Officer Wolf

Officer Dan Ferris of the Dacono, Colorado, Police Department responded to a residential fire and noticed smoke coming from the roof. He pounded on the walls to alert anyone inside and then opened the front door only to encounter a wall of thick black smoke. When Officer Ferris got down on his hands and knees and looked inside, he noticed an elderly female lying on her side and groaning, about 10 feet from the front door. The smoke would not allow him to enter. At that time, Officer Ron Wolf arrived. Because he had less exposure to the smoke than Officer Ferris, he went inside and, although unable

to see clearly or breathe easily, he moved the victim to a location where both officers could take her to safety. The woman survived.



Sergeant Morrow



Officer Hinds



Officer Berry

An out-of-control vehicle containing a woman and one child passenger plunged into a river. Immediately, Sergeant Pete Morrow and Officers Chad Hinds and Mark Berry of the St. Louis County, Missouri, Police Department arrived on the scene, along with other rescue workers. The three officers swam approximately 25 feet to the vehicle, which was sinking into the rain-

swollen river. After several attempts, they extricated both occupants from the now-submerged vehicle and returned them to shore, where paramedics awaited.

Wanted: Bulletin Notes

The *FBI Law Enforcement Bulletin* seeks nominations for the **Bulletin Notes**. Nominations should be based on either the rescue of one or more citizens or arrest(s) made at unusual risk to an officer's safety. Submissions should include a short write-up (maximum of 250 words), a separate photograph of each nominee, and a letter from the department's ranking officer endorsing the nomination. Submissions should be sent to the Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Law Enforcement Communication Unit, Hall of Honor, Quantico, VA 22135.

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Patch Call



The patch of the Houston County, Alabama, Sheriff's Department features eagles, depicting the courage of and protection by law enforcement; flags, representing the will of the people; white lettering, standing for light, peace, and truth; and a gray background, showing the multiracial heritage of the people within the county's green agricultural borders. The gold scroll bears the department's valuable motto, "honor, service, integrity."



The seal of Roanoke County, Virginia, incorporated in 1838, features the head of a Native American, representing one of several tribes who hunted in the area during this time; the encircling Blue Ridge Mountains; and the Roanoke River, which splits the county. The patch of the county's police department features a replica of the seal with a bottom curvature design and subdued coloring, reducing the reflectiveness while worn.