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Gangs, Drugs and Violence Prevention

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Editorial

> Thousands of young businessmen are recruited and put to work in the tough economic environment of Chicago every year. In the heart of this urban mecca of commerce, they learn their trade and how to interact and deal with the competition, most of whom are equally well skilled. If they're aggressive, the payoff is good. It is not unusual for a young salesperson to sell $10,000 worth of product in a week. On a commission of roughly 20%, a successful salesperson can easily earn more than $100,000 per year to buy a new vehicle, take care of his or her family, and have extra cash for personal enjoyment. The educational requirements for this position are not restrictive; applicants need not have an MBA from a prestigious business school. Most, in fact, are African-American and Hispanic youths from the streets of Chicago. The product for sale is illicit drugs, and they work for street gangs. (Jurkanin, 2005, p. 78)

Street gangs in America have emerged as a persistent and dangerous threat, perpetuating violence, corrupting our youth, and wreaking havoc within our communities. And, make no mistake about it, gangs are not only active in large metropolitan areas such as Chicago; suburbs and rural communities alike experience the ravages brought on by the organized criminal activity of gangs. The dangerous triad of gangs, guns, and drugs has created communities of violence throughout America.

This edition of the *Law Enforcement Executive Forum* focuses on gangs in America and provides insight on the magnitude and scope of the problem, as well as community and police response. The lack of educational and employment opportunities for impoverished youths, combined with the emergence of a highly profitable enterprise in drug trafficking, has allowed gang activity to flourish. As a result, the health, safety, and welfare of a significant number of American citizens is threatened by the violence perpetuated by gang activity.

The multiple socioeconomic factors that give rise to the problem of gangs in America run deep. As such, any effort to combat the criminal activity of street gangs will require a unified approach from families, communities, schools, and government. While police must deal with the end product of gang violence, they alone are unable to correct the underlying social problems that perpetuate such violence.

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Jurkanin, T. (with Hillard, T.). (2005). *Chicago police: An inside view. The story of Superintendent Terry G. Hillard*. Springfield, IL: Charles C. Thomas.

Immigration, Gangs, and Suburban Policing

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Introduction

It is taken for granted that America's character has been defined by its immigrants, but paradoxically, American society has always been ambivalent about immigration. In grappling with this ambivalence, the criminal justice system has been an important point for implementing American society's policy on immigration control and assimilation. The police have been intimately involved in this process, not only as the designated enforcers of the social order that the immigration process sometimes challenges but also as one of the avenues by which immigrants are assimilated. As the pace of immigration to the United States has increased in the past three decades, criminal justice system involvement in immigration has increased as well. This article examines immigration patterns in U.S. states and cities with a special focus on the distribution of the children of immigrants in metropolitan and nonmetropolitan areas. (Following customary usage, in this article, we refer to children of immigrants and include within this group the "1.5" generation, foreign-born immigrants who migrated as children.) These questions are addressed in order to alert policy makers and practitioners about the current and future significance of young immigrants as offenders and as victims in and out of gangs.

The article begins by examining current knowledge about the gang activity with respect to type of urban areas, ethnicity, and immigration. The article continues with an appreciation of the significance of current immigration in the context of previous immigration to America. It examines social and economic differences between previous waves and current immigration, with a goal of understanding the current strains produced by immigration, an increasingly important agenda in police work. Current knowledge about victimization and offenses among immigrants are then considered. By way of illustrating the issue, the article profiles the nature of immigration and gang activity in a New York metropolitan area suburban city. The last section considers the implications of current immigration for policing policy.

Nature and Extent of Current Gang Activity

The Office of Juvenile Justice and Delinquency Prevention's National Youth Gang Survey (2005) found that overall, gangs remain predominately concentrated in larger cities; however, 22% of the suburban agencies surveyed reported that there were 7 to 15 gangs in their jurisdiction, and around 10% reported more than 30. This is compared to 61% of the largest cities reporting more than 30 gangs. The existence of gangs has primarily been an urban phenomenon, but in the last decade, suburban and rural areas began to see an increase in gang activity.

In a study of gang migration, Maxson (1998) found that of 1,000 cities that responded to a 1992 mail survey, 80 reported migrant gangs. In addition, 100 small towns reported experiencing gang migration. According to survey respondents, the majority of those migrating were black. In addition to showing an increase in gang migration, Maxson's findings suggested that migration is likely not motivated by an interest in expanding drug markets but by social factors. Among them, the most common reason for migration (reported by 57% of law enforcement agencies surveyed), was that gang members moved to be with their families or moved to live with family and friends. Little is known about movement of gang members that migrate internationally.

One of the more consistent findings across work on immigrant gangs is the importance of neighborhood. Pedro Mateu-Gelabert (2002) found that among second-generation Dominican immigrant children in New York, immigrant parents were not equipped to guide their children when they were confronted with neighborhood and school pressures. Once they left the neighborhood, however, the children ended gang involvement. Bankston (2002) reported similar findings among Laotian youth gangs. He suggests that the generation gap and immigrant parents' unfamiliarity with American society weakens the protective factors that often serve as barriers to involvement in gangs. Indicative of this is Sule's (2005) finding that among Hispanic gangs, there were high rates of female juvenile involvement. Bankston also found that among Laotian immigrants, gang activity occurred within working and middle class suburbs. Interestingly, in suburban Southern California, Pih and Mao (2005) found that Taiwanese gang members came primarily from affluent neighborhoods and were from upper middle class families.

The Significance of Current Immigration

Although large-scale immigration would seem to be a constant in our history, there have been periods of heavy immigration, followed by periods of quiescence and at times of fear of the foreign, periods of attempts at expulsion. We are now in a period of heavy immigrant influx, one that is rapidly approaching the volume in the last three decades of the 19th century and the first decades of the 20th century (see Table 1). More significantly, in the period from 1870 to 1910, the foreign-born comprised a proportion of the population as high as 14%. It is only in the last decade, from 1990 to 2000, that their proportion exceeded 10%.

Almost by definition, immigrants change the social character of society, which some view as a source of fear and others view as a positive development. Insofar as the late 19th and early 20th centuries represented the heaviest influx of immigrants, one could speculate that the social strains felt by our great grandparents may have been more acute than those currently experienced by immigrants. The nature of immigration has changed significantly and in complex ways that may bring their own strains, however. It is useful to understand the differences between earlier and current immigration and to determine how these differences influence our society and, more to the point of the present discussion, police work.

Table 1
Nativity of the Population and Place of Birth of the Native Population: 1850 to 2000

Year	Total Population	Native Population	Foreign Born	Foreign Born as Percentage of Population
2000	291,422,000	212,466,000	31,108,000	11.1
1990	248,709,873	228,942,557	19,767,316	7.9
1980	226,545,805	212,465,899	14,079,906	6.2
1960	179,325,671	169,587,580	9,738,091	5.4
1940	131,669,275	120,074,379	11,594,896	8.8
1920	105,710,620	91,789,928	13,920,692	13.2
1900	75,994,575	65,653,299	10,341,276	13.6
1880	50,155,783	43,475,840	6,679,943	13.3
1860	31,443,321	27,304,624	4,138,697	13.2
1850	23,191,876	20,947,274	2,244,602	9.7

Source: Estimated from information on population, nativity, and immigration in U.S. Bureau of the Census, Statistical Abstract of the United States, 2003 and earlier editions

Most Americans have some sense of the ethnic differences between 19th and early 20th century immigrants, who came from Europe for the most part, and the mainly non-European character of current immigration. This is more specifically shown in Table 2, which shows Asia and Latin America as the most heavily represented regions of immigration. Table 2 illustrates the changing predominance over time of settlers from different European countries. This can be roughly described (data not shown in the table) as beginning with immigrants from Ireland and the British Isles, followed by Germans and other Northern Europeans and thereafter by Eastern and Southern Europeans. Given the significance that American culture places on skin color as an indicator of worth, it is reasonable to imagine that even if the proportion of foreign born is less today than in the period of heaviest immigration, skin color represents greater strains to the immigrant and the native. This notion, however, ignores the extent to which previous immigrant groups—Irish, Italians, Jews, other Eastern Europeans—now considered part of the American mainstream through the process of intergenerational assimilation, were despised by the native-born. This may not have been new-comer status in itself, but rather the skills they brought and the labor market slots they filled. Compare the reception in the 1850s of German immigrant professionals with that experienced by Irish laborers.

Table 2
Region of Birth of the Foreign-Born Population: Selected Years 1850 to 1990
Percent Distribution

Year	Europe	Asia	Africa	Oceania	Latin America	Northern America
1990	22.9	26.3	1.9	0.5	44.3	4.0
1970	61.7	8.9	0.9	0.4	19.4	8.7
1930	83.0	1.9	0.1	0.1	5.6	9.2
1910	87.4	1.4	–	0.1	2.1	9.0
1890	86.9	1.2	–	0.1	1.2	10.6
1870	88.8	1.2	–	0.1	1.0	8.9
1850	92.2	0.1	–	–	0.9	6.7

Source: Estimated from information on population, nativity, and immigration in U.S. Bureau of the Census, Statistical Abstract of the United States, 1999 and earlier editions

Other differences between the nature of yesterday's and today's immigration work against the idea that skin color is the only determinant of current strains. Current immigrants, while non-white, are more socioeconomically diverse than the earlier immigrants. Whereas 19th and early 20th century immigrants were mostly recruited into farming, labor, and industrial operative occupations, immigration policies since the 1940s have encouraged the entry of high-skill occupations—businessmen, professionals, managers, and so forth. At the same time, immigration policy has formally and informally encouraged the entry of immigrants to fill low-paying labor slots that are in high economic demand but have relatively small supply among the unskilled native-born. Consequently, the foreign-born today are socially and economically bifurcated, sometimes along national origin lines, sometimes not. For instance, South Asians are in middle- to high-status occupations (e.g., small businesses, professions) and Chinese immigrants are found scientists and factory operatives, while for the most part, Mexicans and Central Americans predominate in service, low-skill operative, and labor occupations. Taking high and low skills into account, immigrants today are less privileged, but only slightly less privileged, than the native-born. For example, in 1993, the native-born's median income was $15,876, while the foreign-born's median income was $12,179. Notably, immigrants who entered the United States between 1970 and 1979 had a median income almost equal to that of the native-born (U.S. Census Bureau, 1995, p. 4). While there might be strains because of cultural and skin color differences between the native-born American and the Indian motel manager or Korean grocer, the critical point of strain is with the low-skill, low-pay immigrant.

Another factor of important difference between current and previous immigration is found in the wide geographical dispersion of current immigration. In the 19th and early 20th centuries, in fact until the 1960s, immigrants came to specific regions to fill economic demands. The Northeast, especially New York was the main entry area. Other important areas were the Midwestern industrial cities and agricultural labor states like Texas and California. In contrast, immigrants today are found in all states. Table 3 shows the percentage of native- and foreign-born citizens in 1980 to 2000 by state. In the year 2000, two-fifths of the foreign-born had entered the country after 1990. Traditionally high immigration states—California, New York, Texas, and Florida—accounted for almost 60% of the foreign-born, but it is interesting to note how many other states received major influxes in the 1990s. More importantly, recent immigrants are moving to traditionally low immigration regions. In the year 2000, 40% of the foreign-born had entered the country after 1990. In Southeastern states like Alabama and Georgia, Midwestern states like Indiana, Southwestern states like Arizona, and Western states like Nevada, more than 50% of foreign-born residents entered the United States after 1990. Americans who until recently were not accustomed to seeing immigrants are now seeing them every day.

In sum, the increases in immigrant flows in the past three decades, the predominance of non-whites and non-Europeans, and the fears among some of a linkage between immigration and national security have revived ambivalences about immigrants felt in previous eras. Dealing with these strains then becomes part of the everyday police agenda in virtually every jurisdiction in the country.

Table 3
Native and Foreign Population by State (In Thousands)

State	Total Population	Native Population	Foreign Population			State	Total Population	Native Population	Foreign Population		
			Number	Percent	Percent Entered 1990 to March 2000				Number	Percent	Percent Entered 1990 to March 2000
Alabama	4,447	4,359	88	2.0	53.0	Montana	902	886	16	1.8	29.0
Alaska	627	590	37	5.9	39.7	Nebraska	1,711	1,637	75	4.4	57.8
Arizona	5,131	4,474	656	12.8	48.4	Nevada	1,998	1,682	317	15.8	44.0
Arkansas	2,673	2,600	74	2.8	55.3	New Hampshire	1,236	1,182	54	4.4	37.3
California	33,872	25,007	8,864	26.2	38.9	New Jersey	8,414	6,938	1,476	17.5	41.6
Colorado	4,301	3,931	370	8.6	54.4	New Mexico	1,819	1,669	150	8.2	39.1
Connecticut	3,406	3,036	370	10.9	39.0	New York	18,976	15,108	3,868	20.4	40.4
Delaware	784	739	45	5.7	47.2	North Carolina	8,049	7,619	430	5.3	62.4
D.C.	572	498	74	12.9	51.0	North Dakota	642	630	12	1.9	52.3
Florida	15,982	13,312	2,671	16.7	38.6	Ohio	11,353	11,014	339	3.0	42.2
Georgia	8,186	7,609	577	7.1	59.7	Oklahoma	3,451	3,319	132	3.8	53.0
Hawaii	1,212	999	212	17.5	34.1	Oregon	3,421	3,132	290	8.5	50.0
Idaho	1,294	1,230	64	5.0	47.7	Pennsylvania	12,281	11,773	508	4.1	41.1
Illinois	12,419	10,890	1,529	12.3	45.0	Rhode Island	1,048	929	119	11.4	34.8
Indiana	6,080	5,894	187	3.1	52.2	South Carolina	4,012	3,896	116	2.9	52.4
Iowa	2,926	2,835	91	3.1	57.5	South Dakota	755	741	13	1.8	55.0
Kansas	2,688	2,554	135	5.0	55.1	Tennessee	5,689	5,530	159	2.8	57.7
Kentucky	4,042	3,961	80	2.0	58.8	Texas	20,852	17,952	2,900	13.9	46.1
Louisiana	4,469	4,353	116	2.6	37.0	Utah	2,233	2,075	159	7.1	57.2
Maine	1,275	1,238	37	2.9	28.3	Vermont	609	586	23	3.8	35.3
Maryland	5,296	4,778	518	9.8	44.1	Virginia	7,079	6,508	570	8.1	47.2
Massachusetts	6,349	5,578	773	12.2	40.4	Washington	5,894	5,280	614	10.4	46.6
Michigan	9,938	9,415	524	5.3	44.9	West Virginia	1,808	1,789	19	1.1	35.7
Minnesota	4,919	4,659	260	5.3	54.5	Wisconsin	5,364	5,170	194	3.6	46.2
Mississippi	2,845	2,805	40	1.4	49.6	Wyoming	494	483	11	2.3	37.8
Missouri	5,595	5,444	151	2.7	52.4						
1980	*226,546*	*212,466*	*14,080*	*6.2*	*(x)*						
1990	*248,710*	*228,943*	*19,767*	*7.9*	*(x)*						
U.S.	*281,422*	*250,314*	*31,108*	*11.1*	*42.4*						

Source: Compiled by authors from Statistical Abstract of the United States, 2003, Section 1, Table 48 (U.S. Census Bureau, 2004a)

Crime and Victimization Among Immigrants

Immigrants involved in crime and victimization at rates higher than their proportional representation in the population should be a matter of concern to police and other agencies in the criminal justice system. Although it may seem obvious and redundant, it is important to state the reverse of this proposition: to the extent that immigrant crime and victimization rates are lower than their proportionate representation in the population, criminal justice agencies should be concerned with more pressing crime issues. But what are the patterns of victimization and offenses among immigrants? To what extent are these similar to the crime patterns that police departments encounter among other populations, and to what extent are they different? These questions are hard to answer because information on immigrant status is not routinely collected in the major methodological tools we use to measure crime and victimization—the Federal Bureau of Investigation's (FBI) Uniform Crime Reports (UCR), the National Crime Victims Panel Survey (NCVS), plus the few specialized national representative sample surveys that focus on self-reported offenses. Even if information on immigrants was available in these instruments, their limitations must be acknowledged: the most extensive information is available for index crimes. We know much less about gang-related activity, and we know little about the relatively costly organized, white collar, and corporate crimes. The most reliable information pertains to complaints to police (in the UCR) and self-reported victimization (in the NCVS). Caution is needed in interpreting information for which we must rely on arrest data, such as drug offenses.

In the absence of direct measures, we must rely on more partial pieces of evidence to construct our knowledge of immigrant crime involvement. A good starting point for assessing immigrant crime and victimization is the approach suggested and implemented by Hagan and Palloni (1998). We have useful knowledge about the social correlates of crime and victimization—how variations in age, gender, social class, and ethnicity predict differential rates. We also know that, with a few important exceptions, the social correlates of crime mirror the correlates of victimization. Young white male victims of violence are highly likely to be assaulted by young white males and so forth. One begins with the assumption that immigrants are expected to commit offenses or be victimized in accordance with their sociodemographic profile. To illustrate the logic of predicting immigrant crime involvement with an unlikely and hypothetical example, white middle income women over the age of 40 have low crime and victimization rates. If most immigrants were white middle income women, we should expect very little crime involvement among immigrants, and thus immigrants should be of minor concern to the criminal justice system.

We know that most immigrants are not white, middle class, or female, so we should expect higher crime rates than those pertaining to this particular gender, race, and social class configuration. Tables 4a and 4b use recent information on the foreign-born population (U.S. Census Bureau, 2004b) to compare the foreign-born and native population on education and income. These tables, together with additional information about the socio-demographic characteristics of the foreign born (U.S. Census Bureau, 2004a), suggest the following about immigrant crime involvement:

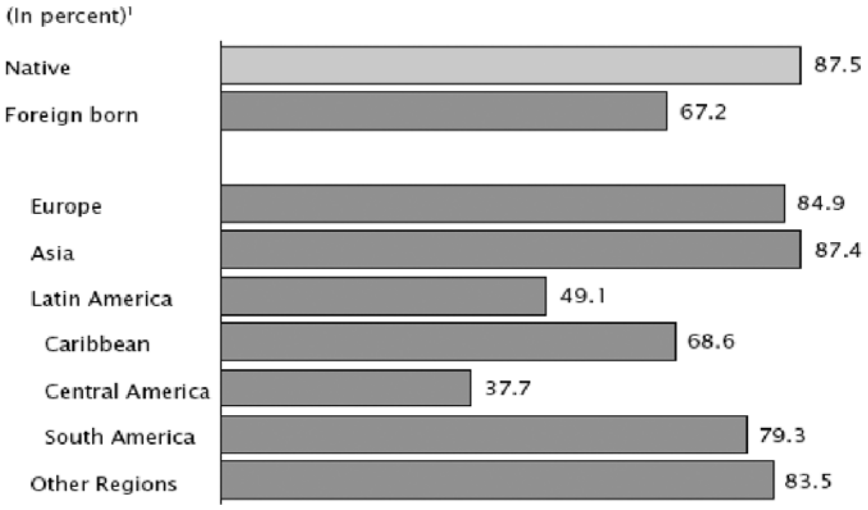
- In the general population, adolescent males have the highest rates of property offense complaints. In 2003, 2.6% of foreign-born males and 3.7% of native-born

males were ages 15 to 19. Native born males in this age group should therefore be expected to have slightly higher property offense rates than their foreign-born counterparts.

- In the general population, males in their late teens to early 30s have the highest rates of violence offense complaints and drug arrests. In 2003, 16.5% of foreign-born males were 20 to 34 years of age, in comparison to 9.5% of native males. Foreign-born males in this age group should be expected to have slightly higher rates of violent offenses and victimization and slightly higher drug arrests than native males. Table 5 shows a hypothetical example of this with respect to homicide.

- The lower the income level, the greater the probability of committing a violent offense or a property offense; likewise the greater the probability of being a victim of a violent or property crime. In 2002, 17% of the foreign-born had incomes below the poverty level, in comparison to 12% of natives. One should, therefore, expect the foreign-born to have higher rates of involvement in these offenses as victims or offenders. Poverty rates among the European and Asian foreign-born are equal to or lower than those of natives; Latin Americans' poverty rates are higher. One should, therefore, expect the latter to have higher rates of crime and involvement and victimization than natives.

Table 4a
Population with High School Education or More by Nativity and World Region of Birth: 2003

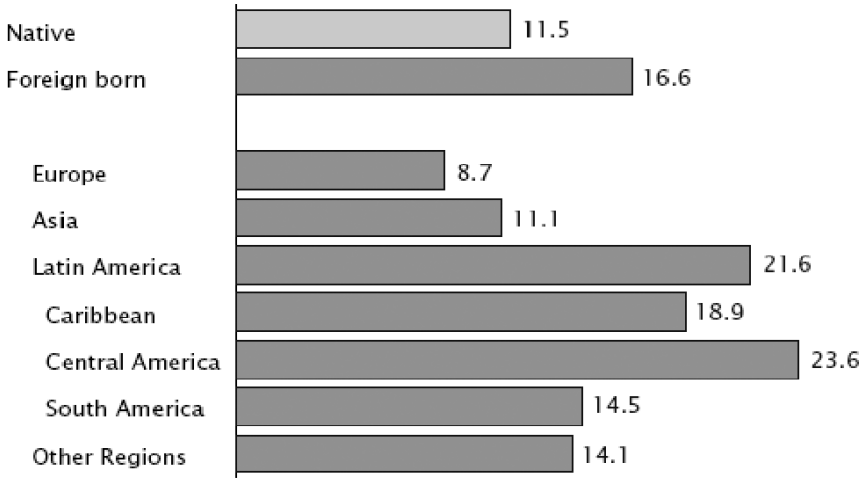


[1]Each bar represents the percent of individuals aged 25 and over, who were born in the specified area, who have at least a high school education.
Source: U.S. Census Bureau, Current Population Survey, 2003 Annual Social and Economic Supplement.

Graph sources: U.S. Census Bureau, The Foreign-Born Population of the United States, 2003 (U.S. Census Bureau, 2004b). Available online at www.census.gov/prod/2004pubs/p20-551.pdf

Table 4b
Population with High School Education or More by Nativity and World Region of Birth: 2003

(In percent)[1]



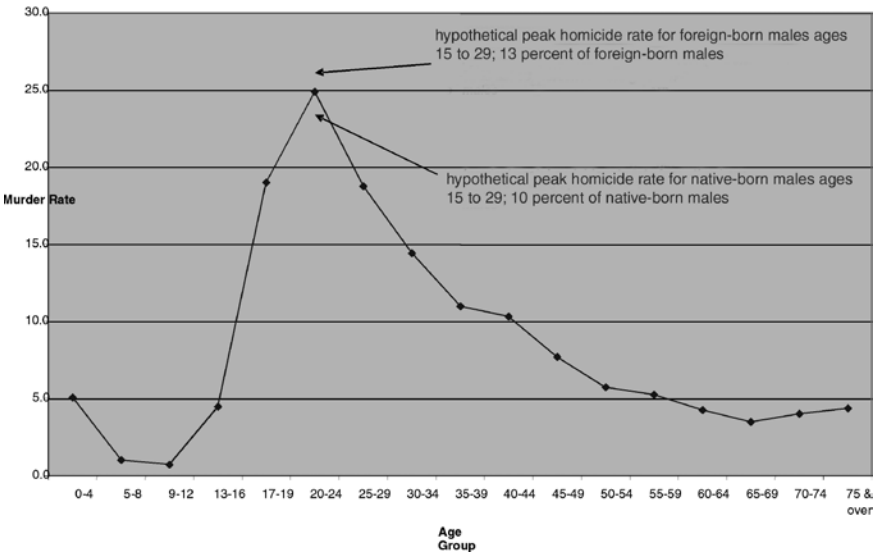
[1] Each bar represents the percent of individuals, who were born in the specified area, who were living in poverty.
Source: U.S. Census Bureau, Current Population Survey, 2003 Annual Social and Economic Supplement.

Graph sources: U.S. Census Bureau, The Foreign-Born Population of the United States, 2003 (U.S. Census Bureau, 2004b). Available online at www.census.gov/prod/2004pubs/p20-551.pdf

Reviewing these sociodemographic comparisons, it is not possible to conclude that by all demographic indicators, one should expect more crime involvement or victimization among immigrants. Since criminal justice data contains little information about immigrants, however, our conclusions are based on the logic of attributing what we know about the general population to immigrants. In the absence of information in the UCR and the NCVS, we have the results of several specific investigations of immigrant crime involvement in the United States and other developed countries (Hagan & Palloni, 1998, 1999; Lee, Martinez, & Rosenfeld, 2001; Pennell, Curtis, & Tayman, 1989). For a review of the evidence, with detailed coverage of the United States and other countries, see Yeager (1996). Although these studies are limited by their focus on specific jurisdictions, by their use of limited survey instruments, or by the number of geographic areas available for comparison, they all show a consistent finding: There is less crime involvement among immigrants than among the native-born, but there is greater crime involvement among the children of immigrants than among the native born. This suggests that immigration today is repeating historically established patterns whereby first generation immigrants have crime rates lower than the general population's while the children of immigrants have crime rates higher that the general population's (Ianni, 1998; Miller & Kleinman, 1985). It is important to note, however, that there is very little data available to tell us whether native-born children of immigrants have greater rates of involvement than children of the native born. To answer this

question, the social correlates approach is limited because recent censuses have not collected the information on nativity needed to address this question. The few detailed examinations of socioeconomic characteristics of children of immigrants indicate that this segment of the population is, like their immigrant parents, bifurcated by virtue of income and education, with dark skin color a significant factor adversely influencing life chances (Jensen & Yoshimi, 1994 ; Portes & Zhou, 1993; Ramakrishnan, 2004). We can hypothesize, therefore, that the children of those who are in the bottom of the immigrants' bimodal socioeconomic distribution—children of non-white, low-skilled, low-income immigrants—are at high risk of involvement in crime, drug use, and other problem behaviors (Zhou, 1997).

Table 5
Murder Victimization Rates per 100,000 Males, by Age Group, U.S. Males 2000



Graph Source: Compiled by authors from Uniform Crime Reports, 2000, Table 2.5 (FBI, 2001).

Immigrants and their children are now widely represented among all the states and within cities, suburban, and rural areas. Table 6 shows the distribution in 1999 of first- and second-generation Hispanic and non-Hispanic individuals of different age groups among central cities, other parts of Metropolitan Statistical Areas, non-metropolitan areas, and nonclassified areas. Young Hispanics under the age of 12 comprise over 50% of all second generation immigrants in metropolitan and nonmetropolitan areas. This is a higher proportion than that of second generation non-Hispanics. In contrast, young persons comprise less than one-third of all native-born persons of native-born parents, while foreign-born Hispanics and non-Hispanics comprise less than 12% of those under the age of 12. Hispanics ages 12 to 17 comprise over 15% of all second generation immigrants in metropolitan and non-metropolitan areas. All other immigration generation groups comprise a slightly smaller proportion of persons ages 12 to 17. The data suggests that

Table 6
Age Group Distribution of First Generation and Second Generation Hispanic and Non-Hispanics, and Native-Born Persons, According to Metropolitan Statistical Area Central City Status, 1999

	Age Group	2nd Gen Hispanic	1st Gen Hispanic	2nd Gen Other Foreign	1st Gen Other Foreign	Native-Born of U.S. Parents	Total	2nd Gen Hispanic	1st Gen Hispanic	2nd Gen Other Foreign	1st Gen Other Foreign	Native-Born of U.S. Parents	Total
Central City	Under 12	6,407	847	2,108	425	14,968	24,755	62.2%	9.7%	43.0%	8.1%	33.3%	33.4%
	12-17	1,799	798	634	433	5,692	9,356	17.5%	9.1%	12.9%	8.3%	12.7%	12.6%
	18-24	875	1,554	427	593	4,791	8,240	8.5%	17.8%	8.7%	11.4%	10.7%	11.1%
	25+	1,225	5,532	1,734	3,767	19,471	31,729	11.9%	63.4%	35.4%	72.2%	43.3%	42.8%
	Total	10,306	8,731	4,903	5,218	44,922	74,080						
Rest of MSA	Under 12	6,148	884	2,532	462	27,273	37,299	62.2%	10.5%	30.9%	8.0%	32.3%	32.0%
	12-17	1,447	785	1,028	449	12,297	16,006	14.6%	9.3%	12.6%	7.8%	14.6%	13.7%
	18-24	1,037	1,330	750	685	8,353	12,155	10.5%	15.8%	9.2%	11.9%	9.9%	10.4%
	25+	1,260	5,426	3,875	4,182	36,468	51,211	12.7%	64.4%	47.3%	72.4%	43.2%	43.9%
	Total	9,892	8,425	8,185	5,778	84,391	116,671						
Nonmetropolitan	Under 12	1,236	153	569	53	18,539	20,550	58.1%	12.3%	26.8%	6.2%	31.2%	31.2%
	12-17	369	161	228	72	9,444	10,274	17.3%	12.9%	10.8%	8.4%	15.9%	15.6%
	18-24	167	168	130	100	5,590	6,155	7.8%	13.5%	6.1%	11.7%	9.4%	9.4%
	25+	356	764	1,193	629	25,867	28,809	16.7%	61.3%	56.3%	73.7%	43.5%	43.8%
	Total	2,128	1,246	2,120	854	59,440	65,788						
Not Identified	Under 12	1,544	171	566	164	11,170	13,615	55.4%	9.6%	28.0%	13.9%	31.4%	31.4%
	12-17	457	255	192	137	5,127	6,168	16.4%	14.3%	9.5%	11.6%	14.4%	14.2%
	18-24	255	209	153	106	3,617	4,340	9.1%	11.7%	7.6%	9.0%	10.2%	10.0%
	25+	533	1,151	1,109	777	15,624	19,194	19.1%	64.4%	54.9%	65.6%	44.0%	44.3%
	Total	2,789	1,786	2,020	1,184	35,538	43,317						
Grand Total		25,115	20,188	17,228	13,034	224,291	299,856						

second-generation persons in the most crime-prone years (ages 12 to 17) are equally represented in urban areas of all types, as well as non-urban areas. More notably, the high proportion of second-generation children in cities and non-urban areas suggests that in the next 5 years, the proportion of crime-prone youth is likely to increase in urban and nonurban areas.

A Profile of Immigrant Gang Activity in a Suburban Area

To illustrate the impact of immigration on the development of gangs in suburbia, we offer a profile of recent gang activity in Glen Cove, a small suburban city on the north shore of Long Island, New York. Located just 15 miles outside of New York City, the area surrounding Glen Cove houses a large commuter base. In earlier times, this part of Long Island was known as the Gold Coast and was dotted by large mansions and estates owned by Manhattan financiers and bankers. Although many of these estates have since been subdivided, the area retains its wealthy profile on a smaller, more modern-day scale. Located in the heart of the Gold Coast, Glen Cove has traditionally been the locus for much of the labor force servicing this area. Housing in this area is on a noticeably smaller scale, and the city is home to a federal housing project and numerous rental properties. For these reasons, Glen Cove has been a favorite settlement location for many different ethnic immigrants. In more recent times, this has translated into a large influx of immigrant labor and day workers from South America. In 1990, the city had a total population of 24,149 people. According to U.S. Census Bureau data, a total of 11% of the population was of Hispanic origin. By the 2000 Census, this figure had grown to 21%. While the population of Glen Cove increased by just about 10% over the 10-year period between the two Census waves, the Hispanic population increased by nearly 100%, just about accounting for the full increase in total population.

The impact of the large influx of Hispanic immigrants was immediately felt in Glen Cove. A growing number of day laborers began to gather at different locations in the city, rushing to work trucks and seeking an opportunity for work as they pulled up to stores to get supplies. Almost overnight, the city realized that this was causing a traffic hazard and was forced to create a gathering location for day laborers in a more suitable area. A few years later, the city was forced to respond to a growing homeless population during the winter months when the demand for day laborers waned. During this time, the city saw a slight increase in nuisance complaints. Police department records reveal moderate increases in disorderly/intoxicated person complaints. Reflective of common conflicts between newcomers and natives ("Race Wars," 2004; "A Death in Bushwick," 2004; "In a Divided Town," 2004), immigration was viewed by many residents and members of the police department as having a negative effect on the quality of life in the city. Since 2000, the city has seen the rise and near explosion of a gang problem. As early as 2001, the police department began observing gang-related graffiti in immigrant neighborhoods. Soon, the department confirmed the existence of gangs through arrests of gang members. The existence of traditional Hispanic gangs such as MS-13, Neta's, and Vatos Locos were confirmed through gang graffiti, tattoos, and interviews of arrestees. More detailed interviews revealed an even more interesting trend. These gang members were often children of new immigrants rather than the new immigrants themselves. Most had immigrated here at a very young age and had attended the Glen Cove School District. Most spoke English very well but also spoke fluent Spanish and served as the conduit of information for their immigrant parents.

We examined official police reports of arrests for the crime of gang assault for the 2-year period extending from 2004 through 2005. Statutorily, the crime of gang assault in the jurisdiction under examination requires the presence of three offenders; therefore, the arrests represent a total of 11 unique incidents, but a total of 33 individual arrests. The data shows that over the 2-year period, gang assaults nearly doubled.

Table 7
Gang Assault Incidents and Arrests

Year	Gang Assault Incidents	Number of Arrested	Percent Increase
2004	3	9	-
2005	8	24	167%

For each arrest, official data was collected pertaining to residency status, gang involvement, parent's country of birth, arrestee's country of birth, and age of entry if applicable. Among the eight individuals charged with gang assault in 2004, all were either children of new immigrants or new immigrants themselves. A total of six (three-fourths) of those arrested were either native born or had moved to the United States at an early age (less than 10 years old). A similar result was observed for the 2005 data. In that year, a total of 19 (four-fifths) of those arrested for gang assault were either native-born or had moved to the United States before they were 10 years old. In both years, the foreign born arrestees (N = 7) were older than the native-born offenders. All foreign-born offenders were between the ages of 19 and 23 compared to 8% of native-born/early immigration offenders. Finally, all offenders reported residences in neighborhoods of significant poverty and social disorganization.

Implications for Policing

To a great extent, immigrant policy focuses on immigration as a commodity labor power that flows across borders. Much of the debate over immigration concerns whether it pays off for the U.S. economy and the sending countries. When social welfare for immigrants is examined within this debate, it is usually considered as a factor that needs to be deducted from the economic benefits that immigrants produce for American society. The focus on immigrants as commodities is encouraged by ambivalence over their role here. The native-born and the immigrants themselves wonder whether they will become permanent residents (formally or informally) or whether they are "birds of passage" (Piore, 1979), accumulating income in order to return to their homeland. On the other hand, historically the sons and daughters of immigrants do not feel the same ambivalence. For most of the second generation, ambivalence comes from perceptions of rejection by mainstream society and doubts about fitting in, but there is little or no ambivalence about their identifying with the United States as their home. Police relations with immigrant offenders and victims are encompassed within the question—for receiving societies—of immigrant absorption policy (Faist, 1995; Heisler & Heisler, 1986). To the extent that criminal justice systems can develop sensible and sensitive policies that are grounded in the reality of immigrant life, police and other agencies can greatly contribute to

the broader task of integrating immigrants into our society. Policing policy toward immigrants figures prominently in this task. Importantly, this approach to policing is relevant not only in large cities that have been historical recipients of immigrants but also in small suburban cities and rural areas.

Of positive relevance to the question of immigrants and policing is the development over the last three decades of empirical and theoretically based knowledge about police work. This research and theory have fostered the development of promising and empirically evaluated approaches to police work. Community-oriented policing (Greene, 2000), and problem-oriented policing (Boba, 2003) would seem particularly relevant as sources of ideas and practices, considering their purposeful understanding of community structure and view of the police as an organization that needs to enter into dialogue with other institutions and community entities. The organizational components of community policing—community development through prevention, complementary use of civil and administrative law, focus on quality of life, partnership building, building communications between police and community organizations, linkage with social service agencies (Greene, 2000)—fit the nature of immigrant life in communities and the strains that can emerge from the immigrants' presence. This should not, however, restrict police departments that follow other approaches from considering how immigrant life influences their work, how they can enhance public safety by addressing immigrants as victims and immigrants as offenders, and how they can help reduce conflict between immigrants and the native-born.

Policy makers and practitioners should note that the United States is not the only developed country attracting immigrants and confronting the consequences of this process. Immigrant crime and victimization is part of the police agenda in Canada, Australia, Europe, and even less developed countries like Israel and South Africa (Buntman & Snyman, 2003; Erez, Finchenaur, & Ibarra, 2003). In this context, it is useful to study how Canadian criminal justice policy has taken "multiculturalism" as a reality, not an ideology, thus attempting (with great difficulty) to change police practices in a more systematic way (Stenning, 2003). It is important for practitioners and social scientists to learn how the immigration story plays itself out in other countries, how other criminal justice organizations conceptualize it, so that we may determine what Americans can learn from these countries' successes and failures. In this sense, immigration can be seen as an opportunity for police departments to develop a leadership role in criminal justice innovation and thus, move the profession forward.

References

Bankston, C. L. (2002). *Delinquency and diffusion: A study of the development of suburban Laotian youth gangs*. Starksville, MS: Mississippi State University, Southern Sociological Society (SSS).

Boba, R. (2003). *Problem analysis in policing*. Washington, DC: Police Foundation.

Buntman, F., & Snyman, R. (2003, April). Policing in a diverse multicultural society: The South African case. *Police and Society, 7*, 197-230.

Cave, D. (2004, October 24). In a divided town, a question of hate or cash? *New York Times* (Late edition), p. 1.1.

Davis, R. C., Erez, E., & Avitabile, N. (2001, September). Access to justice for immigrants who are victimized: The perspectives of police and prosecutors. *Criminal Justice Policy Review, 12*(3), 183-196.

Erez, E., Finckenauer, J., & Ibarra, P. R. (2003, April). Introduction: Policing a multicultural society. *Police and Society, 7*, 5-12.

Faist, T. (1995, April). Ethnicization and racialization of welfare-state politics in Germany and the USA. *Ethnic and Racial Studies, 18*(2), 219-250.

Federal Bureau of Investigation. (2001). Crime in the United States, 2000. Washington, DC: U.S. Department of Justice. Available online at www.fbi.gov/ucr/cius_00/00crime1.pdf

Greene, J. H. (2000). *Community policing in America: Changing the nature, structure, and function of the police*. Washington, DC: National Research Council, Fairness and Effectiveness in Policing.

Hagan, J., & Palloni, A. (1998). Immigration and crime in the United States. In J. P. Smith & B. Edmonston (Eds.), *The immigration debate* (pp. 367-387). Washington, DC: National Academy Press.

Hagan, J., & Palloni, A. (1999). Sociological criminology and the mythology of Hispanic immigration and crime. *Social Problems, 46*(4), 617-632.

Heisler, B. S., & Heisler, M. O. (1986, May 12-22). Transnational migration and the modern democratic state: Familiar problems in new form or a new problem? *The Annals of the American Academy of Political and Social Science, 485*, 12-22.

Ianni, F. A. J. (1998, January/February). New mafia: Black, Hispanic and Italian styles. *Society, 35*, 2.

Jensen, L., & Chitose, Y. (1994). Today's second generation: Evidence from the 1990 census. *The International Migration Review, 28*(4), 714.

Lee, M. T., Martinez, R., Jr., & Rosenfeld, R. (2001). Does immigration increase homicide? Negative evidence from three border cities. *The Sociological Quarterly, 42*(4), 559-580.

Mateu-Gelabert, P. (2002). *Dreams, gangs, and guns: The interplay between adolescent violence and immigration in a New York City neighborhood*. New York: Vera Institute of Justice.

Maxson, C. L. (1998). *Gang members on the move. Bulletin. Youth gang series*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

Miller, E. M., & Kleinman, L. H. (1985, May). Political economy and the social control of ethnic crime. In J. W. Moore & L. A. Maldonado (Eds.), *Urban ethnicity: A new era. Urban Affairs Annual Review, 28*, 167-184.

Office of Juvenile Justice and Delinquency Prevention. (2005). *Highlights of the 2002-2003 National Youth Gang Surveys*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Author.

Pennell, S., Curtis, C., & Tayman, J. (1989). *The impact of illegal immigration on the criminal justice system*. San Diego Association of Governments.

Pih, K., & KuoRay, M. (2005). "Golden parachutes" and gangbanging: Taiwanese gangs in suburban Southern California. *Journal of Gang Research, 12*(4), 59-72.

Piore, M. J. (1979). Birds of passage: Migrant labor and industrial societies. Cambridge, NY: Cambridge University Press.

Portes, A., & Zhou, M. (1993). The new second generation: Segmented assimilation and its variants among post-1965 immigrant youth. *Annals of the American Academy of Political and Social Sciences, 530*, 74-98.

Race wars: Since 9/11, New York has been shocked by hate crimes against immigrants. But what happens when the perps are people of color too? (2004, May). *City Limits, 29*(5), 17.

Ramakrishnan, S. K. (2004). Second-generation immigrants? The 2.5 generation in the United States. *Social Science Quarterly, 85*(2), 380-398.

Stenning, P. C. (2003, April). Policing the cultural kaleidoscope: Recent Canadian experience. *Police and Society, 7*, 13-47.

Sule, D. D. (2005). Correlates of Hispanic female gang membership. *Journal of Gang Research, 12*(4), 1-24.

Tavernise, S. (2004, January 26). A death in Bushwick is answered by silence. *New York Times* (Late edition), p. B1.

U.S. Census Bureau. (1995). *The foreign-born population, 1994.* Current Population Reports, Series P20-486. Washington, DC: Author.

U.S. Census Bureau. (1999). *Historical census statistics on the foreign-born population of the United States: 1850-1990*. (Population Division Working Paper No. 29, by Campbell J. Gibson and Emily Lennon). Washington, DC: Author. Available online at www.census.gov/population/www/documentation/twps0029/twps0029.html

U.S. Census Bureau. (2004a). *Statistical abstract of the United States, 2003.* Washington, DC: Author. Available online at www.census.gov/prod/2004pubs/03statab/pop.pdf

U.S. Census Bureau. (2004b). *The foreign-born population of the United States, 2003*. Washington, DC: Author.

Yeager, M. G. (1996). *Immigrants and criminality: A meta survey*. Ottawa, Ontario: Ministry of Citizenship & Immigration, Government of Canada.

Zhou, M. (1997). Growing up American: The challenge confronting immigrant children and children of immigrants. *Annual Review of Sociology, 23*, 63-95.

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The Continuing Menace of Criminal Youth Street Gangs

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Introduction to the Enduring Youth Gang Problem

In today's society, citizens are bombarded daily with warnings about the threat of international terrorism, the conflict in Iraq, the devastation of Hurricane Katrina, and other frightening situations. The world has changed significantly in recent years, as our concerns and thoughts are preoccupied with new perils. As these new dangers move to the forefront, it is easy to forget events that seemed to be of great concern during the last decade. Presidential sex scandal concerns are replaced with fears of biological warfare. The Oklahoma City bombing became a distant memory as the scene of the Twin Towers dissolving before our eyes was etched into our memories forever. Global terrorism dominates our news and media coverage. Much of the crime and violence entering our homes through mass communication is occurring thousands of miles away in Fallujah, Tikrit, and Baghdad. Is crime no longer being committed within the borders of the United States? Has the violence previously highlighted on our televisions moved across the seas to foreign nations? The answer to those questions is an unmistakable "no!"

Crimes perpetrated inside the borders of our nation continue to be a threat to its citizenry, and there is no national threat more ominous than the growing network of criminal street gangs. Although not accentuated in the media as in the 1980s and 1990s, criminal street gangs are a leading problem in many of our cities and towns throughout the United States. Gangs continue to be extremely violent, cause great destruction, and create a financial drain on our communities. Gangs were not eliminated, or even reduced in the 1980s or 1990s, although their reign of terror ceased to gain notoriety.

The 21st century has arrived, yet communities still suffer from their lack of control over their neighborhoods. After the events surrounding the 911 attack, attention was diverted from street gangs to new dangers that, at the time, seemed more perilous. Under the guise of these new fears, gangs were able to operate freely with minimal attention and have, in fact, increased substantially in the years since the terrorist attack on the World Trade Center. Despite the fact that the media has essentially ceased to focus attention on these dangerous groups, let us not be lulled into a false sense of security. Gangs continue to remain a very real and dangerous force in the United States; they have certainly not been defeated. Gangs are alive and flourishing.

What Is a Gang?

We all have our own personal conception, but, what really constitutes a gang? "In 1927, Frederick Thrasher, defined gangs as a result . . . [of] neighborhood play groups which were bonded together without any particular purpose or goal, with the end result being tradition, internal structure, solidarity, morale, group

awareness, and attachment to local territory" (South Australian Government, 2005, p. 1). Today's definition of gangs would definitely include criminal activity. "The Federal Bureau of Investigation defines a Violent Street Gang/Drug Enterprise as a criminal enterprise having an organizational structure, acting as a continuing criminal conspiracy, which employs violence and any other criminal activity make up to sustain the enterprise" (Wiley, 1997). Leadership of the gang determines the level of criminal activity with the "hard core gang members," who usually make up approximately 10% of the membership, being the backbone of the group. Early American gangs were typically ethnicity-based—German, Italian, Polish, and Irish gangs, with African-American, Mexican, and Puerto Rican gangs gaining prominence in the 1950s and 1960s. The 2001 National Youth Gang Survey found that nearly half (49%) of all gang members were Hispanic/Latino. Thirty-four percent of gangs are black, 10% are white, 6% are Asian, and the remainder are of various ethnicities. Racial composition is often determined by location of the group (Howell & Egley, 2003).

Initially, male-only gangs were predominant, but female participation in all-female gangs and hybrid gangs has become more common. Males are still the largest segment, making up 85% of the population of gangs, and are the most violent. Females, although the smallest number in membership, are the fastest growing segment of the gang culture. Most inner city gang members are adults with membership being a lifetime commitment.

Suburban/rural gangs are primarily juveniles with members leaving the gang at adulthood. As each gang evolves, the average age of the membership increases, the seriousness of the gang situation increases, and the proclivity to violent criminal activity increases (Florida National Guard, 2004).

Who Is a Gang Member?

In the eyes of the law, if you claim to be a member of a gang, you are labeled a gang member. Having one's parent or another relative acknowledge your affiliation with a gang is enough to identity you as a gang member according to Suffolk County Police in New York State. To label others who have not been so identified as street gang members, Suffolk police must uncover at least two of the following criteria:

- Identification by a reliable informant
- Identification by an informant of unknown reliability, then, corroboration by other information
- Possession of items, including gang rules, drawing, writings, videos, or jewelry
- Named in gang documents, graffiti, or writing
- More than one arrest in the company of a known gang member
- Tattoos, marking, or branding indicating membership
- At least four photographs of suspect alongside known gang members
- Wearing of gang colors
- Attendance at gang meetings or functions
- "Use [of] gang hand signs or symbols" (Bruchey, 2005, p. A16)

Street gangs have been documented in most United States cities, but crime surveys and statistics indicate that formerly docile gangs are becoming more of a threat. Gangs are found to be the source of a majority of violent crimes committed, especially homicides, in cities such as Chicago, Illinois, and Los Angeles, California. Street gangs flourish throughout Southern California and beyond. There are approximately 100,000 gangsters in more than 1,300 gangs in Los Angeles, Ventura, and San Bernardino Counties in California. Although they only account for less than 1% of the population, these gangs are responsible for at least half of the homicides in the respective counties. In Chicago, Illinois, 60% to 70% of murders committed are attributed to gangs, making it one of America's murder capitals (Barrett, 2004).

Gangs – As a Business

Drug trafficking is the main source of income for these disruptive groups. Although previously involved with a lower level of drug trade, the evolution of "crack cocaine" skyrocketed gang participation in the sale of drugs. Drug outlets opened in every neighborhood, with tens of thousands of new customers (Wiley, 1997).

Gangs are no longer teens hanging out on corners but true businessmen. "Gangs aren't about gang colors anymore like they used to be. They are all about one color—green—the color of money. Street gangs have become dope crews. Gangs are beyond graffiti" (Keegan, 2004). Gangs are increasingly dropping old rivalries to collaborate in order to maximize the profit and power derived from drug trafficking (Gingrich, 2005). It is no longer productive to boast about gang affiliation; in fact, gang leaders now want to remain anonymous.

Larry Hoover, "the Chairman" of the Gangster Disciples, a Chicago-based street gang, always told his members, "Nothing can hurt the Duck, but its bill" (Florida National Guard, 2004, p. 47). Hoover and 38 members of the gang were indicted for drug trafficking. Based on information gained from listening devices, it has been determined that he is in control of a narcotic empire estimated to have 30,000 members with annual revenues of $100 million per year. Teenage pushers work the inner-city schoolyards. Discipline is swift, ranging from warnings to beatings with fists and bats. The "public" Larry Hoover was a dedicated community leader attempting to transform the Gangster Disciples from a criminal organization to a grass-roots empowerment called "Growth and Development." The GD's political action committee financed Chicago voter-registration, conducted gang "peace summits," and held rallies in support of healthcare reform. As altruistic as his public actions appeared, the "Duck" was brought down by his own bill. While listening devices captured his words of "enlightening the young brothers" and "stop selling drugs," they simultaneously recorded his order to implement a citywide tax, requiring his dealers to return to him one day's profit each week, netting him $200,000 to $300,000 weekly. Apparently, Hoover was right; the "bill" can hurt the "duck" (Florida National Guard, 2004, p. 47).

Gang Migration

The gangs began a migration into the smaller cities allowing them to continue to profit from America's insatiable appetite for illicit drugs. Migration is becoming a sign of the times. Chicago reports a movement that is subtle, but real, and

law enforcement is taking note. As the street-wise cops increase pressure on the gangs in the city, the members move out, searching for newer and possibly more naïve areas. This movement is not limited only to Chicago but is nationwide. There are 14,000 police departments in America with less than 24 officers, and they are desperate for resources. This migration further confirms that the focus of the gang has changed from defending their "turf" to making money (Keegan, 2004). Social and political legitimacy is the name of the game to ensure friendly working conditions.

The Most Dangerous Gang in America

The Mara Salvatrucha (MS13) is known as the most dangerous gang in America. *Mara* is slang for "gang" and *trucha* is slang for "a shrewd person" (Arana, 2005, p. 99). Others say *Mara Salvatrucha* means "Forever Salvador." The Mara Salvatrucha or MS-13 got started in Los Angeles in the 1980s by Salvadorans fleeing a civil war (Florida National Guard, 2004, p. 48). On the streets of Los Angeles, the immigrants were forced to band together to ward off attacks from Mexican gang members. Most of the founding members are ex-soldiers or guerillas and are, therefore, very familiar with weapons, including various assault-style high-powered weapons. Over time, the gang organized and became retaliatory to these attacks with lethal countermeasures. Law enforcement, in response to their retaliations, came down hard on the group, deporting scores of members. Their reaction was to create an MS-13 outpost in El Salvador and neighboring countries, giving them a wide base from which to recruit. United States bases were set up in remote areas, such as Boise, Idaho, and Omaha, Nebraska. The MS-13 has a uniquely international profile. Called "supergangs" by law enforcement officials because of their international affiliations, they depend on their associates outside the country for drugs and money laundering. There are an estimated 8,000 to 10,000 members in 33 states and an estimated 80,000 members in Central America (Campo-Flores et al., 2005). More than 3,000 MS-13 gang members are in the Washington area alone; others migrate into Virginia, Maryland, Oregon, New York, Georgia, and Florida (Seper, 2004). All stats are rising (Gingrich, 2005).

The gang is able to shuttle between their home countries and the United States, now having powerful, cross-border crime networks. The median age is 19 years; although, leaders are generally in their late 30s or 40s. Recruits are often as young as nine, with initiation requiring members to be "jumped in," which entails surviving being beaten and kicked by older members nonstop for 13 seconds. After they recover, they must participate in a crime. Although not sophisticated enough to move into financial crimes, as of yet, they earn unlimited amounts of money hauling people into the United States. Just as they can smuggle desperate people into the United States who are looking for a job, they can also smuggle people interested in spreading terror (Arana, 2005).

Terrorism and Gangs

A top al Qaeda lieutenant and leaders of the Mara Salvatrucha met to join forces in a terrorist attempt to infiltrate the United States-Mexico border. Al Qaeda's Adnan G. El Shukrijumah along with El Salvador's notorious gang leaders were seen meeting in Honduras (Seper, 2004). Attorney General John Ashcroft identified Al Shkrijumah as one of seven al Qaeda operatives involved in plans to strike new targets in the

United States. Our permeable southern border is an easy target for drug smuggling, along with human smuggling. Over 1.2 million people were caught attempting to illegally enter the United States last year, and it is estimated that four times as many were not apprehended. Depending on the nationality, fees for smuggling one illegal alien into the United States can reach as high as $40,000 (Gingrich, 2005). "Homeland Security Secretary, Admiral James Loy cited intelligence that 'strongly suggests' al Qaeda operatives have considered using the Mexican border as an entry point, believing they can 'pay their way' in illegally" (Gingrich, 2005).

How Do We Stop Them?

Impeding gang growth has proven difficult to control. Even with arrests, gang activity continues. Prisons serve as recruiting and training grounds for gangs. Inmates are often forced into gangs for protection. Gangs are so much a part of prison life that several have their origin in prisons. Because of the vast amount of money associated with drugs, corrections workers are targets for bribes. At the same time, sanctuary laws make it difficult for local police to act against illegal aliens who may also be gang members (Gingrich, 2005).

Los Angeles Police Chief William Bratton is calling on the federal government to help with the gang problem. The infiltration of gangs in Los Angeles has increased homicide rates by 350% in some areas. He advocates the federal government's use of RICO (Racketeer Influenced and Corrupt Organization Act) to stop gang leaders, saying, "That's how we got Al Capone" (Weir, 2005).

Prosecutors must charge the gang members with conspiracy, proving they operated in an organized and systematic way (Glater, 2005). The Gang Deterrence and Community Protection Act of 2005 allows law enforcement to "prosecute gang members in the context of their affiliation with the gang, enabling a more comprehensive view of the organization's structure for gangs and recognizes the national security relevance of local gang investigations by providing federal funding" (Gingrich, 2005).

Ultimately, stopping gangs requires a local effort. The citizenry and police must stand together and fight to keep neighborhoods safe. We must become aware of our surroundings, watch our children and youth for signs of gang involvement, and support our law enforcement officers in their efforts to stem the surge of gangs.

In the words of the writer Louis L'Amour, "A gang was a place for cowards because they were afraid to stand out in the open. They wanted others to fight their battles for them and to shield them from attack" (1979, p. 61). Conversely, we must stand in the open, fight our own battles, and shield ourselves and our children from attack.

References

Arana, A. (2005, May/June). How the street gangs took Central America. *Foreign Affairs*, *84*(3), 98-110.

Barrett, B. (2004, September 25). Homegrown terror. *The San Bernardino Sun*. Available online at www.sbsun.com

Bruchey, S. (2005, March 16). You're a gangster when . . . *Newsday*, p. A16.

Campo-Flores, A., Briscoe, D., Klaidman, D., Isikoff, M., Ordonez, J., Contreras, J., et al. (2005, March). The most dangerous gang in America. *Newsweek*, *145*(13), 22.

Florida National Guard. (2004, July 2). Multijurisdictional Counterdrug Task Force Training reference materials. St. Petersburg.

Gingrich, N. (2005). *Gangs: A threat to national security*. Fox News Network, LLC. Available online at www.foxnews.com/story/02933,160595,00.htm

Glater, J. D. (2005, June 22). 23 Arrested in raids on gangs in California. *New York Times*. Available online at www.nytimes.com/2005/06/22/national/22raid.htm.oref+login

Howell, J. C., & Egley, A. (2003). *Frequently asked questions regarding gangs*. National Youth Gang Center (NYGC). Available online at www.iir.com/nygc/faq.htm

Keegan, A. (2004, April). *Deadly migration*. Illinois Issues Online. Available online at http://illinoisissues.uis.edu/features/2004apr/gangs.html

L'Amour, L. (1979). *The proving trail*. New York: Bantam.

Seper, J. (2004, September). Al Qaeda seeks tie to local gangs. *Washington Times*. Available online at www.papillonsartpalace.com/ablqaeda.htm

South Australian Government. (2005, June 22). *Child youth health: Gangs*. Children, Youth and Women's Health Service. Available online at www.cyh.com/HealthTopics/Health/TopicDetails

Valdez, A. (2005, April 12). *Mara Salvatrucha, a South American import*. National Alliance of Gang Investigators Association. Available online at www.nagia.org/mara_salvatrucha.htm

Weir, B. (2004, June 15). Gangs of LA. *The American Thinker*. Available online at www.americanthinker.com/articles.php?article_id+3607

Wiley, S. R. (1997, April 23). United States Senate, Senate Committee on the Judiciary. Available online at www.hi-ho.ne.jp/taku77/refer/gang.htm

Winton, R. (2005, May 13). L.A. home turf for hundreds of neighborhood criminal groups. *LA Times*. Los Angeles Community Policing. Available online at www.lacp.org/2005-Articles-Main/LAGangsinNeighborhoods.html

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On Riots and Mobs: Understanding Group Violence

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Introduction

The aim of this article is to explore the nature of group behaviour and group violence. The specific impetus for the article stems from recent events (December 2005) at Cronulla Beach in South Sydney, in which several thousand people rioted, in the process damaging property and violently attacking particular individuals who happened to be at the beachside suburb at the time. The level and mass nature of the violence shocked the nation, particularly because of the blanket media coverage of the event and the graphic pictorial representation of the physical aggression. How could this happen? Why did it happen? Who was to blame?

The riots were sparked by the beating of two surf lifesavers by a group of young men who appeared to be "Middle Eastern" the weekend before. In response, thousands gathered at the beach on the following Sunday; many were wrapped in Australian flags, a number were clearly identified with white supremacist organisations, and a common cry was "fuck the Lebos" (Lebanese Australians). Fueled by alcohol consumed on a very hot day, members of the crowd got more and more aggressive, until they began to attack anyone of "Middle Eastern appearance" who happened to be in the vicinity and vandalise beachside properties. The violence continued for several days.

The article also has its origins in a longer-term project in which I have had an interest for quite some time. This stems from observations that periodically, there are events that seem to just "happen" for no apparent reason, involving large masses of people and featuring varying kinds and degrees of violence. For example, several private house parties in recent years have seen young people threatened, and even killed, by gatecrashers. Again, there are questions here about how and why this has occurred.

To some extent, what unites these two kinds of events (beach riots and house party violence) is that they both bear a relationship to the phenomenon of "swarming." By swarming, I refer to the unexpected gathering of large numbers of people in particular public locales. Swarming may or may not feature violence. It does, however, involve large crowds—crowds that may occasionally transform into "mobs."

The purpose of this article, therefore, is to muse over the different kinds of group formation in the public domain and try to make sense of the different kinds of group behaviour that may emerge. The article begins with an attempt to describe large groups that may appear in public spaces (including the streets and verges outside of private residences) and to distinguish these groups on the basis of the type of violence engaged in by the main protagonists. The article then examines the processual dynamics of group violence and the motivations and situational

contexts for group violence. It concludes with a discussion of social explanations for group-related violence.

Group Formation and Group Behaviour

Our concern is with the sudden gathering of large numbers of people in public spaces. Swarming of this nature may be organised or spontaneous; it may engender or be associated with violence, or it might not. If we are to understand group differences and differences in group violence, then we need to identify those instances in which large gatherings occur.

We begin by considering those gatherings in which violence, generally speaking, is not on the agenda, nor is it prevalent.

Raves are essentially dance parties in which a large number of people gather together in one site for the purpose of dancing. They are less prevalent today (in part due to a movement into commercial clubs) and in some jurisdictions virtually nonexistent due to extensive legislative and police intervention. Nevertheless, the history of raving is essentially a history of organised events, outside of normal or legal venues, with an emphasis on crowd anonymity, fun, drug-taking, that is directly related to the dance atmosphere, and nonviolence (Chan, 1999). The venue and music are "predetermined" in the sense that considerable organisation goes into planning a rave event. Communication via mobile phone, Internet links, and friendship networks are essential to the spontaneity of the gathering, since the time and location are usually only shared at the last moment. The important thing about raves is that they tend to celebrate "the beat," and violence of any kind is either not tolerated or certainly frowned upon.

Flash mobs apparently originated in Australia, but recently, they have become a big hit in places such as the United States. A flash mob is basically a group of anonymous individuals who meet, apparently inexplicably, in particular locations, do something "silly" and then disperse within 10 minutes (see the Flash Mob website at www.cheesebikini.com/archives/cat_flash_mobs.html). Examples include a flash mob in New York that headed to an up-market shoe store, where participants pretended they were on a bus tour from Maryland and acted excited but bewildered about the whole thing. Or in San Francisco where members of a flash mob spun in circles while crossing a busy street and then repeated this for 10 minutes before disappearing. A Rome flash mob flooded a book and music megastore, asking for nonexistent books. They then broke into applause before disappearing. Rarely do flash mobs involve violence; although, sometimes authority figures have been heavy handed in dispersing the groups. Again, this is generally seen as a fun event, an instance of "organised spontaneity" for the specific purposes of transgressing the mundane and the commercial.

These types of swarming are relatively benign. They involve large groups of people congregating in specific locations but with the intent of engaging in, often quite physical, but nonviolent activities. There are "rules" that guide each particular kind of gathering and a particular cultural environment that precludes intentional violence of any kind. It is not "cool" to be aggressive towards other participants or onlookers. The focus is clearly on fun and the excitement of the moment. Violence is not in the psychology or paradigm in which these groups have been conceived.

Youth gangs, by contrast, are almost by definition implicated in violence. The concept of swarming is generally less relevant in relation to gang violence as such. While periodically gang members may amass in numbers, using SMS and phone technologies, their engagement in street fights, in particular, include organised battles as well as spur-of-the-moment conflicts. Gangs vary greatly in the level of organisation and identification. For example, the Larrikins of Melbourne and Sydney in the mid- to late 1800s had both a cultural and organisational dimension. Culturally, some young people saw themselves in the attitudes, mode of dress, and language of the Larrikin. Others were organised into groups—the "pushes" of Sydney for instance (Maunders, 1984; Murray, 1973). Australian gang research today likewise emphasises the fluid nature of youth group formation, while acknowledging the centrality of violence to gang membership compared to those young people who do not identify themselves as gang members (White, 2006 ; White & Mason, 2006). While sometimes involving large numbers of people, gang violence tends to be highly targeted in terms of protagonists. It is rarely random, and it occurs on a frequent basis. It is not "surprising" but is central to the very idea of gang-related behaviour.

Riots describe a situation in which large numbers of people seem to spontaneously engage in unlawful, antisocial, and violent behaviour. Recent riots in the Australian setting have seen hundreds of people take to the streets—generally directing their anger at property such as cars and authority figures such as the police. The trigger for riots on Palm Island and the Sydney suburb of Redfern was the death of young indigenous people apparently in relation to some kind of police intervention. So too, in the western suburbs of Sydney, in Macquarie Fields, things came to a head after a car chase led to the death of two young local men (see Lee, 2005). Longstanding resentments within marginalised communities can suddenly come to the forefront when circumstances change quickly. As analysis of the Bathurst Bike Races riots in the 1980s shows us, it is the actions of the police themselves that can serve as a catalyst for riotous behaviour (Cunneen, Findley, Lynch, & Tupper, 1989). In these particular cases, the riots were purposeful, in that they had specific meaningfulness for the participants and reflected longstanding antagonisms that found their expression in antiauthority resistance. In other words, there is a social history to each of these events.

Mobs, on the other hand, have a different social dynamic. While superficially similar to "riots," mob violence is not quite the same. Here the key variable is "the crowd," and the transformation of the crowd into a mob. Consider for example, the following: a group of school students gather in the Queen Street Mall in Brisbane, and shortly thereafter a brawl breaks out involving dozens of young people; at Skyworks in Perth unchecked alcohol consumption sees extensive street fighting, and random assaults skyrocket; at Cronulla Beach, an ostensible concern to defend the beach against outside "thugs" is transformed into mob violence that threatens residents and commercial enterprises in the local area (see Knowles, 2004 and Morfesse & Gregory, 2004 for further examples). In these instances, there need not be any "purpose" or "intent" to the violence. It happened spontaneously and grew out of the crowd dynamics themselves.

Gatecrashers likewise can be involved in events that are sparked largely by immediate crowd dynamics rather than intent to harm. Again, recent years in Australia have seen a litany of reports about how gatecrashers have destroyed

property and threatened people at private birthday parties and the like. From Adelaide to Sydney, Melbourne to Perth, the presence of hundreds of gatecrashers at some parties has been facilitated by new communication technologies and the search by some for venues that don't rely upon security guards and bouncers to keep order. Not all gatecrashed parties end in violence. Again, this largely depends upon the atmosphere of the event, who is there, the quantity of alcohol consumed, and how order is maintained by hosts. Two kinds of violence have been noted, however. The first involves fights between party goers (between different groups of gate crashers or between host group and the "invading" group). The second involves fights against the police in which the "battle with the cops" can become the objective of the gatecrashing participants (see Toohey, 2003). If police-gatecrasher conflicts occur over time, a pattern of ritual confrontation may develop in which the purpose of taking over the street is less about gatecrashing than setting up the confrontation to come.

What seems to characterise most of these group formations is the availability of "smart mob" technologies that allow grouping and regrouping to occur and the ability to gather quickly at a meeting place (Herrero, 2003). The presence of large numbers of people in one place—the formation of crowds—can also shape group behaviour depending upon the purpose of the crowd formation. In some crowd situations, mob-like behaviour may emerge; being in a crowd seems to offer the opportunity to "lose one's mind" and thereby to lose the normal social controls that guide decent human interaction. The so-called mob mentality describes situations in which the crowd dictates general behaviour over and beyond the individual.

Dynamics of Group Violence

Describing different types of group formation still doesn't really address the question of why and how group violence occurs. Why do some events become violent while others remain relatively peaceful? Social protest and complaints against authority figures do not have to take the form of riots. Gatecrashed parties can still end up being entertaining and nonviolent. So what, then, are the triggers to violence?

A processual account of group violence would examine the specific factors in any given situation that influence the presence or absence of violence. For example, we might examine pre-fight conditions (Do people know each other?), fight precipitators (Are they teasing or making fun of someone?), and the escalation from verbal abuse to physical contact. Or we might examine a wide range of contextual factors.

Factors Relating to Setting

Time of day/night, location

Factors Relating to Situation

Absence of guardians, drugs/alcohol use, presence/absence of peers

Factors Relating to Interaction

Exchange of words, bullying, racism, peer pressure, "being tough"

Factors Relating to Social Structure

Age, class, gender, ethnicity

Factors Relating to Social History

Local mythologies and legends, interactions between particular social groups over time

The rituals and dynamics of violence also need to be examined. By "rituals," we mean several different things. In their examination of the Bathurst Bike Race riots, Cunneen et al. (1989) speak about the traditions of police-baiting, particularly among working-class men. The specific instances of police-baiting can take ritualistic forms and may be seen as part of a local culture that is transferred over the generations. By recognising the historical relationship between the police and particular communities (especially indigenous communities), we can gain better insight into why certain situations can quickly transform into violent confrontations. As Cunneen et al. (1989) also point out, however, there is a dynamic between "baiting" and "control." That is, the way in which police respond to the baiting also shapes the dynamics of the situation. Consider the police response to gatecrashers in Perth a few years ago for instance. When it was realised that gatecrashers were intentionally trying to get police to the party and trying to engage police in pitched battles on the street, the police changed their tactics. They had to step outside of what was becoming ritualised combat in order to diminish the attractions of the engagement by the gatecrasher protagonists. Basically, by "backing off," the police ensured that the violence would not occur, at least not with them.

Rituals also relate the "rules of engagement" of violence. In the normal course of events, we might agree with the statement, "Social rules govern violence and these rules render violence intelligible and rewarding for those who participate in it" (Moore, 1994, p. 65). Thus, for example, gang-related violence is often guided by rituals of restraint when a gang member fights another member of the same gang; whereas, outsiders are more likely to suffer from a "no holds barred" approach. In situations in which there are large groups of people, however, the rules and rituals become less clear. McDonald (1999) observes that when young people venture outside of their local neighbourhoods, they are extremely wary of who they might meet up with, in part because there does not seem to be any restraint on the level of violence they might suffer if drawn into a street conflict. In other words, violence with strangers is inherently unstable and ambiguous, since neither party knows the rules of engagement.

In the context of a large crowd, the rules become even less defined. Mob rule is precisely about lack of restraint, the unbridled use of force against an opponent. In small-scale fight situations, a "ritual mediator" may step in to end the potential escalation of conflict (e.g., a mate who intervenes to cool things down) (see Moore, 1994, p. 76). In crowd situations, such mediation is much less likely. Rather, the transformation into the mob precludes such mediation and opens the door to unrestrained violence.

The energy of the crowd feeds the excitement of the moment. Such energy need not be violent, however. The lack of riot or mob violence can by partly explained

by the nature of crowd behaviour itself. Depending upon the circumstances, the mass gathering of people into a crowd will be based upon the intent to have fun, to be entertained. In situations in which there is a carnival atmosphere, the element of "play" comes into the picture. Whether this sense of play translates into violent or nonviolent activity is entirely contingent upon momentary factors such as those outlined above (see also Cunneen et al., 1989, p. 170). A key aspect of play is that it is spontaneous. As such, it can go either way when it comes to riotous or mob group behaviour.

The mobilisation of people into crowds is part of the positive experience that people seek in collective bonding. Periods of boredom and the mundane can be broken by the exciting and the extraordinary. This is the promise of the crowd. Part of this promise is based upon the inherent ambiguities of the crowd situation. What will happen next is uncertain, but the mix of alcohol, adrenaline, and alienation certainly provides the volatility required for violence to occur.

Violence as Ordinary and as Excitement

The place of violence in society generally, and in the lives of young men in particular, also shapes the propensity for specific violent incidents to occur. Today, there appears to be a certain "naturalisation" of violence as an everyday phenomenon and as a significant form of anger management and conflict resolution. This is especially so for boys and men. We know, for example, that teenage males have a much higher rate of fighting than females. Studies also show that early engagement in antisocial behaviour tends to lead to ongoing, long-term involvement in such behaviour among teenage males (Smart, Vassallo, Sanson, & Dussuyer, 2004). The majority of boys are familiar with violence—as perpetrators, as victims, and as observers (White & Mason, 2006). Violence is not new, or particularly disturbing, for many boys; for many others, however, exposure to violence can have socially toxic effects—for themselves, their families, and their communities—in regards to self esteem, fear, performance at school, and building trust relationships.

Violence in groups or involving group action is different from fights between individuals. Group dynamics very much affect the pretext for violence and the outcome of disputes. Recent American research, for example, demonstrates that much gang violence relates to norm violations (e.g., annoying behaviour, defending others), identity attacks (e.g., in regards to the gang or in the Australian context, "ethnic" identity), and retaliation (e.g., revenge against some prior wrongdoing) (Hughes & Short, 2005). Australian gang research likewise highlights the importance of reputation, group identity, social belonging, and physical protection in how groups are socially constructed (Collins, Noble, Poynting, & Tabar, 2000; White, 2006). A threat to the group is enough to warrant violence, and specific types of threat, especially in regards to norm violations, give rise to ever greater levels and use of violence (Hughes & Short, 2005). The specific type of group formation (e.g., rave, gang, mob) will influence what are deemed to be acceptable justifications for violence and the "appropriate" sorts of group response in any given situation.

Violence is not only made natural by its prevalence in the lives of boys and men, but in many cases, it is an important source of pleasure. It is the occasions when "exceptional" violence occurs that provide the excitement and the break from the ordinary routines of everyday life. Young people, in particular, are not passive users

of the street, nor are they reticent about establishing a public presence. Very often their presence is associated with various kinds of unconventional or challenging behaviour.

From the perspective of cultural criminology, vandalism, graffiti, drug use, and other types of ostensibly antisocial behaviour are best interpreted as meaningful attempts to transgress the ordinary (see Hayward, 2002; Presdee, 2000). In a world of standardised diversity and global conformities, it is exciting and pleasurable to break the rules, push the boundaries, engage in risk-taking activities. To transgress is to deviate. It is to go beyond the ordinary and seek that adrenaline rush that pushes the boundaries of emotion and convention. Ironically, it is in fighting (a very conventional, ordinary phenomenon) that many young men find the excitement that transforms the mundane (see Jackson-Jacobs, 2004).

Group activities based upon transgression, however, can become collective behaviour that is highly threatening and dangerous (e.g., violence that is unpredictable, random, and unintelligible) (McDonald, 1999). This is manifest, for instance, in what I have called the phenomenon of swarming—spontaneous gatherings of (mainly) young people that occasionally result in serious episodes of violence. Analysis of swarming and the different kinds of group formation associated with swarming can provide some insight into how, when, and why group violence may or may not occur.

There is another aspect of violence, however, that is worthy of greater attention. So far in this article, we have implied that it is the nature of the group and of group behaviour (particularly in relation to the behaviour of crowds) that gives rise to or heavily influences the occurrence of violence. In addition to these considerations, we nevertheless also have to account for the inherent attractions of violence, as violence in its own right. Consider for example, the following argument:

> Whatever causes may be present, and whatever external goal that violence may be a means to, we have to admit that it can be a forceful attraction by itself. We do not rationally calculate which means to use in order to achieve our goals; we rather feel comfortable about some means and less inclined to the use of others that might be more efficient means to our desired ends. One point is that we do not just desire ends and rationally calculate means, but we also desire some means more than others. And so, many people feel drawn towards violence because it can give pleasure. Means and ends then become fluid concepts that are inseparable. (Schinkel, 2004, p. 19)

If we take this argument seriously, then it has certain implications for how we might read particular violent events. Specifically, violence may be at the core of social action, and the group may be merely the mechanism through which violence can perhaps best be expressed.

Let us reconsider the events at Cronulla. The Sydney media did a lot to foster the idea that "trouble" would take place on the weekend in question. Not surprisingly, lots of "troublemakers" showed up expecting precisely the thing that was being warned against. At least a portion of the crowd was actively looking for violence. It was on the agenda from the outset. For these young men, the attraction was the violence, not the public issues surrounding the previous weekend's assaults per se.

For others, violence was wrapped around white supremacist ideology; although, the promise of a punch-up can come with various justifications. The point is that the advance notice that there would be a crowd gathering at the beach opened the possibility for violence to take place. The crowd became the social vehicle through which the desired collective violence could ensue.

The "will to violence," as Schinkel (2004) describes it, provides its own reward; however, this "will" may be overlooked in social scientific research that examines external causes (e.g., unemployment, masculinity, social inequality). Or, it may be subject to varying forms of denial at the level of personal engagement. For example, interviews with gang members in Melbourne revealed that in some instances, individuals from ethnic minority backgrounds did not just fight in order to defend themselves or to confirm their group identity. The study found that periodically some of these young people used the notion of racism as a convenient cover for their own aggression. That is, in some cases, the violence was motivated by a desire to engage in the violence itself, rather than in responding to racism as such (White & Perrone, 2001, p. 172).

It ought to be apparent by now that group formation and group violence are complex phenomena that require sensitivity to a wide range of factors and dynamics. There are myriad motivations for why particular individuals engage in violence, and the type of group formation also plays a major part in how violence manifests itself in collective behaviour.

Conclusion

This article has explored the nature of group violence by examining the links between different sorts of group formation and violent behaviour. A theme of the article is that not all forms of collective violence are the same and that analysis of causal reasons and the micro-dynamics of specific types of violence reveal great variation in the specific nature of the violence.

Across the events and groups associated with violence that we have identified, certain commonalities can be noted. These include the following:

- Active use of new communication technologies such as mobile phones, combined with access to motor vehicles, which allows for quick mobilisation of large groups of people in particular locations—hence the capacity to "swarm"
- An emphasis on excitement, thrill-seeking, and taking collective control over particular public areas and local territories—hence an assertion of self and social identity via certain types of activities
- Defiance and resistance in relation to authority figures such as the police and antagonistic, frequently physical and verbal abuse of law enforcement officers—hence a disregard for normal conventions and laws
- Events marked by a degree of unpredictability, due to the diversity and anonymity of participants, and the volatile nature of crowd behaviour—hence a general lack of clarity regarding the rules of engagement surrounding the use of violence
- The media frequently plays a major role in reflexively creating violent events by publicising them in advance, sensationalising them when they occur, and exaggerating the enormity of particular events relative to "the Australian way

of life"—hence the stimulation and provocation to violence inspired by the mass media to some extent.

The intention of the article has been to map out diverse forms of group formation and group behaviour rather than to explain the social causes of violence as such. Issues of social marginalisation and social exclusion, histories of racism and maltreatment at the hands of the state, notions of ontological insecurity and loss of control, and many others await more elaborated sociological treatment. In the meantime, it is important to acknowledge the complicated dimensions of group violence—and to question assumptions and perspectives that reduce violence to simplistic formula (lawless rioters) and one-dimensional responses (getting tougher). Understanding the contours of group violence is essential to responding adequately to its variable manifestations.

References

Chan, S. (1999). Bubbling acid: Sydney's techno underground. In R. White (Ed.), *Australian youth subcultures: On the margins and in the mainstream* (pp. 65-73). Hobart: Australian Clearinghouse for Youth Studies.

Collins, J., Noble, G., Poynting, S., & Tabar, P. (2000). *Kebabs, kids, cops & crime: Youth, ethnicity & crime*. Sydney: Pluto Press.

Cunneen, C., Findley, M., Lynch, R., & Tupper, V. (1989). *Dynamics of collective conflict: Riots at the Bathurst Bike Races*. Sydney: Law Book Company.

Flash mobs. Retrieved January 28, 2004, from www.cheesebikini.com/archives/cat_flash_mobs.html

Hayward, K. (2002). The vilification and pleasures of youthful transgression. In J. Muncie, G. Hughes, & E. McLaughlin (Eds.), *Youth justice: Critical readings* (pp. 80-94). London: Sage.

Herrero, L. (2003, July/August). "Smart mobs" everywhere. *Script Magazine*. Available online at www.scriptmagazine.com

Hughes, L., & Short, J. (2005). Disputes involving youth street gang members: Micro-social contexts. *Criminology, 43*(1), 43-76.

Jackson-Jacobs, C. (2004). Taking a beating: The narrative gratifications of fighting as an underdog. In J. Ferrell, K. Hayward, W. Morrison, & M. Presdee (Eds.), *Cultural criminology unleashed* (pp. 231-244). London: Glasshouse Press.

Knowles, D. (2004, June 27). Shocking violence in mall prompts call for tough response from authorities. *The Sunday Mail*, pp. 4-5.

Lee, M. (2005). "Fields of fire": Crime, dissent and social isolation in South-Western Sydney. In R. Julian, R. Rottier, & R. White (Eds.), *TASA Conference 2005 Proceedings* (pp. 1-11). Hobart: University of Tasmania.

Maunders, D. (1984). *Keeping them off the streets: A history of voluntary youth organizations in Australia 1850-1980*. Coburg: Phillip Institute of Technology.

McDonald, K. (1999). *Struggles for subjectivity: Identity, action and youth experience*. Cambridge: Cambridge University Press.

Moore, D. (1994). *The lads in action: Social process in an urban youth subculture*. Aldershot: Arena.

Morfesse, L., & Gregory, A. (2004, January 28). Police demand new powers. *The West Australian*, p. 1.

Murray, J. (1973). *Larrikins: 19th century outrage*. Melbourne: Lansdowne Press.

Presdee, M. (2000). *Cultural criminology and the carnival of crime*. London: Routledge.

Schinkel, W. (2004). The will to violence. *Theoretical Criminology, 8*(1), 5-31.

Smart, D., Vassallo, S., Sanson, A., & Dussuyer, I. (2004). Patterns of antisocial behaviour from early to late adolescence. *Trends and Issues in Crime and Criminal Justice, 290*, 1-6. Canberra: Australian Institute of Criminology.

Toohey, P. (2003, July 12-13). Party animals. *The Weekend Australian Magazine*, 16-19.

White, R. (2006). Youth gang research in Australia. In J. Short & L. Hughes (Eds.), *Studying youth gangs*. Walnut Creek, CA: AltaMira Press.

White, R., & Mason, R. (2006). Youth gangs and youth violence: Charting the key dimensions. *Australian and New Zealand Journal of Criminology, 39*(1), 46-63.

White, R., & Perrone, S. (2001). Racism, ethnicity and hate crime. *Communal/Plural, 9*(2), 161-181.

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Stages in the Police Response to Gangs

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This article identifies and describes the stages through which police departments may pass on their way from denying the presence of gangs to dealing effectively with them on the street and elsewhere. The stages are presented in their logical order. Seldom, however, does logic mimic real life. Some departments pass over a stage or two or move backward, particularly when a new administrator enters the picture or when the gang situation in the community changes. With that in mind, the following are the more identifiable stages in the police response to gangs.

Stage One: Denying the Presence of Gangs

Field Note

The social researcher I interviewed referred to the "wall of denial in the public and among the police" in regards to the gang situation in the United States. "There are exceptions," he said, "but denial dominates."

In another community, with 100,000 inhabitants and a police force of 300 officers, the departmentally assigned gang officer (a sergeant) said, "The position of gang officer was created a few days after a fight took place between two of our city's gangs. The day after the fight, there was a drive-by shooting on one of the fighter's homes. No one was killed, but the community was upset by the incident."

When I asked the sergeant, "What do you think the future holds in store as concerns gangs in this community?", he replied, "It will probably take one of these gang members being killed before the city and the department wake up and recognize there's a serious problem here. Our chief believes there's a problem, but our sheriff doesn't think there is one."

To deny something is to refuse to accept or recognize its existence. There appears to be several reasons why a community, its police department, or both may deny the existence of gangs in their midst when it is clear (to some patrol officers, juvenile/probation/parole officers, and others close to the local gang situation) that there are gangs in the community. The following are among those reasons.

Political Expediency

In the United States and elsewhere, patrol officers are among the first to know when there are gangs members on their beat—whether their supervisors accept the existence of gangs or not. This is not to suggest that police administrators don't know what's happening on the streets of the communities they serve; although, that is sometimes the case. Rather, this is about the political, economic, and other consequences of publicly acknowledging the presence of gangs, which keeps them in what appears to be a state of denial.

Field Note

I asked a police administrator, "Why would a police chief who knows his community has a gang problem fail to acknowledge this publicly?" He replied, "Why would a police chief announce to his community that there's a problem his department can't solve?"

For the sake of expediency, it is easier to deny the presence of gangs and gang members than it is to recognize their presence and deal with the political fallout of that decision. The ramifications of having gangs include, but are not limited to, a loss of revenue from tourism, heightened fear among the citizenry, and displeasure with the police if the problem doesn't go away or gets worse.

Downward Comparison

One of the more common ways to maintain a state of denial is to use downward comparisons such as, "Yeah, we have gangs, but it's nothing like what they have in LA!" or "We used to have gangs, but we took care of that. What we have today is not nearly as serious."

Field Note

I asked a chief probation and parole officer about the local police department's attitude toward gangs in the community. She replied by asking me, "Is there such a thing as a police chief who is over-educated about gangs?" I asked what she meant, and she said, "We have a chief of police who came here just a couple of years ago. He came from Chicago where the gang situation is much worse than it is here. But we do have a gang problem! But not according to him. He doesn't see our problem as worth any attention because it isn't as serious as the gang situation in Chicago."

The use of downward comparisons is, in effect, a rationalization. While accepting that gangs are present in the community, a person can downplay the significance of that fact by believing the problem isn't significant enough to warrant attention—the problem isn't as serious as it is "over there." I liken this approach to homeowners disregarding the significance of termites in their home since the termites are only in the garage.

Failure to Recognize Gangs

Denial may also be the result of a failure to recognize a group of individuals as a gang.

Field Note

In a community of nearly 150,000 residents and a police force with nearly 240 officers, it was known that there were open-air crack sales going on in a neighborhood on one side of town. Unbeknownst to the police, 18 members of a gang from Chicago had rented an apartment in town and moved a woman into it. She was responsible for maintaining the residence.

Every 2 weeks, a different gang member drove from Chicago, moved into the apartment, and sold drugs in the neighborhood. Each gang member would pass along information about the drug deals and customers to the next gang member coming to town. It was approximately 36 weeks before the first gang member came back to town, and it took nearly all of that time for the local police to figure out what was happening—and they were very capable police officers.

The point is that migrating gang members can operate in a community without being easily recognized. Local gang members can also escape detection for a time—especially if no act of violence, serious property damage, or notable theft is committed. The cloak of invisibility they wear is that they are locals—just local "boys being boys," not a gang.

Fear

Neighborhood residents often fear gangs and their members and are intimidated by their very presence. One way to escape feeling fear is to deny the object or cause of it. This also results in fewer, if any, calls to the police concerning gang-related activity. Police may also fear gangs when they are first encountered because, like anything else, they are an unfamiliar and unknown entity, and this fosters uncertainty.

Rejecting a Negative Self Image

Denial is an understandable response to the presence of gangs in a community. Members of a previously gang-free neighborhood may find it difficult to accept the fact that they now have a gang. The word *gang* conjures up images of a failing community, poor parenting, disturbed or violent children, poverty, and big-city problems. Denial, in this case, is the rejection of a negative self image.

If a police department is ready to move beyond denial, the next phase in their response to gangs is to accept that they are present in the community—more likely, in one or more neighborhoods in that community.

Stage Two: Acknowledgement

Acknowledgement refers to recognizing and admitting or confessing something—in this case, it is the recognition and admission of the fact that one or more gangs are present in one's community. It is not uncommon, however, for a police department to recognize their presence but withhold that information from the rest of the community. The following field note provides an example of this situation.

Field Note

A retired minister had recently moved to town in order to offer a free ministry to at-risk kids. One night the walls surrounding his church parking lot were covered with gang graffiti. The next day, he made an appointment to visit the police gang unit supervisor and was visibly shaking when he arrived.

The minister and the president of his congregation had asked for the meeting because they wanted to learn about the gang situation where their outreach ministry was located. The president of the congregation had been a deputy United States

Attorney. She was calm and obviously interested in learning more. The minister, on the other hand, was frightened.

The minister had several questions to ask. "What does graffiti mean? Should I be frightened? What precautions should be taken as we undertake our new ministry? What is the gang situation like in my church's neighborhood? Should I fear for my life?"

The Latino gang specialist sat in for the gang unit supervisor who was out negotiating an attempted suicide. The specialist told them, in no uncertain terms, that the neighborhood in which the ministry was located had a serious gang situation.

About an hour into the meeting, the gang supervisor appeared. The minister, now more knowledgeable about the seriousness of the gang situation in his neighborhood, asked the supervisor, "Why isn't this situation being covered in the newspapers?" The supervisor replied, "I do that on purpose. If I were to talk about the problem with the press and give the names of gangs or adult gang members, I would be glorifying them in the eyes of the gang members. I just won't do that."

Several days later, the gang unit supervisor said, "If we tell the press about what the gangs are doing, we just feed the fire. The gang members read about themselves, and we end up glorifying them. I'd rather not do that." Of course, the trade off is that the community is left without accurate intelligence on gangs. How can a community effectively participate in or support prevention, intervention, or suppression efforts without accurate intelligence?

Acceptance of a gang's presence may be a result of a drive-by-shooting or some other sensational and public gang-related act. As a result of a continuing problem with specific youths in a particular neighborhood, police sometimes find that they have to admit to the presence of gangs in an effort to get other sectors of the community involved in trying to reduce the gang members' activities. As was mentioned by many of the gang unit personnel interviewed for this study, in order for a community's gang problem to be addressed effectively, the entire community must get involved.

Stage Three: Intelligence

The intelligence function of a police gang unit or gang-dedicated officer includes the gathering, analyzing, storing, and sharing of intelligence on gangs.

Every community . . . should conduct a thorough assessment of its unique gang problem before devising strategies for combating it (Starbuck, Howell, & Lindquist, 2001).

While some police departments respond to their community's gang situation without studying it first, most enter a phase of intelligence gathering and analysis to determine where the gang problem is occurring, who the gang members and their parents (if any) are, what they are doing, where they live (or came from), what kinds of vehicles they are driving, the schools they may be attending, their prior criminal histories, and more. The outcome of this process then helps inform a department's

response, at least initially. It may also inform the department on what it shares with the community and other stakeholders.

Gathering Intelligence

Field Note

The sheriff said his officers found that "detention personnel are an excellent source of gang intelligence." Gang unit members in other departments often obtain useful information from single mothers in gang neighborhoods. "They have boyfriends they're worried about, and they tell us about them. Sometimes they're the characters we're looking for."

In other communities, police gathered intelligence from young girls in the community, often children. They were the little sisters of brothers who were involved in criminal and gang activity and were worried about them. "They tell us what they're worried about, what their brothers are doing, where they are, who they're with."

There are a variety of ways in which intelligence on gangs may be gathered. The most common sources are gang members and their associates, girlfriends, the parents of gang members, teachers and school security personnel, probation and parole officers, residents in the gang-impacted neighborhood, local business owners, mail carriers, and others who have personal contact with or knowledge of a neighborhood and its gang members' activities. Some police departments are able to gain intelligence from juvenile detention personnel and juvenile officers, but this avenue is closed in states with privacy rules surrounding information about minors.

Police also gather intelligence from one another including information from patrol officers, the "front line" of local law enforcement; from the writings of gang members (e.g., graffiti, songs, and prose); professional articles and books on the subject of gangs; Internet sources; and occasionally, from the media.

Analyzing Intelligence

While intelligence on one aspect of the gang phenomenon may be of interest and some value, its value is enhanced when it is cross-referenced with intelligence on another matter. For example, knowing a member from a gang in another community is in one's town is valuable intelligence on its own. Knowing that he or she is the fifth gang member from that community to appear is of even greater value.

Some police departments have a unit within their organization that is solely responsible for analyzing gang-related data. Others have only one officer who struggles to make sense of it all. There are also state-wide, regional, national, and international databases on gangs and gang members, which are used by some law enforcement agencies. These databases are often not used as often or as effectively as some police would like. Among the reasons for this are a lack of personnel with skills necessary to input, extract, and interpret the data and a lack of funds to hire such a person or purchase and maintain needed equipment (e.g., computers, long-distance telephone accounts, Internet connections).

Some of the gang unit personnel interviewed for this study had no interest in the databases. They were perceived as a waste of time due to the short lifespan of the information they contain (e.g., gang members move, change their names/monikers, change cars, etc.).

Storing Intelligence

Once the data has been gathered and analyzed, will it be stored on a computer or as hard copy? As police departments become even more overwhelmed with information, the way in which it is stored becomes critical. It need not only be stored; access to the information needs to be easy and immediate. Given the insufficient level of funding for law enforcement today, these are difficult goals to reach.

One of the most common forms of storage today appears to consist of Polaroid pictures posted in albums or pinned to bulletin boards in the gang units' offices. It is a crude method, but it is portable and readily available. More technologically advanced departments had pictures on the department's server, thus making the pictures available to all personnel with access to a computer.

Field Note

I was given a tour of the gang unit's office. Nearly 600 different gang members' portraits were posted on three of the four walls of the room. The pictures were sorted by the individual's gang affiliation. One entire group of pictures was upside down. Collectively, the gang unit members called the upside down ones the "Dirt Nap Gang." Looking at those pictures, one of the gang unit officers said, "They're taking a dirt nap. They're dead now."

The most valuable storage of intelligence takes place in an individual officer's mind. Although this may sound obvious, this simple fact points to the potential negative consequences of the following policy. Upon promotion from one rank to the next, it is the policy of every police department studied to transfer the person being promoted to another unit. In other words, if an officer is promoted while in the gang unit, he or she will most likely be transferred to a different unit upon being promoted.

What happens to the intelligence that officer accumulated? The loss of an officer has potentially negative consequences on the gang unit and its day-to-day operation. Gang unit personnel appear to have at least two points of view on this issue. The first recognize that the loss of intelligence, and years of experience dealing with gang members and the rest of the community, is a serious loss to the gang unit and to efforts to reduce gang activity in the community.

On the other hand, some gang unit officers believed the loss of intelligence was, as one commander said, a "momentary setback. After all, the gang situation is changing almost daily. New gangs form; old ones fade away; new members join; old ones are killed, move, quit, or get locked up. In a couple of months, the entire scene may have changed."

It would appear that identifying the promoted officers as Gang Training Officers and assigning them to their replacement officer for at least a few weeks before

leaving the gang unit would assist in the transfer of potentially meaningful contacts and information. No department visited for this research had such a program in effect.

Sharing Intelligence

The sharing of intelligence is, perhaps, the most controversial aspect of the intelligence function. With whom should police share their knowledge of the gang situation? Only other gang unit personnel? With other police and police units in their department? With police in other law enforcement agencies? With the press? The community? With parents of gang members?

Each additional level of exposure represents a challenge to a police department and its gang unit. As the public becomes more aware of the gang situation in its midst, there are concerns in some police gang units that their work will be made more difficult. More often than not, a gang unit wants to share its intelligence within the department in hopes that other units (e.g., patrol, juvenile, and narcotics) will keep an eye out for and report related incidents or persons to the gang unit. The problem lies in finding ways to effectively and systematically share that intelligence.

Field Note

An integral part of sharing intelligence in the department consists of the gang unit supervisor sending his personnel to the department's shift meetings in which police gather for a briefing about events that may have taken place on an earlier shift prior to going out on the next shift. By attending the briefings, his officers interact and share intelligence with patrol officers. A gang unit supervisor whose officers attended briefings said . . .

> While there were some jokes made at the beginning of this process—when we first started going to the shift meetings—eventually everyone came around. Now it's starting to pay off and is working more smoothly. Interaction like this is important. It keeps my officers [the gang unit] in touch with and sharing information with patrol officers and visa versa.
>
> Patrol officers are the heart of any department and it's the nature of their work to create relationships with people all around town, to get to know them—including the community's young people, whether they are gang members or not.

Sharing gang intelligence with other police agencies is equivalent to admitting one's community has a gang problem. As mentioned above, this can be a barrier to intelligence sharing and may be counterproductive in terms of intelligence gathering and analysis.

For police who are willing to share their intelligence, there are several sources of information for learning how other law enforcement agencies are responding to their own community's gangs. Among them are personal contacts between gang unit officers and command personnel from different departments. This intelligence sharing is often facilitated by local task force groups (consisting of only justice personnel or a mix of justice personnel and community stakeholders from schools,

the faith and business communities, etc.), regional gang investigators associations, and the Regional Information Sharing System (RISS) established by the United States Department of Justice.

Since gangs do not exist solely within city or county boundaries and gang clashes all too frequently involve more than one jurisdiction, it helps to know what gangs are active or reside in adjacent areas or jurisdictions (Jackson & McBride, 2000, p. 97).

Law enforcement agencies open to sharing intelligence also share in-house printed and online reports and information found in *Police Chief* (the magazine of the International Association of Chiefs of Police); RISS; and publications made available by the National Youth Gang Center, the Justice Information Network (the National Criminal Justice Reference Service), and the Office of Juvenile Justice and Delinquency Prevention.

Sharing gang intelligence with the local prosecutor is a needed and vital part of law enforcement's efforts to suppress gang activity. Vertical prosecution finds the prosecutor who does the initial filing on a gang-related case also making the initial court appearance and making all subsequent court appearances in the case until it is concluded. This is called "vertical" prosecution because only one prosecutor handles the case from beginning to end as it moves up from the police department through the prosecutor's office and into and through the courts. This organizational style of prosecuting offenders has been used successfully for many years to prosecute murderers, organized crime figures, and other special classes or categories of offenders.

Several prosecutors were interviewed who did not follow this procedure for prosecuting gang members. Instead, one deputy prosecutor filed the case; another did some of the preparatory work on it; and yet another presented the case in court. According to the police gang unit personnel interviewed for this study, such a fragmented style of prosecution often resulted in poorly managed cases producing undesirable results in court.

Using vertical prosecution, prosecutors gather more coherent intelligence on gangs and their members and, when presenting the case in court, they may be able to better educate the court (judges) about the gang situation.

Field Note

A gang unit supervisor said, "We work with four of the prosecutors now. They are dedicated to handling the gang cases full time. They've learned a lot about the gangs, and they've been educating the judges and the public about the situation. They reach the public through their work with grand juries and trial juries, when there actually are trials." The supervisor thought a good case will better educate a judge about gangs than any ride-along with the gang unit.

If vertical prosecution is not used, prosecutors may not be able to present their cases as effectively since they lack sufficient intelligence about other, related gang activity or other gang members. The court, too, gets a fragmented picture of the gang situation in the community. Probation and parole officers, because of their often

extended contact with convicted gang members, often possess valuable intelligence about them, their associates, activities, and the gangs to which they belong.

Police also have something to offer probation and parole officers. Some probation/parole officers have gang clientele who are arrested while on probation or parole. This means that the police have intelligence on what some of the probation/parole officers' gang members are doing, who they're doing it with, and where they're doing it. All of this is important information in the process of providing services to probationers and parolees.

Police who are willing to share intelligence with probation and parole officers empower those officers in the delivery of services. Likewise, good relations between probation and parole officers and police means that the intelligence can flow both ways, enhancing both in their respective positions vis-à-vis the gangs. This is a win-win proposition for the community, but it is often lacking due to the hesitancy of police to share intelligence with "outsiders."

Some police gang unit officers are convinced that, should the press be told about a gang incident, they will blow the matter out of proportion and stir undo public concern, present the information inaccurately, or both. Such an outcome puts more pressure on the police and exposes the gang to a wider public—giving the gang credibility, publicity, and recognition. Police in some communities are concerned that the net outcome will be a misinformed or unduly frightened public.

One police chief interviewed for this study indicated that he felt he had some control over what the local press printed about the local gang situation by cautioning them that access to information about other police-/crime-related matters might be less forthcoming in the future if the press didn't cooperate.

While police are secretive by the nature of their work, it behooves a police department to facilitate the work of local school personnel, neighborhood association members, the governmental unit dealing with the community's parks, and many other groups concerned about the gang situation in the community. Finding a way to do this and not compromising police confidentiality may be difficult, but it can be done.

Field Note

When asked what his impression of the public was, the gang unit officer said, "The public usually has a mistaken impression of the gang situation in their community. That's due to the press, poor police reporting, personal denial, prejudice, and many other factors."

In an interview with a 25-year police veteran, I was told, "As far as the police are concerned, when the press or the community inquire about gangs, they are told 'There's no gang problem here.'" I asked why this was done, and he replied, "The local police take care of the gangs, if you know what I mean. There's no need to get the public involved."

The reality of the situation is that gang unit officers often have little or no contact with everyday citizens. Instead, most of their time is spent with other officers in the gang unit. Any time spent interacting outside that unit is typically spent with

nongang unit officers in the same department and, to a much lesser degree, with gang members and their parents and children, etc. If we are to believe, as many police administrators tell us today, that community-oriented policing is what is needed to reduce gang (and other criminal) activity, then we should be fostering police-community partnerships. As Katz and Webb (2004) note, . . .

> We concluded that the four gang units that we studied (Las Vegas, Albuquerque, Phoenix, and Inglewood/CA) did not engage in community policing or formal problem solving; in fact, many gang unit officers were unclear about exactly what those terms meant. Gang unit officers tended not to enter into partnerships within their communities, and they were not proactive in seeking citizen input. None had used formal problem-solving strategies to plan their approaches to gang-related problems (p. 447)

The research conducted for this study confirms that finding; although, it was occasionally observed that there are gang-unit officers who were intensely interested in their neighborhoods' gang problems, attended community meetings to hear residents' concerns, and shared some of what they knew about the problem with the residents.

An informed community is a community that will likely support the police in their efforts against gangs. Without community support, police may have difficulty funding their efforts, and if police purposely keep the public uninformed (misinformed) about the gang situation, social service agencies and schools attempting to reduce gang activity will also suffer in their efforts.

With community support, the police gain information and cooperation. In some communities, it was found that community-wide task force groups were established as a means of addressing the conditions that lead to gang formation and joining.

Stage Four: Planning

Having acknowledged and gathered intelligence on the gang situation, the next stage involves planning how to deal with the situation effectively and organizing the department for that purpose. One way to do this is to base the initial plan upon the intelligence that was gathered. What did the department learn about the gang situation? How many gangs are there? Who runs with who? Are they male-dominated, or are females involved? Are they each primarily of one race or ethnicity or mixed? Are they at war with one another or simply going about their business peacefully? What is their business?

Are they selling drugs, stealing cars, or just hanging out (e.g., gathering semi-peacefully, drinking, socializing)? Are there only a few members in each gang, or are there more? Are any of the gang members from outside the community, or are they mostly locals? The answer to each of these questions, and many others, will determine the steps to be taken by the police and others in the community to address the situation.

The plans implemented by the departments visited for this study typically involved gathering intelligence and exercising suppression (i.e., zero tolerance policies and resulting arrests). In police departments that have been dealing with gangs for a long

period of time, plans also included prevention and intervention efforts. According to Yager (2001), . . .

> Perhaps the biggest lesson from the rapid rebound in Los Angeles gang murders, say cops and other gang experts, is that aggressive policing alone will never break the cycle of gang violence. "We don't need new laws," says Sergeant Wes McBride, founder of the California Gang Investigators Association and a 28-year veteran of anti-gang policing. "We have a penal code a foot thick. You can't just work gangs with police suppression. You need prevention and intervention programs, too." (p. 49)

There are several factors that may complicate the planning process. Among them is a change in police administrators. There are several layers of administrators who may oversee the operations of a gang unit—the sergeant or corporal of the unit itself and all the administrators to whom he or she must report including, for example, a lieutenant, a captain, a major, the deputy chief, and the chief. A change in any one of the administrators' positions may alter the nature of the plan according to that administrator's perceptions of the problem, abilities, preferences, beliefs, and attitudes.

Another factor that may derail or complicate the plan is political pressure from outside the department. The mayor, city manager/council, influential business people, the chamber of commerce, and many others may enter the picture when a discussion of gangs emerges.

A significant element in planning involves organizing the department to more effectively implement the plan. Will there be a gang unit (comprised of more than one officer) or just one gang officer? To whom will the officer(s) assigned gang duties report? That, of course, depends upon where in the organizational structure of the department the gang unit is placed, and where it is placed will have an impact on how the unit operates as well as how it is perceived within the department and the community.

If the unit is placed in the SWAT or narcotics units, the gang unit officers are likely to be more aggressive and will be perceived as such by gang members and the public. There's a price to pay for that; although, there may be a purpose served as well. If the gang unit is placed in the juvenile division/unit or in criminal investigations, it is more likely to be less aggressive (or more, when needed) and will likely be focused upon the juvenile element of the gang situation in the community.

In summary, what the department learns while studying its community's gang phenomenon should determine how the department organizes itself to address it. As the gang situation changes, so should the plan. As determined through this study, some plans lack measures to be taken to show whether the plan produced the desired results.

Stage Five: Implementation

Assuming a plan of action has been created, it's time to implement the plan. If the police administrator, middle-management command personnel, and the gang

unit itself are in agreement with the plan, it is likely to succeed. This alignment, however, is not assured.

Field Note

One police commander told me, "What a chief of the police department wants is what the public sees. The current chief wants arrests while his predecessor wanted intelligence. So the gang problem looks worse under the new chief."

In another department, the captain overseeing the gang unit, the SWAT unit, and several others, identified three goals he wanted his gang unit to achieve. When I interviewed the gang unit officers, I asked them what the goals of the unit were, and they listed their goals. None of the goals identified by the captain were mentioned.

On a more positive note, in a community of 600,000 residents with 2,000 police officers, the gang unit detective told me that the local juvenile justice system had many programs and agencies available for delinquents (including gang members) and that the community was willing to put forth the resources needed to support those agencies. He also said the department's bilingual "gang hot line" was being used well and often resulted in informal referrals from the department for at-risk gang youth to those community agencies and services.

There are, of course, departments in which the goals are clear and accepted by most of the participants. In some departments, the plan of action involved several different units (i.e., juvenile, narcotics, robbery) and, in some cases, the assistance of community-based social services, legislators, and others. The plans varied widely from one community to another, as do the problems they are facing (as determined by the intelligence that was gathered).

Stage Six: Evaluation

Is the plan working? The evaluation stage involves studying the impact of the plan on the measures of success or goals identified during the planning process. Among many possible evaluation measures are a reduction in gang activity (e.g., fewer drive-bys, the appearance of less graffiti, fewer acts of vandalism, etc.), a reduction in calls for service related to gang activity, a reduction in the number of youths involved in gangs, or a lessening in the severity of the crimes committed by gang members.

The evaluation process is typically ongoing. That is, once in place, it is repeated with some regularity. A plan that is successful one year may be not be as effective the next due to changes in the gang situation or the neighborhood. In those circumstances, an ongoing evaluation process reveals when changes in the plan are needed.

In Summary

The research conducted for this study suggests that in an ideal world—excluding denial of the presence of gangs—police departments may be most effective in dealing with a gang situation by acknowledging its existence and, by doing so, help

develop an informed citizenry that may then support the police in their attempts to reduce the gang activity.

It also suggests that taking the time needed to gather sufficient intelligence on the gangs and their members may lead to more effective enforcement than does acting without such intelligence. Sharing the intelligence they gather on gangs may also better position departments to reach their goals of reducing gang activity.

Designing a plan to reduce gang activity that is based on excellent intelligence and community support and identifies criteria for measuring its effectiveness is likely to be more productive than having a poorly defined plan or no plan at all. Once implemented, the plan must be evaluated for its degree of success.

Bibliography

Katz, C. M., Maguire, E. R., & Roncek, D. W. (2002). The creation of specialized police gang units. *Policing: An International Journal of Police Strategies & Management, 25*(3), 472-506.

Katz, C. M., & Webb, V. J. (2004, April). *Police response to gangs: A multi-site study*. Washington, DC: U.S. Department of Justice. (Document No. 205003, Grant Award Number 98-IJ-CX-0078).

Jackson, R. K., & McBride, W. D. (2000). *Understanding street gangs*. Incline Village, NV: Copperhouse Publishing Company.

Starbuck, D., Howell, J. C., & Lindquist, D. J. (2001). *Hybrid and other modern gangs*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Yager, R. (2001, September). L.A. gangs are back. *Time*, *158*(9), 46-49.

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Gang Unit Management

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Street gangs remain a terrible burden on our society and are responsible for much of the social degeneration of the neighborhoods infested with their presence. In some respects, the actions of street gangs do more damage to the internal security of our nation than actions of foreign terrorists. While acts of deliberate terrorism as demonstrated by the horrific attacks of 9/11 are sickening to the very soul of our society, the end result was a unique bonding of the American people. While the constant criminal actions of street gangs bring about a "gang phobia" that threatens to destroy the moral fiber of our society, alienating segments of people rather than bonding them together. Public surveys continually demonstrate that gang crime remains the top concern of many communities.

In the late 1990s, a noticeable decline in gang activity occurred. In response to this decline, much of the funding for gang programming began to dry up. Prevention and intervention programs simply went away due to a lack of funding. Many law enforcement agencies began to decommission or severely downsize the gang units in order to staff other necessary units within the departments. In response to the events of 9/11, other agencies, unable to add personnel reassigned gang units to anti-terrorism duties. As the old saying goes, "History repeats itself, particularly bad history," and once the pressure on the street gangs was relaxed, the cycle of gang violence began to repeat itself and surge upward. This increase is now approaching the record levels of the 1990s. This development has forced many of the law enforcement agencies to face the reality of gang violence and reconsider the premature curtailment of specialized gang units.

The presence of specialized gang units may present unique problems to the political establishment of some communities and specifically to the law enforcement agency. Such problems may be particularly significant for those in the power structure who, for a variety of social and political reasons, have consistently denied the existence of a gang problem or lobbied for the decommissioning of the gang units. Now, faced with mounting evidence of surging gang activity, admitting that a problem exists creates a dichotomy for those who denied the presence of gangs. The illusion of social tranquility so carefully crafted by the politicians rapidly disintegrates in the face of bloody evidence, leaving a void of credibility and suspicion among the constituency. Methods of dealing with the burgeoning gang problem must now be hastily developed and implemented to meet the demands of a frightened public.

Once the political system officially acknowledges the presence of a gang problem, resources must be put into motion to deal with it before the onset of a media-induced hysteria infects the community. The effectiveness of the law enforcement response will depend upon the prior preparedness of the agency. To adequately address the gang problem, it will be necessary to establish, or reintroduce, a gang unit staffed by officers specializing in street gang enforcement. The tactical response to the crisis can be enhanced and accelerated if the agency has maintained officers with a knowledge of the gang lifestyle who are specialists in street gang habits.

While the agency will need to respond as quickly as possible to the gang threat, the establishment of a gang unit must be handled carefully and with as much forethought and planning as possible. Thought must be given to the purpose of the unit, its mission, and goals. The unit's procedural policies and methods of operation should be decided upon prior to implementation of the team.

The gang unit can only perform its mission through organizational support; therefore, it is vital that the department head make it explicitly clear that the unit's mission is a priority. Executive support must be demonstrated with conviction down through the ranks. The team's ability to gain the willing cooperation and acceptance from its law enforcement peer group will determine its viability and effectiveness.

The prime factor in creating a successful gang team is personnel selection. Due to the nature of the gang unit's mission of intervening in the violent gang process, it is critical that particular attention be paid to this personnel selection process. Preference must be given to officers who have established themselves as being self-motivated, with good communication skills and the ability to communicate effectively with all segments of the community. Other desirable traits that should influence the selection process would be knowledge of the community and local gangs. Ethnic balance of the gang team should also be considered. The ethnicity of the gang officer is of less importance than the officer's attitude toward the individual gang members; however, it is understandable that organizations must strive for balance due to the political and cultural diversity of our communities and the need to establish credibility in the public's mind for continued support.

The officers must possess personal traits that allow them to deal with gang members in a manner that builds rapport and fosters communication. Rapport building must not be based on appeasement. Appeasement is not an acceptable response. Street gang members come from subcultures that will initially view kindness as weakness; therefore, the officers must be able to establish a working rapport without compromising their integrity or appearing weak-willed. This in no way implies that officers should brutalize gang members or consciously violate their constitutional rights. One should always deal with gang members in a professional manner. The old saying "firm but fair" works well in the law enforcement/gangster relationship. The officers must also have the ability to adjust from their enforcement role with the gang members to tactfully deal with citizens' groups, schools, and other agencies in a professional manner.

If one could use only one word to describe a gang member, that word would be *attitude*. A gang unit officer must also develop an attitude that gang members can read as readily as the gang officer reads theirs. The gang officer's attitude must be one of professionalism. The officer should not attempt to establish him- or herself as the gangster's best friend or confidant, but he or she should display an attitude of approachability and fairness. The officer must be prepared to provide access to social welfare sources that may be of assistance to those gang members who request help in changing their criminal lifestyles.

A decision as to whether the unit will be uniformed, plainclothes, or a combination of both should be made prior to selection of the team. Certainly, these decisions may need to be based on the mission and budgeted size of the team. One option

would be to make the team investigative in nature and responsible for the criminal cases involving gangs. A second option would be to make the unit primarily an intelligence-gathering detail that collects information from contacts on the street and other sources. The gang intelligence unit would then be responsible for assisting the investigators with their cases using information from street contacts and gang files. Another option would be to make the unit a uniformed patrol detail assigned to a highly visible mode of selective enforcement in the gang neighborhoods. Of course, optimally the best scenario would be a "full-service" gang unit that was a combination of investigative, intelligence, and uniformed suppression with close ties to the department's prevention and intervention services.

Of the three major available options, intelligence gathering is the most important. Before law enforcement can move effectively against the gangs, detailed information as to membership and gang activity must be available. This information must be obtained by officers using traditional intelligence-gathering methods involving informants, observation, community contacts, and crime analysis. The gang unit need not operate covertly within the neighborhood, but rather, officers should be openly visible. The team members should make themselves not only visible, but approachable, to all members of the community, including gang members. Visibility does not necessarily mean uniformed officers. Gang members tend not to have sophisticated criminal minds. In their limited scope of the law enforcement world, a plain clothes officer many times is seen as more powerful than the uniformed officer; therefore, gang members will accept the plainclothes officer and his or her interactions more readily than those of the uniformed officer.

The name of the game when dealing with gangs is information. Information on the criminal conduct of street gangs is obtained through officer communication with members of the community, especially with gang members. That means that the officers must be in the field, not tethered to a desk, at the times that the gang members tend to be there, which is generally, evenings and particularly on weekend evenings. Simple crime analysis of gang crime will pinpoint the general times and arenas of probable gang activity and provide deployment data readily.

The purpose of gathering gang intelligence is to use the information to assist investigators in solving gang crime by identifying the participants, diffusing gang tensions, and preventing crime. Intelligence must be shared with those units that require it, as well as those within the command staff that direct operations. Gang intelligence units must not operate in the traditional and historical secretive intelligence mode of yesteryear that seldom shared information. Street gangs are street criminals, and information must be consistently shared between patrol operations, custody, investigation, and intelligence units in order to accomplish the mission of reducing and preventing gang crime.

Some departments have opted to staff the gang unit with investigators and have the unit handle the investigation of gang crimes along with the intelligence function. While this can be a viable concept, departments need to consider certain disadvantages to this arrangement. When the area has a high rate of gang activity and the investigators are buried beneath heavy caseloads, the intelligence function will suffer. Without fresh intelligence, the information needed to solve cases evaporates, and the unit simply becomes another overworked detective unit. If the unit is to handle cases, the department must adequately staff the unit to perform all the

needed functions. Ideally, in such units, certain investigators handle cases while others perform the intelligence functions, and the information is shared.

Experience has shown that if the gang unit handles cases, it is advantageous to handle most categories of the crimes committed by the gangs, including adult and juvenile crimes. In this manner, the gang unit is able to stay current on "who's who" in the gang world and is aware of the younger gang members as they rise in the gang's hierarchy. It is a mistake to give the gang unit the responsibility for homicide case assignments. These types of cases are very labor- and time-intensive; after a few homicides, the gang unit will be totally absorbed in the intensive homicide investigations, again sacrificing the street and intelligence work. They would then have little or no time to devote to alleviating the overall gang problem, which was the original mission. The gang unit is of more use assisting the homicide investigators with their cases by making their intelligence information available and using their community contacts to gather more information on the case.

The same can be said of narcotics investigations. While in many ways the words *gang* and *narcotics* are synonymous and have much in common, there are significant differences. Generally speaking, gang involvement in narcotic distribution is just one adjunct of the gang lifestyle, and in many cases, it is not a significant source of gang violence or overall gang activity. Seldom does a gang unit survive the transition from gang unit to narcotics unit in tact with the gang intelligence or street suppression activities truly functional. The investigators must become so immersed in the world of narcotic trafficking that all other gang functionality of the unit ceases to exist. Once again, sharing information between the two separate and distinct units is the best option.

Another option available to departments is to field the gang unit out of the uniformed patrol force in a directed patrol mode. While this is a viable option, it has some limitations. Uniformed personnel are not unusually seen as open or approachable by citizens in those neighborhoods that produce gangs; therefore, to be effective, a uniformed unit must be free from answering normal calls for service in order to devote time to establishing their credentials in those neighborhoods. The officers can be trained in community-oriented policing concepts and gang awareness and be directed to pay particular attention to the gangs.

Each option has its strengths and weaknesses; ideally a combination of all three offers the best results in curtailing gang violence. To add even more effectiveness to this unit, the department should persuade the District Attorney's Office to assign a prosecutor to assist the gang unit in its operations and prosecutions. The probation department should be consulted and a probation officer added to the team to enforce conditions of probation on gang members contacted.

The gang unit must also be responsible for maintaining a liaison with surrounding agencies and exchanging information on a regular basis. Gang members must be aware that their activities are now being observed and made to feel uncomfortable in their criminal lifestyles. Regular meetings of officers and agencies involved in curtailing gang activity should be conducted, establishing an information sharing network.

Command staff must decide where within the department to assign the gang unit. Political infighting between divisions is not uncommon and can prove detrimental to the early support needed by the fledgling gang unit. According to the departmental size, decisions must be made as to whether the unit will have centralized or decentralized command and control and under which command such a unit belongs once established. In large departments, it has been shown that the gang unit is most effective if assigned under a centralized command, with decentralized teams if the geographic area is large. Decentralized teams within independent commands make effective communications difficult and create an atmosphere ripe for political infighting and detrimental team competition.

Once the department makes the decision to form the gang unit, a mission statement must be designed to guide the unit and its actions. As an example, the following mission statement was developed by the Los Angeles County Sheriff's Department for use by the gang details assigned to the Safe Streets Bureau.

> The mission of the Safe Streets Bureau is to reduce gang violence by the vigorous application of contemporary law enforcement techniques. This concept is based upon the professional application of legal and ethical anti-gang practices within the Los Angeles County Sheriff's Department's stated mission and its core values. These practices are designed to insure the safety and welfare of all residents while maintaining community order. Safe Streets Bureau's anti-gang efforts are designed to incorporate a collaborative effort with the community to insure that a partnership is achieved that will determine the most prudent course.
>
> Street gangs threaten the safety and well-being of residents within our communities, which we, as members of the Department, have a sworn duty to protect. With this valued trust in mind, the Safe Streets Bureau is dedicated to the equal administration of justice to all factions of the communities we serve in a humanitarian and responsible manner. Safe Streets is not simply the title of our Bureau, but a goal that the dedicated men and women of the Bureau strive for in the daily performance of their duty.

Much of today's law enforcement is based on the "new and innovative" concept of community-oriented policing. Community policing is perceived by many of today's law enforcement executives as an enlightened approach to police deployment and practices. The basis of community policing is theoretically to bring the police officer back into the community as a recognizable personality rather than some faceless enforcer gliding by in a police cruiser. The theory suggests that such a bonding between law enforcement and the community will lower crime rates and increase public confidence in law enforcement agencies.

Community-oriented policing is not a "new" concept; it is best described as a "rediscovered" concept. The idealism espoused in community policing can have a tremendous effect in reducing the threat of street gangs. The implementation of partnership programs involving the community and police to control street gang activity is the epitome of sound community policing. Most gang units that have been effective in the past have practiced this from their conception. Successful gang units tend to be those whose work includes close personal contact with the community.

This contact is accomplished through daily interaction with community groups, schools, individual citizens, and the gang members themselves.

Those charged with investigating street gangs must have a clear picture of what they are to investigate; therefore, it is imperative that the department establish guidelines defining what constitutes a street gang, gang activity, and a gang member. These definitions must have validity and meet current legal standards.

The gang file is one of the most important and necessary tools that a gang investigator has at his or her disposal, but these files can also be the most controversial component of the gang unit. If the files are not properly maintained and safeguarded, they can bring about the downfall of the gang unit and be the subject of expensive litigation. Civil libertarians have often argued against the maintenance of gang files, contending that they are unconstitutional and a violation of the civil rights of the gangster; gang files built on solid definitions, along with creditable standards, are legally and morally defensible, and have withstood court challenges.

One must not dismiss the arguments of the civil libertarians altogether. Law enforcement officers must always be concerned that their actions are legal, professional, and necessary to maintain the public peace. One of the most basic elements of street gang activity is the consistent criminal behavior of the majority of gang members. Any group that commits crime as a primary activity unquestionably presents a clear and present danger to the community. Confronted with such malevolent forces, those charged with the community's public safety have a duty to protect its citizens from those criminal societies. The tracking of criminal organizations is an integral part of combating their illegal ventures as long as that tracking is done in a legal and moral manner.

The legal challenges and debates over the early systems that pioneered the development of modern-day gang files served to establish their legitimacy. Such challenges prompted common criteria to be cooperatively developed by criminal justice agencies for use as a standard in maintaining gang files. Development of such standardized criteria added to the credibility and integrity of the system.

Before the definition of a *gang member* can be devised, the *gang* itself must be defined. There have been numerous definitions put forward by various sources from many disciplines. The following definitions are those currently used by most California law enforcement agencies.

The first definition offered was designed by the Los Angeles County Peace Officer's Association and agreed upon by the sheriff and the chiefs of police in Los Angeles County:

> A group of people who form an allegiance for a common purpose and engage in acts injurious to public health and morals, who pervert or obstruct justice or the due administration of laws, or engage in (or have engaged in) criminal activity, either individually or collectively, and who create an atmosphere of fear and intimidation within the community.

The next definition is defined in California's Street Terrorism and Enforcement Prevention Act (186.22 P.C.). This definition is designed strictly for prosecution

under this Act and is somewhat restrictive due to the necessity for violation of specific penal code sections:

A. An ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the following:
    1. Assault with a deadly weapon (245 P.C.)
    2. Robbery (211 P.C.)
    3. Homicide or manslaughter (187 P.C.)
    4. Sale or possession for sale of narcotics (11054-11058 H&S)
    5. Shooting into an inhabited dwelling or occupied motor vehicle (246 P.C.)
    6. Arson (450 P.C.)
    7. Witness or victim intimidation (136.1 P.C.)
    8. Grand Theft of any vehicle (487H P.C.)
B. Which has a common name or common identifying sign or symbol
C. Whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity

The following is a list of commonly used criteria, which determines the minimum standard needed to establish gang association for entry into the gang file. It should be noted that while one criterion in some circumstances may provide enough information for entry into the system, investigators are urged to include as many as the individual meets. The use of more than one criteria lends strength to the need to include a particular subject into the gang file. The following criteria is used by the Los Angeles County Sheriff's Department as the minimum criteria for officers to identify gang members and is found in Field Operations Directive 86-39:

- When an individual admits membership to a gang
- When a reliable informant identifies an individual as a gang member
- When an informant of previously untested reliability identifies an individual as a gang member and it is corroborated by independent information
- When an individual resides in or frequents a particular gang's area and affects their style of dress, use of hand signs, symbols, or tattoos, and associates with known gang members
- When an individual has been arrested several times in the company of identified gang members for offenses that are consistent with usual gang activity
- When there are strong indications that an individual has a close relationship with a gang but does not fit the above criteria, he or she shall be identified as a "gang associate"

Guidelines for determining whether these criteria have been met are based on several influencing factors, such as the following:

- Self admission
- Is known to associate on a regular basis with known gang members
- Has tattoos indicating gang membership
- Wears clothing, symbols, etc., representing gang membership

- Poses in photographs with known gang members while indicating gang membership through hand signs or in other manners
- Name appears in gang documents, such as photograph albums, graffiti, rival hit lists, etc.
- Is identified through reliable sources as a member
- Arrested in the company of gang members
- Corresponds with known gang members or writes and/or receives correspondence about gang activities
- Writes gang graffiti on walls, books, school papers, etc.

Once the gang and the gang member have been defined, the definition of a *gang incident* is needed. This definition is very important to the entire anti-gang operation. What the department decides to count as a gang incident will not only have political effects within the community but may also affect the success or failure of the gang program. Gang crime goes beyond what has become commonly referred to as "gang-motivated" crime.

"Gang-motivated" is a style of reporting that accounts for only those crimes that are basically gang versus gang assaults or those crimes from which the gang as an entity profits. This type of reporting assumes that gang-motivated crimes are the only crimes that gangs commit and that street gang members operate as a controlled paramilitary led by a formal leadership. It further implies that the gang members would necessarily obey such a leadership and contribute a portion of their ill-gotten gain into a central bank for the benefit of the gang in its totality. One also must assume that this leadership has the power to dictate the actions of subordinate members.

While this discipline may be accurate to some extent with the older established gangs in the "Midwestern gang style," it is not true of "Californian gang style." Most street gangs are loosely knit social groups that are made up primarily of social misfits and products of dysfunctional families. Due to their early socialization and gangster lifestyle, gang members are not the type of individuals that take orders or handle responsibility well. Gang members are not amenable to a formal organization that relies on obedience to chain of command.

The gang's activity must be measured by all crime committed by its members. Reliance on the "gang-motivated" style of statistical collection distorts the public perception of how serious the gang problem actually is. This manipulation dilutes the impact that gang members have on the total crime problem in a community. An apropos analogy is that gang activity, in total, kills the community, just as surely as a bullet fired from a gang member's gun kills its victim.

The gang, as an entity, does not commit crime; its members do. Following that reasoning, most law enforcement agencies have opted to use the style of reporting referred to as "gang-related." This style reports on most crimes committed by gang members as gang-related. Within this count, gang versus gang crime, which is generally assault crimes, is tabulated as a specific category, yet the total criminal conduct of the group is also available for analysis. In general, any incident involving a gang member as suspect or victim, particularly when the subject is a victim due to his or her gang affiliation, is counted using this style of reporting. This provides

for a consistent and complete report on gang member crime, and it minimizes the subjective decision-making requirements of reporters of the incidents.

The Los Angeles County Sheriff's Department, utilizing Field Operations Directive 86-39, which mandates procedures for gang activity reporting, established the following criteria for identifying incidents as gang-related:

- When an incident occurs wherein participants, suspects, or victims are identified as gang members or associates
- When a reliable informant identifies an incident as gang activity
- When an informant of previously untested reliability identifies an incident as gang related, and it is corroborated by other attendant circumstances or independent information
- When there are strong indications that an incident is gang-related but it does not fit the above criteria, it shall be considered as gang activity.

The criteria discussed in the preceding passages have evolved into the accepted standards for definition of gang membership and activity for the state of California. With minor modifications, they have also served as the basis for other state and federal system gang files. The California Department of Justice and the California Office of Criminal Justice Planning have adopted the criteria as the minimum standard for use within the statewide CalGang system.

Gang statistical reports are used to graphically demonstrate the extent of the gang problem. Departmental management requires accurate and timely information for tactical deployment and allocation of resources to prevention strategies. The community must be made aware of the extent of the problem, as well as departmental management, in order to achieve the necessary support for anti-gang programs.

The most absolute rule in gathering and reporting gang-related statistics is adherence to established guidelines, along with consistency in reporting, but most importantly, it is necessary to maintain integrity in the process. Acquiescence to external political influence to distort the reporting, in some manner, in order to favor a particular political agenda, provides a biased view of the problem. Once the credibility of the reporting process comes in to question, and those questions cannot be legitimately answered, support for the department's gang suppression efforts is doomed.

Wesley D. McBride served over 35 years with the Los Angeles County Sheriff's Department obtaining the rank of sergeant. He retired on January 31, 2002. Sergeant McBride obtained his associate of arts degree from Santa Monica Community College and his bachelor of science degree in criminal justice from California State University in Los Angeles. Sergeant McBride has lectured on street gangs at the Federal Bureau of Investigation's National Academy. He has guest lectured at numerous colleges and universities and various law enforcement training academies.

Sergeant McBride is a recognized authority on street gangs and has qualified in both municipal and superior courts as a street gang expert. He has also testified as an expert gang witness in Kansas and Texas.

Sergeant McBride is currently the president of the California Gang Investigators Association and is the past president of the National Alliance of Gang Investigator's Association. He is the coauthor of a textbook on street gangs entitled *Understanding Street Gangs*.

Sergeant McBride was selected by the United States Department of Justice to participate in assisting South Africa's new government in the establishment of an inservice training program for the South African Police Service. He has participated in training of Caribbean law enforcement on street gangs, which was jointly sponsored by the Bureau of Alcohol, Tobacco, and Firearms and the State Department in the Islands of the Bahamas. The United States Marine Corps selected Sergeant McBride to travel to Japan and assist in conducting a series of lectures to Marine Corps officers, N.C.O.S, and military police on gang activity. In 2002, he was appointed counselor to the International Advisory Board for the Department for the Study of the Contemporary Criminal Menace, located in Paris, France. Sergeant McBride was recently awarded a certificate of appreciation from the United Sates Department of Justice, Office of Justice Program's Bureau of Justice Assistance for his leadership in designing the original statewide electronic gang file for California known as the GREAT program and assisting in design development, a conversion of that system into the current CalGang system.

Blind Mules – Fiction or Fact? What Defense Attorneys Need to Know – an Expert Opinion

Michael Levine, Trial Consultant/Expert Witness

On January 12, 2000, Gloria Cespedes-Cano and her teenaged daughter Sandra[1] stepped through the doors of the LACSA (Costa Rican national airline) baggage department at John F. Kennedy International Airport and into a nightmare. She was there to reclaim checked bagged that had been lost by the airlines 7 days earlier during her return trip home to the United States from her native Colombia.

Things immediately got tense. The man at the other side of the counter wore a LACSA uniform, but he spoke Spanish the way Ricky Ricardo spoke English.

"Are you certain this bag is yours?" he said.

"Of course I am sure it's mine," said Gloria. "That is why I am here." Something about the way he looked at her started Gloria's heart racing.

"Did you pack this bag yourself in Colombia before you left?" insisted the man.

"Of course," said Gloria. "I just told you—it's my bag, I packed it, you lost it, that's why I am here."

"Mommy, what's wrong?" said Sandra, who had been fretting her mother about the bag all week. It contained her New York City high school soccer uniform that she'd brought to Colombia to impress her cousins. "Just take it and let's go, Mommy."

The man produced a document. "I'll need you to sign this," he said. "It says that the bag is yours and that you're responsible for its contents."

Gloria quickly signed her name where the man indicated. She had barely put the pen down, and her world changed forever.

Gun toting federal agents in blue hats and windbreakers surrounded her screaming commands in a loud cacophony of incomprehensible voices. She felt herself shoved hard against a counter. Hands raced over her body, touching her in intimate places. Hands bent her arms behind her. She felt the steel of handcuffs for the first time in her life.

"You are under arrest," said one of the officers. He read from a card, telling her in Spanish that she had the right to remain silent, that she could have an attorney if she felt she needed one.

"What did I do?" cried Gloria. Behind her Sandra cowered and wailed in fear—a wounded doe in a crowded subway car.

"You are charged with smuggling heroin into the United States . . . This," he said, removing a brick shaped package from her bag and slapping it on the counter. "Are you willing to make a statement?"

Willing? The customs agents couldn't stop Gloria from talking if they wanted to; she told them everything they asked, answered every question. Volunteered information they didn't ask.

"You don't have to say anything," the man reminded her. "You have the right to an attorney."

"Why do I need a lawyer?" she said. "I did nothing wrong. I never saw that package before. Someone must have put it in my bag."

Gloria explained that 7 days earlier, she and Sandra had checked their unlocked baggage at the airport in Cartagena, Colombia, for their return trip home to the United States. They had just spent 2 weeks visiting family and friends over the Christmas and New Year holidays—a trip for which she had planned and saved for more than two years. The officers could check her bank account and see for themselves where the money came from.

Gloria gave him a full and detailed itinerary of her trip, including the address and phone number of every relative with whom she had stayed. She was willing to tell him anything he wanted to know, give him any kind of cooperation he suggested. She lived simply, worked hard, and had never done anything illegal in her life.

Besides, Colombian security police had searched the bag before she had checked it, and they had found nothing.

She begged the customs agent to verify everything she had said. If he checked her work records and bank accounts, he'd find that she and her husband each worked 60 hours a week to put food on the table—did that sound like a drug dealer? What did she have to do to prove to him that she was not a drug trafficker, that someone else must have put the drugs in her bag?

My bet is that at this point, most attorneys reading this are thinking, "Big mistake. She should have kept her mouth shut and called for a lawyer." By the end of this article, I think you'll agree that if you're claiming a blind mule defense, the worst thing you can possibly do is to remain silent.

The officers didn't believe a word; they openly snickered. In fact, they seemed completely disinterested in anything Gloria said that wasn't a full confession. They had found 3 pounds of heroin at the bottom of her bag worth millions of dollars on the street; she had to know what she was carrying. "There's no such thing as a blind mule," said one in Spanish. Gloria Cespedes-Cano was formally charged with smuggling, possession, and possession with intent to distribute and shoved into a cage.

Three nightmare years later, at trial in the Eastern Judicial District of New York, a badge-carrying government expert, wearing a blue striped suit, a power tie, and a little American flag pinned to his lapel, would take the witness stand. He

would speak with great authority and in a professional manner as he told the jury deciding Gloria Cano's fate, exactly the same thing: "There is no such thing as a blind mule."

He would weigh in with his years of training and experience like a Tom Clancy figure come-to-life and explain that the reason there is no such thing as a drug courier who is unaware that he or she is carrying drugs—a blind mule— is simply that the illegal cargo is so valuable that professional drug dealers would only use people who are thoroughly trusted and responsible for the safe delivery of said drugs.

The expert would be spouting the Drug Enforcement Administration and the United States Justice Department's current and official position as enunciated in a widely disseminated article entitled "Blind Mules – Fact or Fiction?"

"It is incumbent on [DEA] to explain to judges, juries, and the public the absurdity of the premise that drug traffickers would entrust their extremely valuable commodities to unwitting couriers, running the risks inherent in allowing the drugs to be in the possession of someone not directly responsible for their successful delivery."[2]

Take note here that the government's position does not just limit itself to the Blind Mule defense; it includes all "unwitting couriers," which, as you are about to see, goes a lot farther than cases like Gloria's. In my trial consulting practice of the past 15 years since my retirement from the DEA, I have heard government experts consistently testify that any kind of coerced or unwitting participation in drug trafficking is a circumstance so absurd that on its surface, it cannot be accepted as a reasonable claim.

To any narcotic investigator with real experience working with international drug traffickers during the 1970s and 1980s, this kind of expert testimony that denies the use of unwitting participants in drug trafficking is not only patently incorrect; it is also inconsistent with two decades of drug war history and policy. That, in the world of drug trafficking and crime, incidents like the one excerpted from drug trafficker-turned-author-and-Hollywood-producer Richard Stratton's memoir are the rule not the exception:

"So I bought three kilos [of marijuana], removed the door panel of my roommate's truck, and hid them in the door without telling him. I figured if I told him, he'd be too nervous driving back across the border . . ."[3]

I happen to be a frontline witness to the changes in narcotic enforcement prosecutions from the early 1970s, when President Nixon first declared the war on drugs to the present time. A Blind Mule and/or unwitting and/or coerced participation defense during those years, was considered as both valid and in some circumstances likely, by both prosecutors and investigators alike. It was understood that the narcotics trafficking business was devoid of trust; that the closest of family members, under the threat of decades in prison and/or for the promise of six and seven figure reward payments, would easily turn informant on one another and that the notion of a drug trafficker simply trusting a lowly mule—the current expert opinion—was truly absurd.

Thus, the purpose of this article is to demonstrate the change in government expert opinion and illustrate its overall negative impact on our justice system, the war on drugs, and the war on terror as well as the fact that the logic behind this change is simply counterintuitive. Sound like an exaggeration? Just hang in there and let's see.

For Gloria Cespedes-Cano's attorney, Michael Hammerman of New York City, understanding the facts behind this fact-to-fiction change in expert opinion and prosecutorial philosophy would make the difference between a successful defense strategy and his client spending decades behind bars.

Blind Mules as Fact

I first heard the term *blind mule* in 1970, when I was one of three Spanish-speaking agents assigned to the Hard Narcotics Smuggling Division of U.S. Customs in the Port of New York. The cocaine and heroin markets were expanding rapidly as were the numbers of "mules"—drug couriers—arriving from source countries like Colombia, Mexico, and Southeast Asia. Being a fluent Spanish speaker, I worked round the clock on interdiction, arresting, and debriefing mules by the hundreds; trying to "flip" them —convince them to turn informant—as quickly as possible so that they could effectively aid us in identifying and arresting those who were awaiting their imminent arrival.[4]

Whenever headquarters notified me that a customs inspector had detained a mule, it meant a 100 MPH race to the airport. A flip had to be done quickly because often the drug cartel would have its people waiting in the airport scant yards from where their mule was being held. If too much time elapsed, they would vanish. I would have at most an hour to convince the mule to cooperate, put the dope back into his or her bra, or prosthetic leg, or bowling ball, or coffin, or shoes, then seal up the drilled hole from whence spurted white powder—whatever concealment technique they happened to be using—in order to complete a "controlled delivery"—an undercover delivery of the drugs under tight surveillance to the intended receivers.

In those early years of the drug war, most of the mules I encountered at JFK airport, and later at Miami International, claimed that they had no idea they were carrying drugs. The term *blind mules* was born.

Some had alibis that would have strained the credulity of a pet rock, like Maria Gloria Naranjo, who was traveling on a false passport and claimed she thought she was carrying "white gold" sewn into the padding of her bra and panties by people she had never met, to be delivered to people she didn't know. Or Felix Rodriquez, who claimed he thought he was carrying "white gold" in his prosthetic leg, put there by unknown people at a time and place he couldn't quite remember and who had supplied him with a false passport and paid him $500 to make the delivery in New York where he would be met by more people he didn't know at an address that didn't exist.

Other alibis, like those of a series of women who claimed they were prostitutes hired to work in New York or Miami, were more plausible. They carried specially constructed suitcases full of new clothing concealing large amounts of cocaine in

false bottoms and sides, claiming that they had been given the suitcases and the clothing as part of their "jobs" but were ignorant of the hidden drugs.

I qualify the prostitutes' blind-mule alibi as "more plausible" as the direct result of three days of face-to-face undercover meetings in Buenos Aires with, Pedro Castillo, a major Bolivian cocaine supplier in 1979.[5] Castillo, who believed he was dealing with an American Mafiosi, agreed to deliver 10 kilos of cocaine to me in Miami, a deal which he subsequently completed sending him to federal prison for 20 years. During my undercover meetings with international drug traffickers like Castillo—and there were many—I would always use the long hours spent in negotiations as a pretext to learn all I could about how they operated, how they thought.

I pressed Castillo hard for details as to how the drugs were entering the United States and who was to be responsible if they were seized—important items for dope dealers to iron out before a transaction. He told me that for larger loads of cocaine—more than 10 kilos—he would hide the drugs in commercial shipments. For the smaller loads going to both the United States and Europe, he used prostitutes.

"The U.S. government will pay any one of them hundreds of thousands of dollars for dropping a dime on you," I said. "How can you trust them?" His answer was that some would not know what they were carrying; others had families to worry about. Blind Mules and coercion as far as this real-life drug trafficker was concerned were facts of life— "trust" was not.[6]

Unwitting Recipients as Fact

In 1971, Jaime Ibarra, the intended recipient of unaccompanied baggage from Santiago, Chile, claimed that he had no idea why the baggage was addressed to him at his temporary address at a New York City hotel. The unaccompanied suitcase crammed with old shoes, which in turn were crammed with 6 kilos of cocaine, had been seized by customs inspectors at the Lufthansa Airlines baggage department. Things looked bad for Jaime; he had overstayed his visa, lied to me as any illegal alien might have done, and had the bill of lading for the undelivered suitcase in his hotel mailbox where it had been sent by Lufthansa Airlines.

Jaime's innocence was proven by a 3-month investigation that revealed the existence of a Colombian Cartel that was able to select names of South American tourists from hotel registers in New York, to whom unaccompanied baggage containing cocaine would be addressed. If the bag made it through customs, someone masquerading as the addressee would make the pickup at the baggage counter.[7] If customs detected the drugs, as happened in the Ibarra case, the unwitting addressee was, as they say, on his own.

If the Ibarra case had happened within the past 15 years, Jaime would have been arrested without any follow-up investigation and prosecuted. A government expert would have appeared at his trial to assure the jury that there was no such thing as an unwitting receiver of $1/2 million in cocaine, and he would probably still be in jail today.

National Drug Policy and the Search-for-Truth Doctrine – Then

The kind of investigation and prosecution that Gloria Cespedes-Cano and many others who claim unwitting and/or coerced participation in drug trafficking face today could never have happened during the early years of our war on drugs. Both my training and the prosecutors with whom I worked demanded a due diligence investigation to prove, beyond a reasonable doubt, that a man or woman caught transporting or receiving drugs knew exactly what he or she was doing. We were trained to adhere to the Search-for-Truth Doctrine, which meant that if an investigative step held a likelihood of unearthing exculpatory evidence or information, a case agent was not permitted to omit or avoid it for any reason.

Full and careful debriefings of all who claimed to be blind mules and/or unwitting and/or coerced participants, supported by painstaking corroborative investigations and other interdiction tactics, was standard operating procedure for all agents working interdiction. Both our supervisors and the United States Attorneys' offices demanded strict adherence to the Search-for-Truth Doctrine and National Drug Policy.

A due diligence investigative effort would either reveal continuing efforts to deceive and that the Blind Mule claim was not a reasonable one or that the defendant's story might be true. What is important to stress here is that with the "discovery" that a Blind Mule claim is "absurd," the due diligence investigation no longer happens, and as a result, our Department of Justice is now working for the drug traffickers.

For example, during the 1970s and 1980s, all those claiming blind mule status, no matter how incredible sounding the story, were given the opportunity to tell their stories fully and/or aid in a controlled delivery to whomever was expecting their arrival. The thorough documentation and investigation of blind mule statements, often resulted in the arrests, convictions, and conspiracy indictments of top-level traffickers.

In cases of deception, it was the Search-for-Truth investigative effort that furnished the prosecution with evidence that blind mule (unwitting participation) claims were untrue beyond a reasonable doubt—not that they were simply "absurd" by virtue of expert testimony. I served often as a prosecution expert during the 1970s and 1980s and never uttered those words.

National Drug Policy

Adherence to the Search-for-Truth Doctrine also forced investigators to adhere to what is referred to as the National Drug Policy (NDP). NDP, reiterated by every presidential administration in White House Drug Policy Statements, has always been interpreted by the Drug Enforcement Administration, the lead agency in our war on drugs, as a national mandate for investigators to pursue and exhaust all investigative leads and/or information that even might reveal the sources and tentacles of distribution of a drug organization. It was the very heart and soul of the War on Drugs.

During the early 1980s, as an operational inspector assigned to the office of Professional Responsibility, one of my primary duties was to ensure that DEA offices worldwide in every one of its investigations adhered to the National Drug Policy.

The bottom line, as I will illustrate below, is that, with the "discovery" during recent years that any claim of forced or unwitting participation must be false, the National Drug Policy and the Search-for-Truth Doctrine became meaningless, and the quality and professionalism of world-class investigative organizations hit bottom, where it remains to this day. In fact, in a very real sense, our Department of Justice is now working for the dopers, and in this era of terrorism supported by drug trafficking, this is no small matter.

Do Prosecutors Really Believe There Is No Such Thing as a Blind Mule?

Under cross-examination, during a recent trial in which I provided expert testimony as to the federal agents' violations of the Search-for-Truth Doctrine, standards and training, and the National Drug Policy during and after the arrest of a defendant claiming blind mule status, I was asked, "Isn't it true that when these blind mule claims are in fact investigated, nothing ever comes of the investigation?"

It was an enlightening moment for an expert witness. I could not believe the soft arcing pitch this experienced prosecutor had just tossed me. But something was wrong. It was too easy—was it a setup?[8]

Instead of just citing about 15 or 20 cases emanating from blind mule arrests, that, due to Search-for-Truth investigative efforts during the 1970s and 1980s had been hugely successful on a global scale and contrasting them with the monstrous investigative failures of today, I was short-circuiting. The question had also provoked an instant of blinding insight.

This prosecutor actually believed the government expert, or (I reasoned) he would never have asked such a question. For an instant, the implications of this level of (let's be charitable here) naïveté left me breathless. Prior to this moment, it had always been much easier for me to look at the discovery of the nonexistence of blind mules as just another tactic of inept or lazy federal investigators of the type that allowed 9-11 to happen right under their noses combined with win-at-all-cost prosecutors.

I started to slip into lecture mode. My answer was that the prosecutor's assertion could not have been more untrue and that the dogged and thorough investigation of blind mule claims has led to some of the farthest reaching international drug cases in history—cases that simply do not happen any more. I began to illustrate with examples. Of course, the prosecutor quickly cut off any elaboration with no objection from the defense. Thank God I don't have to depend on the Rules of Criminal Procedure in the writing of this piece. And there is no investigation that better illustrates the point I was trying to make than the one that began with my arrest of John Edward Davidson, Blind Mule extraordinaire.

United States v. John Edward Davidson & Liang Saw Tiew et al.

The year I met John Edward Davidson, 1971, was the same year that President Nixon declared the war on drugs. The Special Agents of United States Customs didn't need a declaration of war; by 1971, they had been combating drug smugglers for decades. The investigative tactics involved with the apprehension of a "mule"—the "flip" followed by the "controlled delivery" run concurrently with an intensive conspiracy investigation—had already been initiated and were showing huge and unprecedented successes. Books have been written about this era and the accomplishments of these immensely talented and streetwise investigators, who were second to the FBI and CIA only in public relations and in the imaginations of fiction writers. Thus, for the purposes of this article, I will confine my examples to cases in which my knowledge comes from my own participation.

When I transferred into the Customs Agency Service from the Bureau of Alcohol Tobacco and Firearms in 1970, I was a willing student of these tactics and soon found myself deeply involved in many of the major international investigations of that time. In 1973, the Drug Enforcement Administration was created by Presidential Order. I was one of 750 U.S. Customs agents transferred into the new agency. One of my first assigned duties was the management of smuggling investigations as well as the training of DEA agents without customs experience in the same interdiction and investigative tactics I had used as a customs agent. One of the investigations that I used as a lecture tool, U.S. v John Edward Davidson, et al., began on July 4, 1971.

I had "the duty" that day, which in customs parlance meant I was on 24-hour call status. It was about 1:00 PM, when headquarters called. I was at a party at an uncle's home in Babylon, Long Island. There had been two arrests at JFK International: a Peruvian woman with a half kilo of cocaine hidden in body orifices where the sun doesn't shine and a Caucasian male with 3 kilos of heroin hidden in the false bottoms of three Samsonite suitcases. Each had been in custody for about 10 minutes when I got the call.

I made it, red light spinning, siren screaming, and brake drums smoking, to the rear entrance of the IAB (International Arrivals Building) in less than 15 minutes, which meant that I would have, at most, an hour to flip one of the two mules and let him or her walk out the double doors into the arrivals area with the bags to see whether anyone approached or followed. I had a couple of undercover, plainclothes patrol officers standing by and more agents on the way.

As luck would have it, the other agent on call that day was Jack Daniocek, another fluent Spanish speaker. Jack was senior to me and wanted to handle the Peruvian woman, so by default I would, within minutes, find myself in a windowless room seated across a bare metal table from John Edward Davidson and the beginning of an adventure that would take me to the other side of the world. It would also be my first, personal glimpse into the minds of major international drug traffickers who would accept me as one of their own—a firsthand, uncensored perspective that I believe is entirely absent from most of today's expert testimony.

The customs inspector who had detected the heroin quickly filled me in on what I needed to know. Davidson had just arrived from Bangkok, Thailand, carrying three expensive Samsonite suitcases full of gifts and clothing. His passport showed seven

trips to Thailand in the past 18 months. The weight of each empty suitcase was exactly one kilo more than it should weigh. A small hole drilled though the bottom of each revealed that the extra kilo was 99% pure heroin, known as "Dragon Brand." Davidson's claim, so far, was that the suitcase had been filled by "Chinese people" he'd met in Thailand during his R&Rs from the battlefields of Vietnam and that he thought he was smuggling precious gems to evade import duties.

Blind Mule? A Vietnam vet who thought he was smuggling jewelry? Gimme a New York break, I thought. This guy knew exactly what he was doing. But I also knew that no federal prosecutor would accept that assessment without an investigation that would show that it was unreasonable to believe his claim—an investigation that might lead to the identification of the true source of the drugs or one that would show proof of the kind of deception common in drug smuggling cases.

Davidson was a smallish man with close-cropped blonde hair. He wore granny glasses that gave him the look of a graduate student in theology. As it would turn out, he was anything but.

As I took a seat across from him, I noted grey eyes that reacted to my every expression. He studied me as I read his two-page, handwritten declaration. I was conscious of the passing time. I had to assume that since he was carrying millions of dollars worth of heroin, blind mule or not, somebody was waiting for him. I had at most 30 minutes to get his cooperation and put him out on the airport concourse like a baited hook.

"I read your claim," I said. "I don't think a jury is going to believe it, but if you are truly a blind mule, you have a chance to prove it yourself." I had his rapt attention. "Are you willing to cooperate with me?"

"What do I have to do?"

"First, according to your statement, some John Doe should be waiting for you right outside."

"I doubt if they'll still be waiting," he said.

"They will," I said. "That's more than a million bucks worth of heroin you're packing, my friend. They'll wait to make certain this isn't a typical airline delay."

"What if they don't wait?"

"Why wouldn't they? We just announced over the PA that due to a baggage belt breakdown, some of the passengers on your flight will be delayed. Right now we're holding a bunch of them just waiting for you to make a decision, John."

It was all a lie, but he couldn't know any different.

Without waiting for an answer, I shoved his statement at a customs patrol officer. "Get the attaché in Bangkok on the phone right now. I want this guy's every movement checked. Particularly phone calls made from hotels. Dates, times, numbers called, run everything for drug connections. Also check Mr. Davidson's

finances. Call IRS; get his tax returns. I want to know everything about this man possible before we bring him to the magistrate. If he's lying, I want to be able to tell that to the judge."

The bewildered officer took the paper and left. Of course, most of that could not be done any time soon, but to defeat a claim of blind mule at trial, I knew it all and more, had to be done before trial.

I looked at Davidson; the color had drained from his face.

"I'm gonna be straight with you," I said. "I don't believe you. I'm just giving you all the rope you need to hang yourself. If I can prove you lied on this paper . . . (I shoved it in front of him), . . . you're just gonna end up pissing off some judge and maybe a jury, and you're facing a possible five decades in prison. The secret you're carrying right now is how much time you've got left before who's ever waiting for you is in the wind and I won't be able to help you any more. Thirty of forty years from now when you're still in a cage, you might remember this moment as your last chance. It's your choice my friend. "

Davidson looked at the government-issue clock on the wall in front of him and then said, "I have about 3 minutes to make a phone call, or they'll vanish."

Within a minute and half, he was dialing a phone number in Gainesville, Florida. It was answered by Allan Trupkin, the financier for, at the time, one of the major heroin trafficking groups on the East Coast.

"Yeah," said Trupkin.

"It's me," said John, his eyes on the rolling tape-recorder. He was now officially flipped.

"Where the fuck are you?" said Trupkin.

"Still at the airport," answered Davidson smoothly. "The baggage belt broke or something."

"It's okay?"

"I'm fine. I missed my connection, but I'm okay."

"What time you gonna get here?"

Davidson looked at me for a cue. I mouthed his answer.

"Next plane I can get," he said.

"Fuck! You don't know, man. We were really worried."

"Okay, I'm on my way," said Davidson, and he hung up.

I had an immediate problem. Davidson had cut the conversation short while Trupkin was still clearly willing to talk—a sign of deception. The only evidence the recording would reveal was that Trupkin was waiting anxiously for Davidson's arrival—end of story. This did not look good. Davidson was now my confidential and very criminal informant, my CI, which opened a textbook full of legal problems, the first being that Mr. Trupkin might be some low-level dupe Davidson was using to protect the main man—the head of his organization whom he might fear more than a long jail term—a very common ploy of all criminal informants.[9]

I had to prove differently. It was now time for the controlled delivery operation.

Customs technicians working quickly, replaced all but one ounce of the heroin with a white powder substance that looked and felt identical to the heroin, all of which was perfectly resealed inside the false bottom suitcases. Within two and a half hours, Davidson, my partner George Sweikert, and the suitcases were on a flight to Jacksonville, Florida, where a team of 20 customs agents and plainclothes patrol officers were waiting to convoy us to Gainesville.

At about 3:00 AM, about 14 hours after the arrest of Davidson at JFK International airport, I lay hiding in a rear room of a luxuriously equipped house trailer in the middle of a Gainesville swamp watching Allan Trupkin's headlights approach through a field of high grass that concealed 20 federal agents laying in ambush. Within minutes, Trupkin and his heroin-addicted gofer, John Clements, were ripping into the Samsonite suitcases, as a hidden tape-recorder rolled.

"What did you get, Dragon or Elephant?" Trupkin asked.

"Dragon," said Davidson.

"I love you brother," said a jubilant Trupkin.

Within minutes, I had enough on tape to establish that Trupkin was, neither a blind mule receiver nor an innocent or entrapped dupe. I gave the bust signal, and the trap was closed. Ironically, it was the drug-addicted gofer, John Clements, who would refuse to either cut a deal or cop a plea that ended up with the longest jail term of the three: 27 years in prison—a sentence that he has since completed.

Undercover with the Source in Thailand

What had started out as a blind mule case in New York did not end in Gainesville, Florida. Davidson next agreed to introduce me to his Bangkok heroin connection as his Mafia financier. One month later—after coded letters were interchanged between Davidson and a man I would later identify as Liang Sae Tiew, a/k/a "Gary"—I landed in Bangkok, Thailand, posing as "Mike Pagano" Mafia capo.

For the next two weeks, I had daily meetings and "social" outings with "Gary" and his associate, "Mr. Geh," whose Thai name I would later learn was Thirachai Pluksamanee. They were associated with a place called "The Factory" in Chiang Mai, Thailand, where their organization was producing hundreds of kilos of heroin a week, by far the largest source of heroin discovered at that time. I read Gary and

Mr. Geh as being anxious to increase their distribution in the United States, and there I was sitting right in front of them, the capo di tutti fruti of the fake Mafia.

My cover story was that since the French Connection had been busted, we (the Italian Mafia) were looking to expand our operations into Asia and that I knew almost nothing about Golden Triangle heroin other than what John had told me. They believed me and wanted to do business with me badly, enough to answer any questions I had. One of the areas I focused on was the methodology of smuggling. None of "my people" liked the idea of doing the smuggling themselves, the way John did; it was just too risky. What did they suggest?

Among the many ideas they suggested was the use of tourists and American GIs as unwitting dupes—blind mules. The rare gem and jewelry market in Bangkok was known as a place where jewelry could be purchased at as little as a tenth of appraised value in the United States. It was common for customs inspectors to catch tourists with undeclared jewelry. This was not considered a criminal offense, and once the duty was paid, the "violator" was usually sent on his or her way. There was also a market for rare artifacts uncovered in ancient temples and archeological digs, which had to be smuggled out of the country. My two hosts had a false-bottom suitcase manufacturing operation where expensive luggage was turned into undetectable containers for drugs; they also had skilled artisans who could perfectly conceal drugs in the actual artifacts or exotic Thai food products, all of which made a blind mule scam a fairly easy operation to run.

A "friendship" is struck up with a gullible tourist at one the luxury hotel discos, traveling to either Europe or the United States and a seduction begins. If the dupe seems appropriate, an offer is made to carry some "jewelry" or rare artifacts back to the United States concealed in suitcase, in return for cash and/or another all expense paid vacation to Thailand. A selection of expensive jewelry, or some seemingly rare artifacts, might even be shown to the dupe, or one might use the actual artifact that would later be filled with drugs. It seemed that Davidson's claim of blind mule was—as opposed to current government claims—based on solid fact, not invention.

In one recent case of mine, precisely this was done with a Canadian college student.[10] He was befriended and seduced in an extremely careful and methodical manner. His new "friend" gave him a birthday "gift" of an all expense paid trip to an Asian country. At the last minute, the friend asked the dupe to deliver some hard-to-find coffee to other friends in Asia. The coffee cans were precise duplicates of the well known brand name, "Melita"; the only difference was that they contained Canadian grown marijuana worth as much as $500,000 in this country.

Gary and Mr. Geh also suggested a mail-drop operation. Heroin perfectly concealed inside wooden and bronze sculptures and then mailed to a location or business from where I could receive packages anonymously. While they did not specify the use of "blind mule" recipients, the possibility, depending on specific situations, was clearly there.

The notion of drug smugglers having illegal narcotics mailed to their true addresses and/or the addresses of witting conspirators seemed too stupid to even discuss, yet my reviews as trial consultant of numerous "mail delivery" cases (a species

of controlled delivery) would indicate that the prosecution, in a majority of cases around the nation, would have juries believe that this is common practice.

According to Gary and Mr. Geh, these scams were working well for some of their customers in both Europe and the United States, but they were limited to relatively smaller amounts of heroin. If I truly wanted to expand operations to hundred kilo shipments as I had claimed, they recommended my investment in a business that imported goods to the United States from Thailand, as a front. They had expert craftsmen who could conceal heroin within just about any article or container imaginable. Here again, it should not take much imagination to realize that the use of this type of front business would involve the handling and transportation of hidden drugs by any number of blind mules.

Ship Smuggling Cases – Blind Mules Then

As my heroin trafficker hosts spoke of the effectiveness of using front organizations to avoid detection, my mind went to some of the other cases we were investigating at that moment. The Hard Narcotics Smuggling Unit was then deeply involved in complicated international investigations involving the use of major corporations like Gran Colombiana Shipping lines and Pan American airways for the smuggling of drugs, all of which, by both necessity and design, involved the use of blind mules and/or unwitting accomplices.

Ships from Colombia, for example, would arrive in port with hundreds of kilos of cocaine masterfully secreted in ship containers, cargo, and even inside the hull compartments of the ship itself.

As a Spanish speaker, I had personally interrogated hundreds of crew members, most of whom claimed total ignorance of the illegal cargo. Thousands of man hours were spent interviewing and investigating all blind mule claims, at the same time taking advantage of the cooperation of these crewmen by delving for more information and leads, which often led to the identification and indictment of entire organizations and/or proved deception.

This strict adherence to the National Drug Policy and the Search-for-Truth Doctrine, during the 1970s and 1980s, paid its dividends. It was, for example, the investigation of the Gran Colombiana Lines that first led to the identification of the Medellin Cartel, and the thorough investigation of countless blind mule claims were important stepping-stones in the first massive, conspiracy indictments of that organization.[11] It was unthinkable then, as it should be now, to, with little or no investigation, simply charge all crew members with knowledgeable participation in drug smuggling on the basis of "expert" testimony that it is "absurd" to believe otherwise.

Ship Smuggling Cases—Blind Mules Now

To contrast the past with the present and illustrate the damage done to both our justice system and the drug war itself, by the "discovery" that the blind mule does not exist, I need to look no further than some of the biggest drug seizures in recent history.

In *U.S. v. Anatoli Zhakarov* (2002), more than 12 metric tons of cocaine ($400 million in street value) was seized aboard a ship, the Svesda Maru, on the high seas off the coast of Mexico. The cocaine was so well concealed that it took U.S. Customs more than 5 days to find and remove the drugs from the ship's hull. Crew members claimed that they were ignorant of the cargo and were willing to give detailed statements.

No such statements were taken. No investigation of their claims was attempted. The entire crew was simply charged in U.S. Federal Court with conspiracy and possession with intent to distribute. In short, none of the standard interdiction investigative tactics proven so successful in the past were utilized during the crucial hours immediately following the seizure, nor was there any subsequent conspiracy investigation.

I testified that one of the defendants had identified the ship's agent in Ecuador who had hired him to crew the ship and that the DEA agent interrogating him had the opportunity, at that moment (at minimum), to put the defendant on the phone with the man who hired him and to tape-record the conversation. In my opinion, considering the unprecedented size of the drug seizure, to spend less than forty-five minutes on the interrogation of a man willing to cooperate and to fail to implement even this most basic and minimal investigative effort was outrageous and inconsistent with the National Drug Policy. Within weeks, the U.S. Attorneys' office indicted the unknown ship's agent, presumably on the basis of expert opinion that he, too, "had to know" he was crewing a ship for a drug delivery.

Bottom line: As viewed through the lens of my now 40 years of training and experience, this was only a face-saving indictment in direct reaction to my testimony. The man would never be extradited to the United States based on the flimsy evidence against him, nor do I believe that the prosecution truly desired said extradition. Thanks to the current, shortsighted, they-had-to-know prosecutorial theory, the opportunity to eradicate the monstrous criminal organization behind this (according to the prosecution) "largest-shipment-of-illegal-drugs-in-history" was lost forever. The loss of the cocaine would be factored into the normal cost of doing business and would have no detectable effect on the availability of cocaine anywhere on earth.

In *U.S. v. Barahona, et al.* (2004), more than 4,939 pounds of cocaine were seized from a "go-fast" boat on the high seas. Colombian crew members who lived in stark, poverty conditions (i.e., dirt floor shacks) claimed to have been coerced into taking part in the trip by threats against the lives of their families. They were willing to make full statements and cooperate in any manner.

Their attempts to speak to anyone who would listen were ignored for more than seven crucial days after their arrests, destroying any possibility of using them to probe the massive organization that had masterminded this shipment. No investigation of their claims was ever conducted nor even deemed necessary. Expert testimony from the government, after two trials, was enough to convince a jury that they must have been willing participants. The organization behind this massive load of cocaine, again, was never touched.

In 1996, the *Natalie One* was seized in the Pacific with more than 24,000 pounds of cocaine on board. Once again, none of the standard interdiction tactics were utilized

during the crucial hours immediately following the seizure, nor was there any subsequent conspiracy investigation. Only the crew was prosecuted.

In *U.S. v. Pedro Pablo Gomez-Trejo et al.*, on February 1, 2001, more than 8.8 tons of cocaine was seized on board *Forever My Friend*, traveling northbound on the high seas off the coast of Mexico. There was no investigation into the source. None of the standard interdiction-investigative tactics were utilized during the crucial hours immediately following the seizure, nor was there any subsequent conspiracy investigation. Only the ten crew members were prosecuted. The source of a shipment of cocaine valued at hundreds of millions of dollars was once again left untouched.

On September 17, 2002, Asa Hutchinson, the DEA chief, testified before congress that in the 20 months prior to his statement, 71 metric tons of cocaine had been seized on the high seas "destined for the United States." What he failed to include in his statement was that not a single one of these seizures resulted in the identification and prosecution of a source.[12]

In the past decade, hundreds of tons of cocaine worth billions of dollars have been seized from ships traveling the Pacific, yet since the government's "discovery" that there was no such thing as a blind mule and/or any unwitting or coerced participation in drug trafficking, I cannot find a single one of these seizures that resulted in the identification and prosecution of a major source. It's only the crew members who go to jail. And it bears repeating, that in this time of drug-trafficking support of terrorism, the damage this type of flawed reasoning is doing to both our system of justice and our national security cannot be overstated. If I were a drug baron or a terrorist whose operations depended on drug money, this kind of enforcement and prosecution is precisely what I would hope for.

"The Bird in the Mine Scam"

Years later (1979) while working undercover in Buenos Aires, Argentina, I would spend a full week in Buenos Aires negotiating a drug smuggling deal with Marcello Ibañez, former Minister of Agriculture of Bolivia and ruling member of La Mafia Cruzeña,—the Roberto Suarez organization.[13] Marcello, like Gary and Mr. Geh nine years earlier in Thailand, thought he was hammering out a drug deal with an American based Mafiosi, which, again, afforded me an insight that few of the current crop of government experts ever seem to get.

During the average of 10 to 12 hours of negotiating each day, Marcello laid out every smuggling scheme his organization was then using, which included aircraft, aircraft to ship transfers and the use of front organizations. Then, he mentioned one I had not heard of before, "the bird in the mine."

The way it worked was that a "pajaro" (a dupe—literal translation a "bird") would be found among the many international wheelers and dealers shopping Bolivia for bulk quantity bargains in sugar, copper, or other commercial items. The dupe would be offered a quantity of sugar at a price he couldn't refuse. He would also be directed to a U.S. customer (another front company), that would guarantee a price that would result in a significant profit. A deal too good to be true.

Unbeknownst to the bird, a ton of cocaine would be concealed within the load of sugar. The bird was now way out front. It was his transaction. His name was on all the paperwork. He actually bought the "sugar" and arranged for its shipping to the United States. If customs somehow found the drugs, it was the "bird" alone, like the canaries sent into coalmines, who would die.

The investigation would end with me paying $8 million in cash to Alfredo "Cutuche" Gutierrez and Jose Roberto Gasser, scion of the Gasser family, the richest and most powerful family in Bolivia at the time. I made the payment in a Miami bank vault for the then largest load of cocaine on record. "Do you need help getting the money out of the U.S.?" I asked.

Gutierrez said, "No, we have large interests here in the U.S. When we move the money back to Bolivia, we simply declare the money as part of our business." Gasser Industries, among other things, was exporting large amounts of sugar to the United States.

"Bird in the Mine Scam? – No Such Thing": Government Experts – *U.S. v. David Bensimon*

Mr. David Bensimon ran into exactly the kind of deal that Marcello Ibañez had described. The Orthodox and highly religious Mr. Bensimon, usually an importer of fish, was doing his customary business in Venezuela. At the time the fish business was not going too well, so one can only imagine the delight of Mr. Bensimon when an acquaintance offered him a deal that was too good to be true. The man, who the U.S. government *strangely* seems to have absolutely no interest in locating or indicting, knew of glass construction blocks being offered at a rock bottom price in Venezuela. The acquaintance also happened to know that the price the goods would fetch in California allowed for a substantial profit.

Needless to say, Mr. Bensimon took the bait. On October 9, 1996, he imported 1,500 cartons of glass blocks from Venezuela. Unbeknownst to him, 51 cartons contained glass blocks, which in turn contained cocaine, totaling 203 kilograms, having a street value of more than $ 10 million. The cocaine was perfectly concealed within the glass blocks, undetectable to anyone but a professional or a conspirator in the scam.

Since unwitting dupes like Mr. Bensimon, according to the government's current philosophy, don't exist, no investigation of his lifestyle, his finances, his contacts, was ever conducted, all of which would have revealed not an iota of evidence that the man had any predisposition and/or ability and/or contacts to buy or distribute this large quantity of illegal drugs. Instead, the shipment was delivered directly into the waiting arms of Mr. Bensimon after which he was almost immediately arrested. His subsequent statements, since he refused to admit guilt, were ignored, and he found himself the sitting-duck target of the full prosecutorial might of the United States Government.

True to current form, a government expert testified that, due to the value of the shipment, Mr. Bensimon had to know what he was doing. Mr. Bensimon's first attorneys saw fit not to seek a contradicting expert opinion, and he was quickly convicted and sentenced to 20 years in prison. The story doesn't end here, however.

Due to legal technicalities, Mr. Bensimon was granted a new trial. The prosecutor, (perhaps in the throes of guilt feelings?) offered Mr. Bensimon the opportunity to plead guilty and spend no more than three years in prison. Mr. Bensimon's response, "It is against my religion to plead guilty to a crime I did not commit."

The second trial was a replay of the first. Once again, his attorneys failed to retain an expert to contradict the government theory. Once again, he was convicted. Once again, he was sentenced to 20 years in prison.

I was retained by his final attorneys Ephraim Margolin and Gary Dubcoff in San Francisco to review the case. In October 2002, I filed an expert witness affidavit in support of a habeas corpus appeal, pointing out all of the violations of national investigative standards, the Search-for-Truth Doctrine and the National Drug Policy, concluding that had I been retained to testify in either of his earlier trials, my testimony would have radically contradicted those of the government experts.

On June 23, 2005, almost three years after my affidavit and the appeal were filed, 90-year-old judge, William Rea, in a 26-page ruling rejected the appeal. Mr. Bensimon has thus far served nine years for a crime that, in my opinion, he did not commit, and the true smugglers are still in business using the same methodology.

I cannot help but believe that if through some freak time warp, the Hard Narcotics Smuggling Unit of 1970 had fielded the glass block shipment, Mr. Bensimon would be a free man now, a somewhat poorer and very much wiser man, and the real culprits serving time. And that is not bragging; it is simply a tragic observation of the decline of both our system of justice and the professional abilities of those charged with our protection.

U.S. v. John Edward Davidson – The Rest of the Story

U.S. v. John Edward Davidson, Liang Sae Tiew, et al. ended with arrests of Gary and Mr. Geh as they delivered the first kilo of heroin to me at the Siam Intercontinental Hotel in Bangkok in 1971. The head of the false-bottom suitcase operation was also arrested. I was told that this was the first "round-the-world" undercover investigation in which a heroin smuggler, financier, source (and the manufacturer of false-bottom suitcases) were arrested emanating from a blind mule claim. I was given a U.S. Treasury Special Act Award for the case.

What is most important about this for both defense attorneys and juries to realize is that, since the government's "discovery" that the claim of blind mule is "ludicrous," freeing many agents of the duty to investigate not only blind mule claims but all claims of innocence based on unwitting and/or coerced participation, these kinds of cases just don't happen any longer, to the great detriment of both the war on drugs and the war on terror.

Gloria Cespedes-Cano Trial – The Rest of the Story

Two years after her arrest, Gloria Cespedes-Cano, sat in a courtroom in the Eastern Judicial District Federal Court in Brooklyn, New York, facing more than 20 years in prison should she be convicted. It was a courthouse in which I had testified on numerous occasions as a government expert. This would be the first time I would

be testifying there for the defense, and I had never in my life felt more certain about the rightness and urgency of what I was doing.

Under the expert direction of a fine defense attorney, Michael Hammerman, I was able, through a storm of prosecution objections, to testify as to the radical violations of investigative process, the Search-for-Truth Doctrine and the National Drug Policy; that, no effort whatsoever had been made to identify the source of the drugs, which, in my opinion would have revealed information supportive of Gloria's claim that she was a blind mule; and that the agents and prosecutors had based their theories of guilt on the erroneous belief that Gloria Cespedes-Cano, alleged to be in a business devoid of trust, had to be trusted.

I testified that the customs agents had conducted a "pin-the-tail-on-the-donkey" investigation, as opposed to a search for truth. I was able to conclude my testimony by looking at the jury and telling them that in this time in our history when it is mandatory to leave our checked baggage unlocked, "This could have happened to any one of you."

After a whole day of deliberations, the jury found Gloria "not guilty" on all counts. I want to emphasize here that this is not chest thumping on my part. I have learned through hard experience that an expert witness is like a single musician in an orchestra. No matter how well he can play, without a good conductor, his "music" is lost in a cacophonous mess of sound. This victory for justice could not have happened without a defense attorney who understood the problem and knew how to effectively cross-examine the government agents to set up expert testimony and then wage courtroom war to ensure that his expert's testimony was admitted. Mike Hammerman was such an attorney, or Gloria Cespedes-Cano would be spending the rest of her adult life behind bars.

Conclusion

The article stating the current government position on blind mules and unwitting participants in drug trafficking, concludes with the following words:

> "Remember that going the extra mile at the time of the arrest may save hours or days of courtroom battling of the blind mule defense."[14]

The author in this single sentence has summarized the real difference between then and now. The current crop of law enforcement officers and prosecutors who have sworn oaths to protect the people who hired them and our constitution are too often not willing to go that extra mile, or I would not be writing this article. Too many seem quite happy to make the arrests of whoever walks into their outstretched arms without conducting a due diligence investigation, add up the seizures to be paraded before congress, submit themselves for cash awards for "excellence" of performance, and then rely on the word of government "experts" for conviction. Adherence to the Search-for-Truth Doctrine and National Drug Policy are things of the past.

I cannot be certain precisely when or how this change in prosecutorial and investigative practices occurred or whether or not it came as a result of a deterioration of professionalism on the part of investigative agencies of the type that led to the 9-11 tragedy. What I am certain of is that the price America now pays for this change

can be felt in the deterioration of our system of justice and gangs of international drug traffickers and terrorist sharks that can safely operate with impunity while the American justice system targets the minnows. What criminal defense attorneys must understand is that turning this dangerous tide must begin in the courtroom.

Endnotes

[1] Pseudonym

[2] "Blind Mules – Fact or Fiction?" By Special Agent Jim Delaney, Drug Enforcement Administration, Sacramento District Office. This article was originally published by the California Narcotics' Officer Association (CNOA) in January 2000 in the *California Narcotic Officer*.

[3] Stratton, R. (2005, October). *Altered states of America*. New York: Nation Books, an imprint of Avalon Group Publishing, distributed by Publishers Group West.

[4] Now referred to by many federal agencies as CW (Cooperating Witness) as a means of evading the discovery demands of the less experienced defense attorneys.

[5] The full story of the Pedro Castillo case can be found in *The Big White Lie*, by Michael Levine and Laura Kavanau-Levine (Thunder's Mouth Press, 1996).

[6] Castillo consummated the deal and "rode shotgun" accompanied by four Bolivian prostitutes on a flight to Miami; each was carrying 2.5 kilos of cocaine to be delivered to my "cousin" (an undercover DEA agent). Castillo was arrested and convicted.

[7] The full story of the Jaime Ibarra investigation may be found in *Undercover* by Donald Goddard (Times Books, March 1988).

[8] U.S. v. Dorothy Henry, Federal Court, Washington, DC, 2002

[9] See "King Rat" by Michael Levine, published by *Utne Reader,* May-June 1996 Edition, p. 86; reprinted from *Prison Life*, January-February 1996, p. 24, for more on the misuse of criminal informants by police agencies.

[10] Name withheld at the request of attorney Ken Westlake of Vancouver, BC

[11] See *Undercover*, by Donald Goddard; those sections devoted to Special Agents Alexander Smith and Pat Shea's investigation of Gran Colombiana Line.

[12] DEA Congressional testimony of Asa Hutchinson, DEA Administrator, on 9/17/02, before the Senate Committee on Narcotics Control

[13] U.S. v. Roberto Suarez et al.; also see *The Big White Lie*, by Michael Levine and Laura Kavanau-Levine (Thunder's Mouth Press, 1996). Roberto Suarez would be called "the biggest drug trafficker who ever lived," by convicted Medellin Cartel money launderer, Felix Milian Rodriguez in testimony before the U.S. Congressional Committee headed by Senator John Kerry.

[14] "Blind Mules – Fact or Fiction?" By Special Agent Jim Delaney, Drug Enforcement Administration, Sacramento District Office

Michael Levine is a veteran of 40 years of trial experience (civil and criminal) as a trial consultant/expert witness, including 25 years service with the DEA; Customs; Bureau of Alcohol, Tobacco, and Firearms; and IRS. His expert testimony has been accepted in excess of 300 occasions in state, federal, and international courts.

His books include the *New York Times* and national best sellers *Deep Cover* and *The Big White Lie* (both still used as law enforcement text books), and *Fight Back*, the community anti-drug plan recommended by the Clinton Administration Drug Policy Office. His articles, opinion pieces, and interviews have been published in *The New York Times*, *The LA Times*, *The Washington Post*, *USA Today*, *Esquire*, *People*, and many more.

He has also served as an on-air expert and consultant for *60 Minutes*, *CBS News*, *Crier Report*, *20th Century*, *Good Morning America*, *Crossfire*, *Today Show*, *CBS Morning Show*, *Donahue*, *Geraldo Rivera*, *Like It Is* (Gil Noble), *Dick Cavett*, *MacNeil-Lehrer News Hour*, and many other mainstream media news outlets.

Meeting in the Middle: The Challenges of Public/Private Partnerships in Domestic Violence Intervention

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How best can the problem of domestic violence be addressed by law enforcement? In the past quarter-century, many alternatives for law enforcement response to domestic violence have been proposed, examined, and adopted. From the purposeful, independent actions of uniformed police officers to specialized domestic violence units to expanded response teams staffed by probation, parole, and corrections personnel, no one approach has proven clearly superior. Among the approaches most recently tested is the use of partnerships between law enforcement, the courts, and domestic violence agencies. Such partnerships involve integrated, cross-discipline teams and are based on the simple premise that the sum of collaborative action is greater than the individual parts. Proponents contend that coordination between the various responding stakeholders can better assure the protection and advocacy for victims of domestic violence than the disaggregated actions of the independent parties.

One example of a program that is currently testing the collaborative approach is the Police, Advocacy, Courts Together Project (PACT) in St. Louis, Missouri. In 2004, representatives of Southern Illinois University–Edwardsville were asked to conduct a program evaluation of the PACT project with the objective of verifying what the PACT project is, whether or not it is being delivered as intended to the target recipients, and what factors exist to impede or facilitate program success. While a growing body of literature has examined the etiology and characteristics of effective domestic violence intervention over the last three decades, the pitfalls and promise of joint programs such as PACT have not been widely studied. Findings from this evaluation may, therefore, be useful to other municipalities considering the implementation of similar programs.

Project Description

The PACT project represents a joint endeavor to increase victim safety and advocacy between the St. Louis County Domestic and Family Violence Council, the St. Louis County Family Court, the St. Louis County Police Department, and the Legal Advocates for Abused Women (the project partners). Through a $600,000 federal grant to Encourage Arrest Policies and Enforcement of Protection Orders awarded in January 2002, the project partners have sought to enhance the handling of domestic violence cases in St. Louis County. Among the initial goals established by the project partners were to . . .

- Strengthen legal advocacy service programs for victims of domestic violence and dating violence. The program was expected to serve a minimum of 400 victims of domestic violence during the 3-year project life.
- Implement a pro-arrest program within the St. Louis County Police Department including stricter enforcement of protection orders. The police department's establishment of a two-officer Domestic Violence Response Team (DVRT) as an expansion to its Family Crime Unit would serve as the focal point for increased surveillance and arrests of stalking and protection order offenders.
- Increase collaboration between advocates working with victims of domestic violence, domestic violence programs, child protection service agencies, and criminal justice agencies to provide support and resources to battered women and their children.
- Develop court innovations to improve the judicial handling of domestic violence cases. The Family Court hired a domestic violence specialist responsible for creating policies to improve taking of cases, assisting with the development of interdisciplinary training for court personnel, and providing access to legal advocates for domestic violence victims.

Each of the partners brought a unique set of perspectives and responsibilities to the PACT project:

- Legal Advocates for Abused Women (LAAW) is a nonprofit organization dedicated to helping victims of abuse during times of crisis, working within the legal system, law enforcement, and the courts. LAAW provides services to victims of domestic abuse including crisis intervention, legal advocacy, safety planning, legal and social service referrals, and free legal representation for low-income victims. Personnel assigned to the PACT project include one full-time and one part-time legal advocate.
- The Family Court of St. Louis County is a unified family court established in 1993, with jurisdiction over all domestic relations, abuse, and neglect matters and all juvenile delinquency cases including status offenses within its jurisdictional boundaries. As a result of the PACT project, the Family Court hired a domestic violence specialist to offer battered women and their children a comprehensive, coordinated delivery system by working closely with the Adult Abuse Office, civil and criminal courts, police officers, probation and parole services, and domestic violence service providers such as LAAW.
- The St. Louis County Domestic and Family Violence Council was created by ordinance in 1996 with the mission of building a collaborative community process to increase the awareness and understanding of domestic and family violence and its consequences and to reduce the incidence of domestic and family violence. Members of the Council come from the courts, prosecutors' office, law enforcement, government, and independent women's support organizations and include the PACT partners. The council is intended to serve as a focal point for PACT collaboration amongst the governmental entities and community services providers, assure grant compliance, review any needed revisions in project operations, and is charged with progress monitoring and issue resolution among the grant partners.
- The St. Louis County Police Department provides law enforcement and police protection to residents within St. Louis County. There are 61 police departments in the county, including the county police. The Family Crime Unit of the St. Louis County Police Department is responsible for addressing domestic violence cases

involving protection order violations and domestic stalking crimes. The PACT project provides for a two-officer team to be designated as the Domestic Violence Response Team (DVRT) within its Family Crime Unit to investigate, monitor, and aggressively arrest offenders of stalking and protection order violations.

The PACT project represents a continuation and expansion of an earlier collaborative effort, the Municipal Court Advocacy Project (MCAP). MCAP was first introduced in 1998 through the Victim Services Division of the Prosecuting Attorney's Office of St. Louis County. This program involved the combined efforts of LAAW, the St. Louis County Family Court, the municipal courts, and six police departments within the county to provide early intervention and court advocacy to victims of domestic violence when prosecution occurs at the municipal level.

Evaluation Questions and Methodology

Three key questions were posed in this program evaluation: (1) Is the project reaching the appropriate target audience? (2) Are the service delivery and support functions of the project consistent with the project standards and design objectives? and (3) Are positive changes appearing among project participants? In addition, project performance was assessed as it relates to the goals and objectives as stated in the initial grant proposal.

Study methods for this program evaluation consisted of a review of written documentation regarding the project (i.e., grant proposals, previous grant reports, related project evaluations, and reports of similar initiatives in other locales); analysis of project data provided to the evaluation team; and a literature review focusing on domestic violence, domestic violence collaborative projects, and public-private-nonprofit partnerships. In addition, qualitative interviews of key personnel involved in project oversight and implementation were conducted.

Literature Review

According to estimates from the National Crime Victimization Survey (NCVS), there were 651,710 nonviolent victimizations committed by current or former spouses, boyfriends, or girlfriends of the victims during 2000. About 85% of victimizations by intimate partners in 2001 were against women. In St. Louis, the Family Crime Unit of the St. Louis County Police Department reported that there were 1,348 domestic violence cases investigated by the unit in 2000, a decrease from the 1,943 cases reported in 1998.

Regional and national statistics reflect a decreasing trend in the number of domestic violence incidents in recent years, yet authorities agree that further improvement is needed in community responses to domestic violence occurrences. Whetstone (2001) contends that traditional responses by law enforcement acting alone are inconsistent. Furthermore, fragmented responses among the various respondents are seen as negatively impacting the efficacy of the interventions.

According to Thelen (1998), effective intervention in domestic violence cases occurs when various responding community agents coordinate their policies, procedures, and protocols. Working together, they may more appropriately meet what are viewed as the three major goals of intervention: (1) to provide for the safety of the victim,

(2) to hold the offender accountable, creating a specific deterrent to the repeated use of violence, and (3) to change the climate in the community creating a deterrence to the use of violence in the home.

Across the nation, collaborative community projects to address the problem of domestic violence have shown promise in recent years. Pilot programs that have attempted to team police officers with victim advocates as first responders to 911 calls in domestic violence cases have performed significantly better (as measured by higher arrest, prosecution, and conviction rates) than traditional models of response to domestic abuse cases. These types of programs have demonstrated that combining police and social services personnel along with probation/parole and correction officers is not only a viable concept, but it also offers the potential for a dramatic improvement in government responses to domestic violence as measured by the quality of investigations and the effective prosecution of domestic violence cases (Whetstone, 2001).

Key to the success of these projects is the idea of dynamic partnerships between the various community stakeholders involved in the domestic violence issue. According to Ghere (1996), public-private partnerships have gained recent favor in addressing a variety of community problems based on a consensus view that government does some things best, the private sector other things, and the nonprofit agency still different things. Accordingly, it is assumed that partnerships work where single sector approaches fail because they combine the best attributes of each partner. In essence, the private partner brings an orientation to innovation, efficiency, and performance; the public partner draws attention to public interest, stewardship, and solidarity considerations; and the nonprofit partner is strong in areas that require compassion and commitment to individuals (Rosenau, 1999). Such partnerships are based on a shared commitment to agreed-upon goals backed by the necessary financial investment and human capital of the partners. In addition, such projects involve shared risk, authority, responsibilities, and accountability between the partners (Linder & Rosenau, 2002).

Linder (2002) notes, however, that whether or not such partnerships live up to their promise depends on many factors including organizational structure, economic and political resources of the partners, philosophical and mission alignment between the partners, accountability factors, and communication within the partnership. Nagel (1997) suggests that partnering success is more likely when there is broad community or societal consensus in the value of the policy goals and when a number of key steps are taken at the highest organizational levels at project initiation and at key intervals during the project life. Among these are that key decisions are made at the very beginning of a project and set out in a concrete plan; clear lines of responsibility are indicated; achievable goals are set down; incentives for partners are established; and progress is monitored regularly. Partners must be assigned specific responsibilities and given incentives and resources to fulfill those responsibilities (Stiglitz & Wallsten, 1999).

Despite the purported attributes of collaborative relationships, authentic partnering arrangements that involve close collaboration and a combination of the sector strengths often fail to materialize. Rather, minimalist partnerships or partnering at a distance appear to be the norm. These types of "arms-length" relationships are

characterized by limited contractual obligation, limited mutual accountability, and significant differences in power wielded by the various players (Rosenau, 1999).

In the specific realm of domestic violence, the issue of power asymmetries between collaborating entities has received attention in the academic literature. This refers to the way in which power is distributed, mobilized, utilized, and limited by the respective partners. Lutze and Simmons (2003) suggest that the unequal distribution of power between criminal justice and victim advocacy agencies is the primary impediment to progress made by domestic violence partnerships:

> Although both sets of agencies recognize and appreciate the need for each other in resolving domestic violence, criminal justice agencies tend to be better funded and possess greater power to determine the boundaries of the relationship. . . . It could be argued that the extensive funding of police agencies, in comparison to victim advocacy, distorts domestic violence policy toward a one-sided system that favors the limitations of police responses to domestic violence versus a collaborative empowerment model that relies on multiple agencies. It may be that helping agencies are perceived as women-centered and thus less important than criminal justice agencies that are viewed as male-centered and doing the real work of protecting our society. (p. 323)

Lutze and Symons (2003) note that until an equalization of power is established through adequate resources for all agencies, genuine attempts at effective collaboration in this particular area may be slow to evolve.

Findings: The Realities of Public/Private Partnerships in Addressing Domestic Violence

Improved Performance for Program Recipients

True to the axiom that the sum is greater than the parts, the PACT project demonstrated that a number of positive developments can be attributed to the collaboration between partners, particularly over the previous independent actions of the parties. Several of the goals and objectives specified for the PACT project were measurable in quantitative terms and provided insights into positive impacts of the PACT project. Based on an analysis of the summary monthly statistical reports of services provided for the period January 2004 through August 2004, the following indications of project success were noted:

- With a total of 549 new cases opened for the 8-month period, the program exceeded the objective of providing advocacy to a minimum of 400 victims of domestic violence.
- A monthly average of 1,263 attempts were made to contact domestic violence victims, representing improvement over pre-PACT contact efforts.
- A total of 267 cases were referred to the County Municipal Court for adjudication; a total of 63 orders of protection were issued with assistance provided in the preparation of orders of protection for 14 victims, an indicator of the impact of PACT in reducing the safety risk to domestic violence victims.
- Over the reporting period, over 85% of the clients responded that they were satisfied with the PACT services.

Shared Goals Among the Partners

Certain other objectives of the PACT project were not statistically measurable but related to the effective operation of the project in a qualitative sense. These objectives concerned how the partners interacted and communicated to achieve the mutual goals of the project. Interviews with participating personnel from the cooperating organizations provided insights into PACT operations, strengths, and challenges. It should be noted that throughout the interviews with PACT personnel, an ongoing challenge was differentiating between operations and results of the PACT program versus other broader programs such as MCAP and the Greenbook Initiative. Coordination difficulties with these other programs tended to cloud perceptions relating to PACT.

At the outset of PACT implementation, the partners were diligent in defining and agreeing to goals seen as reflective of program success; however, over time, differences arose between the project partners in defining what constituted successful outcomes for individual cases. For the court personnel, success was measured by the effective prosecution of cases of merit. For the officers, success could be gauged by the number of reports taken, follow-ups conducted, and arrests made. The advocates based their measurements of success on their perception of changing circumstances for the victim. At times, these varying perspectives on measuring success had the potential to become a source of friction between the partners.

Furthermore, methods for measuring progress toward several stated goals of the project were either never established or not measured in a way that produced useful results. The evaluation team found that, as the project matured, there was a continuing need for re-evaluation and ongoing dialogue between the partners regarding updated and meaningful goals in order to foster project improvements and continued commitment.

Authentic Partnering Structures

In evaluating the PACT project, the collaborative arrangement at times could be described as involving partnering at a distance. The grant contract specified the manner in which personnel were to interact, and when the case was of a routine nature, the coordination between parties proceeded without complication; however, interviewees indicated that the desired "close collaboration" between parties sometimes was difficult to achieve when confronted by difficult cases. In large part, the difficulties encountered in the partnership relationships could be attributed to a lack of understanding of the mandated roles that the respective partners are obliged to fulfill. Specifically, interviews revealed that some domestic violence advocates did not fully understand the legal environment of the court when issues of child abuse and neglect were encountered. Due process issues and state statutes often dictated placement decisions by the courts that differed from the philosophical position of the domestic violence community. Likewise, the courts sometimes failed to understand the role and significant contributions to be made by the domestic violence advocate. As one interviewee noted, "how to work together effectively remains an unresolved issue."

In addition, there was a perception among some actors that, over time, continuity and commitment to the PACT project had been lost. While the Family Violence

Council continued to be the governing body for PACT, interviewees indicated that some confusion had emerged regarding the Council's accountability role for the program. Some indicated that as new personnel had assumed PACT leadership roles, some of the initial commitment and motivation toward the project's mission had been lost. Other initiatives such as Greenbook with its strong financial backing had assumed greater importance in the ongoing coordination between the partners. When problems emerged relative to those larger projects, they often colored the perceptions of the PACT project.

Power Equality Among the Partners

Perhaps most crucial to the success of the partnership arrangements was the balance of power between the relative players. Issues related to the asymmetrical distribution of power between the court and the domestic violence advocate served to complicate relationships within the provision of services. LAAW personnel perceived their position as being one of the nondominant player in the partnership. Lack of capital and frailty of political voice often rendered LAAW the weaker actor when issues requiring negotiation emerged. Interviewees noted that a truly collaborative relationship could best be achieved when all partners felt they had an equal voice in the project.

Conclusion

Forging effective partnerships to address the vexing problem of domestic violence is not a simple proposition. The divergent cultures, missions, obligations, and authority bases of the respective partners require that they find a way to meet in the middle on issues of significance. As one officer expressed, . . .

> Bringing very divergent groups together is hard. It is analogous to bringing different religions together.

The PACT project, similar to other attempts at public/private partnerships has been a success, but it has also been vulnerable to pitfalls related to role and goal definition and power distribution. Specifically, the evaluation indicated that in these types of collaborations, attention needs to be focused on some of the communication, coordination, and measurement difficulties that, over time, may serve to undermine the project's continued progress. In the case of the PACT project, a number of recommendations were made that would apply to these types of collaborative efforts:

- Definitions of success for this program should be continuously reevaluated and, where necessary, refined to include measures meaningful to each of the project partners individually and collectively.
- Training for all project partners on the respective roles, responsibilities, and limitations impacting each of the partners must be implemented and emphasized on a continuing basis.
- The coordinating and oversight functions of the Family Violence Council must be reaffirmed, strengthened, and institutionalized.
- Methods for prompt attention to and resolution of "difficult cases" should be developed and implemented. In addition, continued program improvement

should be emphasized by institutionalizing a process for ongoing, cross-disciplinary evaluation of difficult cases.

Despite the challenges, the PACT project repeatedly demonstrated that, for those willing to invest the necessary relationship-building capital, a collaborative program can have its rewards in terms of improved service for target clientele. Despite the difficulties identified with the program, there was a sincere desire on the part of all partners to maintain communication, deliver program services, and resolve differences in the interest of what all perceived to be a very worthwhile and needed initiative. Future evaluations may shed light on the broader impact of such collaborative programs on domestic violence outcomes.

Bibliography

Ghere, R. (1996). Aligning the ethics of public-private partnerships: The issue of local economic development. *Journal of Public Administration Research and Theory, 6*(4), 599-621.

Linder, S. (2002). Coming to terms with the public-private partnership. In P. Rosenau, *Public-private policy partnerships* (pp. 19-35). Cambridge, MA: The MIT Press.

Linder, S., & Rosenau, P. (2002). Mapping the terrain of the public-private policy partnership. In P. Rosenau, *Public-private policy partnerships* (pp. 1-17). Cambridge, MA: The MIT Press.

Lutze, F., & Simmons, M. (2003). The evolution of domestic violence policy through masculine institutions: From discipline to protection to collaborative empowerment. *Criminology and Public Policy, 2*(2), 319-326.

Nagel, J. (1997). Editor's introductions: Radically inventing government. *Journal of Policy Analysis and Management, 16*(3), 349-356.

Rosenau, P. (1999). The strengths and weaknesses of public-private policy partnerships. *American Behavioral Scientist, 43*(1), 10-34.

Stiglitz, J., & Wallsten, S. (1999). Public-private technology partnership: Promises and pitfalls. *American Behavioral Scientist, 43*(1), 52-73.

Thelen, R. (1998). *Advocacy in a coordinated community response: Overview and highlights of three programs*. Washington, DC: National Institute of Justice. (Grant No. 98-WT-VX-K001).

Whetstone, T. (2001). Measuring the impact of a domestic violence coordinated response team. *Policing, 24*(3), 371-399.

Whetstone, T., & Tewksbury, R. (2000). Desperately seeking significance: Problems and difficulties associated with evaluating the efficacy of domestic violence response programs. *Social Pathology, 6*(2), 102-121.

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A Profile of School-Based Prevention Strategies in Northern Ohio

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Introduction

As an unfortunate part of the daily lives of children in some schools, violence shapes where they walk, where they go, and who their friends are (Epp & Watkinson, 1997). Although we recently witnessed a steady decline in the juvenile violent crime rate, concern about child and juvenile violence is still great (Daane, 2003). A report published by the U.S. Office of Juvenile Justice and Delinquency Prevention (2001) shows that the rate of overall violent crime decreased significantly between 1994 and 2001; however, given that juveniles are still twice as likely as adults to be victims or witnesses of serious violent crime, juvenile crime and victimization remain very serious problems (U.S. OJJDP, 2001). Persons between the ages of 15 and 24 years, for example, experience the highest rates of both deadly and nonfatal firearm-related injury (Gotsch, Annest, Ryan, & Mercy, 2001). In recent years, the percentage of students in grades 9-12 who have been threatened or injured with a weapon on school property has not changed significantly while students in urban and suburban locales were equally vulnerable to serious violent crime at school (U.S. OJJDP, 2001). The *Violence and Crime at School-Principal Report* (2001) shows that in 1996-1997, 10% of all public schools reported to police at least one violent crime, and 47% reported at least one less serious violent or another crime type. Physical attacks or fights without a weapon were the most reported incident at middle and elementary school levels.

Law enforcement efforts are increasingly moving toward proactive approaches to dealing with delinquency and violence, rather than relying solely on traditional reactive methods. The data used in this article comes from one such proactive initiative—Project Safe Neighborhoods (PSN) for the Northern District of Ohio. PSN is the Bush Administration's primary domestic crime initiative, which aims to reduce gun violence in American communities using a variety of innovative approaches. As part of the PSN effort in Northern Ohio, data was collected to identify the prevalence of school-related violence and strategies in the Northern District of Ohio schools that have been employed to counter youth violence. The primary purpose of the project was to provide a baseline understanding of the school-based delinquency and violence interventions.

Causes of Delinquency

A great deal of research has been dedicated to understanding the factors that contribute to the development of antisocial behavior in children (Gottfredson & Gottfredson, 1985). Studies of school violence generally focus on the mental health of youth who commit violence (Furlong & Morrison, 2000), the role of family structure (Leone, Mayer, Malmgren, & Meisel, 2000), the role of counselors or teachers (Riley, 2000), and the high level of exposure to violence (Flannery, Singer, & Wester, 2001) to give substantive explanations for the causes and the prevention of the problem. Rosmann and Morley (1996) conclude that the following school conditions are contributing sources of violence: overcrowding, high student/teacher ratios, insufficient curricular and course relevance, low student academic achievement, poor facilities, and portable buildings that both increase isolation and hamper internal communication.

According to Simon, Crosby, and Dahlberg (1999), school violence is associated with both individual and school-related characteristics that have connections with the larger community. In other words, school violence has roots within the community (Furlong & Morrison, 2000) and is linked to changes within our culture and society (Leone et al., 2000). Leone et al. (2000) argue that even though it is difficult to establish a causal relationship between school violence and changes in family structure, the structural changes in family and social status of children contribute to major problems. Based on recent trends in violence-related behaviors among high school students in the United States, Brener, Simon, Krug, & Lowry (1999) suggest that violence among adolescents is a more generalized problem of which schools are but a microcosm.

Prevention Strategies

School-based responses to delinquency and violence are numerous and varied. Perhaps two of the best known school-based interventions are the Drug Abuse Reduction Education (DARE) and Gang Resistance Education and Training (GREAT) programs. These programs were designed to use local police officers as teachers in school settings to reduce students' involvement in illicit drugs and gang activity, respectively. While the efficacy of these approaches is still being debated, it is clear that these programs have a strong foothold in our public schools and provide a valuable opportunity for education-based training and intervention. Safe Schools/ Healthy Students is another example of a federally funded initiative to implement coordinated efforts between schools, law enforcement, and other agencies, to establish comprehensive programs to promote childhood development and prevent violence and drug use.

Leone et al. (2000) review some promising approaches to violence prevention. Positive behavioral intervention and support (PBIS) focuses broadly on identifying policies and practices of the school itself rather than targeting problem behavior demonstrated by individual students as in traditional school-based approaches. Skill-building/violence prevention curricula is another option, which is designed to teach alternatives to aggressive behavior and create supportive classroom environments in urban schools. In addition, there are "mental health and social services in schools/ Linkages to learning" as a primary prevention model for the delivery of mental health, health, and social services for at-risk children and their

families. As an alternative effective school-wide violence prevention plan, Leone et al. (2000) stress the necessity for assessing school needs, developing parent and community support, developing a leadership team, providing staff development, and evaluating the plan.

In June 1998, the Governor's Advisory Council on Youth Violence in the Commonwealth of Massachusetts published its recommendations in the wake of the Columbine school killing (Fletcher & Berry-Fletcher, 2003). The advisory council emphasized the importance of the establishment of a framework that includes violence prevention; a comprehensive safety and crisis plan; and the combined efforts of schools, law enforcement, human service officials, and families (Governor's Advisory Council, 1999, p. 4). They maintained that a safe environment to respond to the needs of potentially violent children comes from the establishment of this framework. More importantly, successful plans and strategies include a continuum of efforts from violence prevention to intervention and alternative strategies (Governor's Advisory Council, 1999, p. 4).

Since behaviors are shaped by both internal and environmental factors as well as the interaction between them (Bandura, 1989), preventing school violence requires not only an understanding of the school characteristics but also an understanding of the larger community and society to respond to violent acts that occur within schools (Furlong & Morrison, 2000).

The purpose of the current study is to consider the larger environmental context in which schools operate and provide a profile of the types of school-related programs that have been employed to counter delinquency and violence in one geographic area (Northern Ohio). The study describes prevention efforts and empirically examines relationships between environmental factors of schools and the nature of the prevention activities in which the schools become engaged.

Methods

The data used in this article comes from the School Crime and Safety Survey administered in connection with the evaluation of the United States Department of Justice Project Safe Neighborhoods in the Northern District of Ohio. The District covers the northern 40 counties of the state including the major cities of Akron, Canton, Cleveland, Toledo, and Youngstown. The survey instrument was adapted, with permission, from the National Center for Education Statistics 2001 School Survey on Crime and Safety. The purpose of the survey is to identify the prevalence and type of school-related violence prevention strategies being used in schools.

The survey measures school practices and programs, parent and community involvement, teacher training, limitations on crime prevention, frequency of crime and violence, number of incidents, disciplinary problems and actions, school characteristics, and truancy. A letter was sent to school district superintendents from the U.S. Attorney's Office explaining the survey and requesting assistance in conducting the survey. A total of 684 surveys were mailed in the fall of 2004 to all public junior and senior high school principals in the Northern District of Ohio. A unique number was assigned to each respondent to ensure confidentiality and track response rate. A reminder postcard was sent approximately one month later to principals who had not responded, and a final mailing including a more complete

survey was sent approximately one month later. A total of 439 surveys were returned for a response rate of 64.2%.

Findings

Results from the survey are broken down into five tables, which examine the types of prevention activities engaged in by the sample of schools. The interventions are categorized as falling into one of the following areas: (1) physical security measures, (2) emergency response plans, (3) behavioral interventions, (4) community involvement, and (5) law enforcement programs. The first column of each table describes the percentage of responding schools that responded affirmatively to each measure/program.

In addition, cross-tabulations and Chi-square analyses were performed to determine whether significant associations exist between the type of prevention activities schools engage in and the environmental context of the school. Specifically, respondents were asked whether the school was located in a high crime area (High Crime) and whether gang activity was known to take place in the school during the past year (Gang Activity). Respondents were also asked to indicate whether several environmental factors were seen as limiting or reducing their crime prevention activities. Among these limiting factors were the likelihood of parental complaints, fears of litigation, and inadequate funding for programs.

Table 1 explores the physical security measures taken at the respondents' schools and should be referenced for complete results. Several of the more interesting findings are presented there. Requiring visitors to sign in at the school office was almost universally practiced (98.2%) and stands out as the most common measure taken. The second and third most common physical security measures were controlling access to the buildings during school hours (83.9%) and closing the campus for most students during lunch (82%). Although a spate of school shootings during the 1990s raised public awareness of weapons making their way into schools, the use of metal detectors is still rare among the sample of schools studied. Less than 1% of schools required students or visitors to pass through metal detectors upon entering the facility, and 5.7% reported performing random metal detector checks on students.

Given that the sample consisted of only public schools, it is not surprising that few schools (4.8%) required student uniforms, but a majority (68.5%) reported enforcing a strict dress code. Substantially more schools (16.6%) either required clear book bags or prohibited book bags on campus to prevent their use to conceal weapons or drugs.

In Table 1, Column 2 provides the percent of schools in high crime neighborhoods indicating that they follow the various physical security measures. As we would expect, schools in high crime neighborhoods were more likely to report the use of 9 of the 16 listed physical security measures than were schools in neighborhoods without high crime levels. Schools in high crime neighborhoods were more likely to control access to buildings (89.3%), use metal detectors on visitors (1.0%) and randomly on students (17.5%), sweep the school for contraband (34%), require student uniforms (17.6%) and ID badges (17.5%), and use security cameras (65%) as well as two-way radios (65%).

Schools reporting gang activity (Column 3) reported using more restrictive physical security measures in 5 of the 16 areas examined. Perhaps most interesting, however, is that schools that reported gang activities in their school were significantly less likely to enforce a strict dress code (63.1%) than schools not reporting gang activity.

In addition, three limiting factors were examined that were thought to reduce the schools' crime prevention strategies. These factors include parental complaints, fear of litigation, and inadequate funding. Few significant relationships exist (5 of 48 comparisons) between the limiting factors and the crime prevention measures undertaken, indicating that these external pressures have less effect on physical security measures than does the crime level of the neighborhood and gang activity in the schools.

Table 1
Percentage of Respondents Who Report the Following Physical Security Measures Are Taken in Their School

Measure	All Schools	High Crime	Gang Activity	Parental Complaints	Fear of Litigation	Inadequate Funding
Require visitors to sign or check in at school office	98.2%	99.0%	98.5%	97.6%	98.7%	97.6%
Control access to buildings during school hours	83.9%	89.3%*	89.7%	88.0%	84.2%	84.8%
Control access to grounds during school hours	25.3%	30.1%	29.9%	31.2%*	26.0%	24.3%
Require students to pass through metal detectors	0.5%	1.0%	1.5%	0.0%	0.0%	0.7%
Require visitors to pass through metal detectors	0.2%	1.0%*	1.5%	0.0%	0.0%	0.3%
Perform random metal detector checks on students	5.7%	17.5%***	22.1%***	8.0%	7.2%	6.2%
Close the campus for most students during lunch	82.0%	76.2%*	80.9%	83.1%	83.6%	85.1%**
Use random dog searches for narcotics	57.2%	52.4%	57.4%	56.8%	55.9%	56.4%
Perform other random sweeps for contraband	20.6%	34.0%***	33.8%**	26.4%**	21.7%	21.4%
Require student uniforms	4.8%	17.6%***	14.7%***	4.8%	94.7%	3.8%
Enforce strict dress code	68.5%	63.1%	55.9%**	62.1%*	64.2%	66.1%
Require clear book bags or ban book bags on campus	16.6%	20.4%	22.1%	18.5%	17.9%	18.0%
Require students to wear ID badges	6.4%	17.5%***	16.2%***	8.8%	6.6%	6.2%
Use one or more security cameras	55.4%	65.0%**	58.8%	60.8%	59.2%	57.2%
Provide telephones in most classrooms	56.8%	61.2%	60.3%	60.8%	57.2%	56.7%
Provide two-way radios to any staff members	56.9%	65.0%*	76.5%***	61.6%	61.2%	61.4%**

Note: For each table, the value of Chi-Square was computed for each of the five factors (i.e., High Crime, Gang Activity, Parental Complaints, Fear of Litigation, and Inadequate Funding) in comparison to respondents who did not indicate that particular factor was a concern in their school. Pr. $\chi 2$ = *p <.1, **p <.05, ***p<.001

In the wake of Columbine and other school shootings, it is particularly interesting to examine the emergency response plans in place in schools for acts of violence and natural disasters. Nearly all schools report that they have plans in place for natural disasters (97.9%) and bomb threats (94.5%). Interestingly, a large majority of schools now have plans in place for shootings (81.9%), but less than one-third of schools drill students on the plans for shooting incidents (27.7%). Given that this survey was conducted post 9-11, it is not surprising that 73.1% of the reporting schools had a written plan in place for weapons of mass destruction incidents or threats.

Only one significant difference was found between the schools based on neighborhood crime level and gang activity. Fewer schools in high crime neighborhoods had written plans for bomb threats/incidents (90.1%) than those in low crime neighborhoods. Similarly, the limiting factors of parental complaints and fear of litigation had very little association with the emergency response plans in place. Curiously, schools that reported inadequate funding as a limiting factor were significantly more likely to drill students for natural disasters (84.5%), hostage situations (31.6%), bomb situations (42.4%), and weapons of mass destruction incidents (25.7%).

Table 2
Percentage of Respondents Who Report Undertaking the Following Emergency Response Planning Steps

Measure	All Schools	High Crime	Gang Activity	Parental Complaints	Fear of Litigation	Inadequate Funding
Have a written plan for shootings	81.9%	79.8%	80.3%	85.4%	82.0%	83.3%
Drill students on the plan for shootings	27.7%	32.5%	35.7%	32.1%	27.3%	30.2%
Have written plan for natural disasters	97.9%	97.1%	100.0%	98.4%	98.7%	99.0%
Drill students in the plan for natural disasters	81.9%	84.4%	86.6%	86.4%	81.3%	84.5%*
Have written plan for hostages	80.7%	76.8%	84.6%	80.6%	79.3%	79.6%
Drill students in the plan for hostages	28.5%	32.9%	35.6%	34.3%*	26.9%	31.6%*
Have written plan for bomb threats or incidents	94.5%	90.1%**	94.0%	94.4%	96.1%	94.8%
Drill students in the plan for bomb threats or incidents	38.0%	41.1%	42.2%	39.7%	37.5%	42.4%**
Have written plan for WMD threat or incident	73.1%	72.7%	68.2%	76.6%	74.2%	75.6%
Drill students in the plan for WMD threat or incident	22.6%	26.6%	21.4%	24.3%	23.1%	25.7%**

Pr. $\chi 2$ = *p <.1, **p <.05

In order to assess the extent to which schools used behavioral interventions in a preventative or responsive way to address delinquency and violence, eight questions were asked and are presented in Table 3. A great majority of the schools used all but one of the behavioral interventions listed. The one exception is "student involvement in conflict resolution" to which only 49% of schools reported using this intervention technique. An examination of the environmental factors reveals few significant relationships with the various behavioral interventions in place. High crime schools, however, were significantly more likely to use student involvement in conflict resolution (56.3%) than other schools. These same high crime schools were less likely to use "hotline/tipline for students to report problems" (62.7%) compared to 74.9% of all schools having such a practice in place.

Table 3
Percentage of Respondents Who Report Using the Following Behavioral Interventions in Their School

Measure	All Schools	High Crime	Gang Activity	Parental Complaints	Fear of Litigation	Inadequate Funding
Prevention curriculum, instruction, and/or training for students	73.4%	73.8%	76.5%	73.6%	74.3%	75.1%
Behavioral modification intervention for students	79.7%	82.5%	86.8%*	78.4%	81.6%	82.6%**
Counseling, social work, psychological, or therapeutic activity for students	87.3%	89.3%	89.7%	90.4%	88.8%	89.2%
Individual mentoring, tutoring, and/or coaching of students	86.9%	87.4%	92.6%	91.2%*	87.5%	86.9%
Recreation, enrichment, or leisure activities for students	76.8%	73.8%	82.4%	78.4%	76.3%	77.5%
Student involvement in conflict resolution process	49.0%	56.3%*	57.4%	52.8%	47.4%	50.2%
Programs to promote a sense of community/ social integration among students	72.2%	71.8%	80.9%*	76.0%	73.7%	72.9%
Hotline/tip-line for students to report problems	74.9%	62.7%**	76.1%	81.5%*	76.8%	76.7%

Pr. $\chi 2$ =*p <.1, **p <.05

Table 4 explores the extent to which community groups and agencies have an active presence in each of the schools. As revealed in Column 1, law enforcement is active in 91.5% of the reporting schools. This partly reflects the broad appeal of DARE, and similar programs, being taught in most schools. Social service agencies (75.6%), juvenile justice agencies (72.7%), and parent groups (59%) comprise the next three most frequently reported groups that are active in the respondents' schools. Significantly more schools with high gang activity (Column 3) reported the presence of juvenile justice agencies (83.8%), mental health agencies (69.1%), and private corporations (33.8%) in their schools than did the comparison schools with less or no gang activity. Schools who report inadequate funding (Column 6) as a limiting factor for their prevention efforts were significantly more likely to report parent groups are active in their facilities (62.6%).

Table 4
Percentage of Respondents Who Report the Following Community Groups as Being Active in Their Schools

Measure	All Schools	High Crime	Gang Activity	Parental Complaints	Fear of Litigation	Inadequate Funding
Parent groups	59.0%	37.3%	63.2%	58.4%	60.5%	62.6%*
Social service agencies	75.6%	76.7%	79.4%	77.6%	78.4%	78.3%
Juvenile justice agencies	72.7%	25.7%	83.8%**	73.6%	75.7%	75.1%
Law enforcement agencies	91.5%	91.7%	94.1%	92.0%	92.1%	92.7%
Mental health agencies	58.9%	64.7%	69.1%*	57.6%	57.5%	60.7%
Civic organizations/service clubs	40.6%	43.7%	45.6%	44.0%	42.5%	41.4%
Private corporations/local businesses	21.7%	28.2%*	33.8%**	24.0%	21.6%	22.4%
Religious organizations	32.9%	31.1%	32.4%	34.4%	34.0%	34.5%

Pr. $\chi 2$ =*p <.1, **p <.05

Table 5 examines the law enforcement/security levels/security guards (hereafter LE personnel) and activities that are reported within the schools. Nearly half (46.6%) of all reporting schools used LE personnel on a regular basis, and nearly all (91%)

used these personnel at some time during school hours. A substantial amount of LE personnel activity is dedicated to training/mentoring rather than responding to incidents. Specifically, LE personnel reportedly trained teachers and staff in school safety and crime prevention (48.8%), participated in mentoring students (70.8%), and taught an LE education course or trained students (48.1%).

It is evident upon examining Column 2 that LE personnel are more likely to be used on a regular basis (54%), and these LE personnel are more likely to participate in maintaining school discipline and safety (90%), compared to schools in lower crime areas. It is also interesting that high crime schools were less likely to use LE personnel for training teachers and staff school safety and crime prevention (37.3%) and teaching a law-related education course or training students (33.3%) than their counterparts. Similarly, schools that reported all of the limiting factors in their environments were significantly less likely to use LE personnel to teach law-related education courses or teach students.

Table 5
Percentage of Respondents Who Report Using Sworn Law Enforcement Officers, Security Guards, or Security Personnel in the Following Manner

Measure	All Schools	High Crime	Gang Activity	Parental Complaints	Fear of Litigation	Inadequate Funding
Use on a regular basis	46.6%	54.0%*	67.2%***	50.8%	47.0%	49.1%
Use at any time during school hours	91.0%	91.7%	91.8%	92.5%	90.8%	91.3%
Use while students are arriving or leaving	87.9%	86.2%	91.8%	90.8%	91.9%	87.8%
Wear a uniform or other identifiable clothing	89.6%	89.7%	83.3%*	92.5%	89.5%	88.6%
Routinely armed with a firearm	84.4%	86.4%	77.1%	88.1%	90.8%**	83.9%
Participate in security enforcement and patrol	84.0%	86.4%	91.5%*	85.5%	88.5%	84.0%
Participate in maintaining school discipline and safety	83.5%	90.0%*	93.6%**	88.4%	85.7%	83.9%
Participate in identifying problems and proactively seeking solutions	81.0%	76.3%	87.2%	78.3%	77.9%	81.2%
Participate in training teachers and staff in school safety and crime prevention	48.8%	37.3%**	44.7%	47.8%	40.3%*	47.7%
Participate in mentoring students	70.8%	68.3%	74.5%	71.0%	67.5%	73.8%
Teach a law-related education course or train students	48.1%	33.3%**	33.3%**	33.3%**	33.3%**	33.3%**

Pr. $\chi 2$ =*p <.1, **p <.05, ***p<.001

Discussion

The surrounding neighborhood in which students live has been found to have a positive relationship to violence observed in schools (Gottfredson, 2001; Menacker & Weldon, 1990; U.S. Department of Education, 2003). Specifically, the neighborhood in which students live has been attributed to students' aggressive behavior and attitudes in school. The profile presented here indicates that schools in high crime neighborhoods, and those reporting gang activity, have responded to this situation with a number of prevention activities and practices. For example, it has been revealed that schools in high crime neighborhoods have students actively participated in conflict resolution more than schools in areas with lower crime rates. Perhaps most telling, however, are the higher levels of physical security (see Table 1) and regular use of law enforcement (see Table 5) by schools in high crime areas. It appears that the most common response of schools to a high crime environment

is target hardening, while the use of law enforcement for the training of students and teachers is substantially lower than schools in lower crime areas. Schools with reported gang activity were substantially more likely to make use of community groups/resources within their schools.

Supervision over the student body often times includes the use of law enforcement or security. Marans and Shaefer (1998) report that the presence of uniformed security is intended to deter disciplinary problems. One study identified a positive correlation between the regular use of law enforcement or security with lower violent incidents (U.S. Department of Education, 2003). In another study, Johnson (1999) reports that intermediate and major offenses decreased dramatically only one year after a regular school resource officer was implemented.

In the current study, limiting factors in the school environment were anticipated to reduce the prevention activities. In many instances, we found just the opposite effect. For example, Table 3 reveals that respondents who felt inadequate funding reduced their capacity to prevent school violence were more likely to offer behavioral modification interventions for students. In addition, those who were concerned about parental complaints provided more behavioral interventions.

In sum, the profile reveals that the sample of schools studied has invested considerable efforts and resources into prevention activities. It appears that the environmental factors of being located in a high crime neighborhood or having gang activity in schools are associated with significantly different prevention activities. The limiting factors explored had less effect on school violence prevention activities than anticipated.

The findings presented here provide an interesting first look at the extent to which schools in Northern Ohio are using various prevention techniques, but additional research is needed to more fully explain the results. In particular, multivariate and longitudinal analyses would better enable a researcher to evaluate the impact of changing environments on schools' prevention efforts. Although the current study was limited to one geographic area, it is important to note that the study involved over 400 schools from diverse urban, suburban, and rural areas. Nevertheless, to ensure the generalizability of these findings, other regions are encouraged to make similar use of the National Center for Education Statistics 2001 School Survey on Crime and Safety.

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Bibliography

Bandura, A. (1989). Social cognitive theory. *Annals of Child Development, 6*, 1-60.

Brener, N. D., Simon, T. R., Krug, E. G., & Lowry, R. (1999). Recent trends in violence-related behaviors among high school students in the United States. *JAMA: Journal of the American Medical Association, 282*(5), 440-446.

Daane, D. M. (2003). Child and adolescent violence. *Orthopaedic Nursing, 22*(1), 23-29.

Devoe, J. F., Peter, K., Kaufman, P., Ruddy, S. A., Miller, A. K., Planty, M., et al. (2002). *Indicators of school crime and safety: 2002*. Washington, DC: U.S. Departments of Education and Justice. NCES 2003-009/NCJ 196753.

Epp, J. R., & Watkinson, A. M. (Eds.). (1997). *Systemic violence in education: Promise broken*. Albany, NY: State University of New York Press.

Flannery, D. J., & ERIC Clearinghouse on Urban Education. (1997). *School violence risk, preventive intervention, and policy* [microform]. New York: ERIC Clearinghouse on Urban Education: Institute for Urban and Minority Education.

Flannery, D. J., Singer, M. I., & Wester, K. (2001, April). Violence exposure, psychological trauma, and suicide risk in a community sample of dangerously violent adolescents. *Journal of the American Academy of Child & Adolescent Psychiatry, 40*, 435-442.

Fletcher, J. D., & Berry-Fletcher, A. J. (2003). Introduction: Public discourse and personal understanding of school violence. In J. M. Sgarzi & J. McDevitt (Eds.), *Victimology: A study of crime victims and their roles*. Upper Saddle River, NJ: Prentice Hall.

Furlong, M., & Morrison, G. (2000). The school in school violence: Definitions and facts. *Journal of Emotional & Behavioral Disorders, 8*(2), 71.

Gottfredson, G. D., & Gottfredson, D. C. (1985). *Victimization in schools*. New York: Plenum Press.

Gottfredson, D. G. (2001). *Schools and delinquency*. New York: Cambridge.

Gotsch, K. E., Annest, J. L., Mercy, J. A., & Ryan, G. W. (2001, April 13). Surveillance for fatal and nonfatal firearm-related injuries – United States, 1993-1998. In *CDC Surveillance Summaries*. MMWR 2001; 50 (No. SS-2), 1-36.

Governor's Advisory Council on Youth Violence. (1999). *Prevention and response*. Available online at www.state.ma.us/eops/council_report.htm

Johnson, I. M. (1999). School violence: The effectiveness of a school resource officer program in a southern city. *Journal of Criminal Justice, 27*(2), 173-192.

Leone, P. E., Mayer, M. J., Malmgren, K., & Meisel, S. M. (2001). School violence and disruption: Rhetoric, reality, and reasonable balance. *Counseling and Human Development, 33*(8), 1-16.

Marans, S., & Shaefer, M. (1998). Community policing schools, and mental health: The challenge of collaboration. In D. S. Elliott, B. A. Hamburg, & K. R. Williams, (Eds.), *Violence in American schools* (pp. 31-54). New York: Cambridge University Press.

Menacker, J., & Weldon, W. (1990). Community influences on school crime and violence. *Urban Education, 25*(1), 68-80.

The National Center for Education Statistics & The Bureau of Justice Statistics. (2001). *Indicators of School Crime and Safety 2001*. Washington, DC: Author.

Riley, P. L. (2000). School violence prevention, intervention, and crisis response. *Professional School Counseling, 4*(2), 120-123.

Rossman, S. B., & Morley, E. (1996). Introduction. *Education and Urban Society, 28*(4), 395-411.

Simon, T. R., Crosby, A. E., & Dahlberg, L. L. (1999). Students who carry weapons to high school: Comparison with other weapon-carriers. *Journal of Adolescent Health, 24*(5), 340-348.

U.S. Department of Education, National Center for Educational Statistics. (2003). *Violence in U.S. public schools: 2000 school survey on crime and safety*. (NCES 2004-314, by Amanda K. Miller. Project Officer: Kathryn Chandler). Washington, DC: Author.

U.S. Office of Juvenile Justice and Delinquency Prevention (OJJDP). (2001). *Addressing Youth Victimization*. Washington, DC: Author.

Violence and crime at school–principal report. (2001). In The National Center for Education Statistics & The Bureau of Justice Statistics Reports, *Indicators of School Crime and Safety*.

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Community Collaboration in the 21st Century: Adding a Police Social Worker

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Near the end of 1999 and early 2000, the Village of Rantoul's then newly appointed chief of police remarked on what appeared to be disproportionately high incidence of both domestic violence and severe child abuse (the latter including the sexual assault of children as well as aggravated abuse) for a community with a population of just over 17,000 according to 1990 census figures. When the 2000 census set Rantoul's population at just under 13,000, the point was underscored. While many believed that a sizeable portion of Rantoul's transient population went uncounted for in the 2000 census, a special census was out of the question, inasmuch as the Village had funded one to little avail a decade earlier following the 1990 census and preceding the 1993 closure of Chanute Air Force Base.

The police department and the entire county had for years been operating under mandatory arrest policies for domestic violence, and the tragic cases of child abuse, some leading to death or permanent and crippling injury, were investigated thoroughly and prosecuted fully. Still, it seemed as if families and children were at great risk for a relatively small town in the Midwest.

In hopes of developing a community-oriented approach to the situation, a diverse array of those presumed to be stakeholders and effected parties were invited to participate in a series of meetings on the subject. Participants included the following: the area behavioral health system (who became the first partner in the endeavor), mental health representatives, domestic violence advocates and abuse survivors, human services providers, substance abuse professionals, child welfare officials, protection and developmental specialists, clergy, educators, attorneys, juvenile probation and courts services personnel, delinquency and truancy specialists, business leaders, elected officials, community representatives, and citizens.

In a series of dialogues throughout the better part of 2001, this group came to realize that while each discipline and institution had its own expertise, orientation, and programming relevant to the matter at hand, they were not connected or party to any overall strategy, nor did they possess a shared macro view of the "big picture." In fact, defining and depicting the problem was initially quite difficult. Was it about domestic violence or child abuse?

Despite their cognizance and understanding of the impact and effects of early childhood exposure to domestic violence and the co-occurrence of abuse and maltreatment (Jolin & Moose, 1997; Schechter & Edleson, 1999), each of the professionals and providers worked in institutions that understandably address only a part of the larger problem and thus, tend to have their own established service orientations (Tapper, Kleinman, & Nakashian, 1977). Since violence itself appeared to be the common thread between the two impetuses for dialogue, it was agreed upon that regardless of its manifestation, violence would be the core issue under consideration.

This seemingly simple definition necessitated the recognition of other aspects of violence apparent in the community, such as frequent after-school fights occurring at or near the junior high and high schools, as well as sporadic episodes of "community" or "neighborhood" violence between acquainted groups or factions engaged in a dispute. Furthermore, it was acknowledged that the term *domestic violence* tends to primarily imply violence between intimate partners and not necessarily violence between adolescent and parent. Such violence, however, is included in the definition of domestic violence set forth in the Illinois Domestic Violence Act (1986) and can comprise a sizeable portion of offenses classified as domestic violence. The group sought to examine levels and incidence of both domestic violence and juvenile crime and, perhaps as a consequence of working across institutional paradigms and discipline-specific jargon, misperceived data on the latter as including offenses committed against children as well as by children.

Nonetheless, the group concluded that violence was disproportionate, pervasive, and detrimental to a healthy community. Moreover, they recognized the need for and wisdom of a collaborative approach to the problem—one that is comprehensive or holistic and not piecemeal. In fact, they named themselves Rantoul's Comprehensive Community Council, authoring a position report (see Appendix A) setting forth several recommendations, both responsive and preventative, and concluding with a call for a "full-time social worker or crisis team manager."

As a participant in the meetings and dialogues, the police chief welcomed the idea of a social worker, citing positive experiences and results with a 1970s program known as the Metropolitan Police Social Services. I described numerous experiences in which traditional methods of police referral failed for lack of follow-through on the part of the individual(s) referred, and I advocated a crisis theory approach focused upon reaching victims and others in need during the limited window of opportunity following a personal crisis in which they are most receptive to intervention (Pence, 1989; Roberts, 1990 as cited in Corcoran, Stephenson, Perryman & Allen, 2001). The CEO of the behavioral health system captured what the council envisioned with the term *assertive follow-up intervention*.

Initial funding to establish the position proved less difficult than would have been expected were it not for the widespread support and cross-disciplinary participation involved. A unique tripartite funding plan emerged with the county mental health board, the behavioral health system, and the municipality each contributing one-third of the costs of the position. Certainly the advocacy and support of the executive level representatives of each of the funding entities was a cogent factor. Conversely, getting the position filled and operational proved much more challenging than its initial funding.

Filling the Position

While the majority of the council's members were occupationally familiar with the current literature and best practices reported (Schechter & Edleson, 1999; Shepard & Pence, 1999), none had ample time to devote to specific research, review, or planning to guide successful implementation. Ideally, successful existing (or previously existing) police social worker projects from elsewhere would have been studied and perhaps identified as applicable models. Some of the members did so individually as the constraints of their occupations and existing responsibilities allowed, and others

were familiar with and even had experience with crisis response teams. Once the funding was secured, the responsibility for filling and implementing the position was left to the funding entities, among whom it was decided that the behavioral health system would be the employing entity.

The scant research and planning preceding implementation was not an oversight; rather, it was the reality faced in such an interdisciplinary endeavor. Most, if not all, of the council members already had taxing workloads within their own governmental or nonprofit organizations, and despite the relative ease with which initial funding had been secured, none of their organizations possessed the resources necessary to devote the additional time and effort customarily associated with the implementation of such a new project. In fact, I have long bemoaned the lack of substantive documentation of the council's history and achievements, so it is hoped that this article will contribute to filling that void.

In the preliminary steps of filling the position, the employing entity established the minimum qualification as an MSW and crafted a job description (see Appendix B) in which the incumbent would receive referrals from police department personnel following incidents of domestic or family violence, child abuse, neglect or maltreatment, and any contacts or occurrences in which mental or behavioral health or other social services were involved. The social worker would seek to contact the referred individual(s) within 72 to 96 hours following the event, offering support, ideally building a rapport, and acting as an agent or broker to ensure linkage with appropriate and relevant services. It was thought that this approach would allow for reaching and connecting with victims and others during the time they would be most receptive to intervention, as well as place the social worker in an ongoing role of monitoring both the provision of services and the participation of the victim-client, without actually becoming the treatment provider.

The first individual hired to fill the position came from the regional provider of child and adolescent crisis services and had in fact played a large part in initially organizing the community council. The second individual likewise had a background in child and adolescent services but with an agency that was not acquainted or affiliated with the council. Neither of these individuals held the position for long, and thus, the program did not "take root" as expected. In retrospect, the funding and employing entities may not have stressed, nor even fully appreciated, the tremendous challenges one would face in turning vision to reality without the benefit of a concrete model or playbook.

Concerned that a third such experience in filling the position would be akin to "striking out," I suggested that rather than following past practice and seeking an outsider for the position, the employing entity consider existing employees of known capacities. Ironically, such an employee surfaced during subsequent council meetings. A prevention specialist who was within a semester of receiving an MSW somewhat spontaneously expressed interest in the challenge, indicating the enthusiasm and motivation that would prove key to getting the position "off the ground."

Becoming the third incumbent, this individual, now an MSW and licensed social worker, succeeded in bringing the collective vision of the council to life, largely through intrinsic determination and perseverance. About the same time, a

University of Illinois psychology professor specializing in community coalitions and coordinating councils became a member, patiently guiding the group through the process of establishing its strategic plan (see Appendix C) built upon graphic logic models depicting stated goals and the objectives identified as necessary to achieve those goals (Allen & Hagen, 2003).

The degree of time and attention that the council devoted to getting the social worker position up and running, followed by the fortuitous opportunity to establish an academically grounded strategic plan at no cost, left little remaining for the nuances of the funding arrangements. As may have been alluded to previously, that which is taken for granted in individually contained organizations can easily become diffused, obscured, or overlooked in a multidisciplinary venture.

Funding Jeopardized

The bulk of the municipality's contribution to the social worker position had been comprised of community development block grant (CDBG) funds, which cannot be used to fund a new or existing program for more than one year at a time. Thus, the major portion of the municipality's share of funding ended with its 2004 fiscal year and could not be renewed. The employing entity was able to maintain the position, but the substantial reduction in funding meant a commensurate reduction in hours. Then, an even greater threat to funding followed with the state of Illinois' FY 05 budget, which eliminated much of the program funding for mental and behavioral health providers and substituted fee-for-service reimbursement.

From its inception, the social worker position had been part of the clinical services division of the employing entity, and it became immediately necessary for all clinical positions to focus on providing only those eligible direct services to clients that could be billed to the state for reimbursement. This unfortunate situation necessitated the incumbent function as a case manager, leaving only 12 hours per week to devote to police social worker duties.

Losses continued, requiring the elimination of many positions by the employing entity. At times, it was feared that the police social worker position would be the next cut. Ultimately, the effects of the state's funding crisis led to the reorganization of the employing entity. As part of that reorganization, the police social worker position was moved to the prevention services division, which continued to operate under conventional program funding that could be used to sustain the position.

It is difficult to discern whether the position survived solely as a result of the reorganization or if the employing entity's long-standing commitment to and leadership in the council's mission came to bear. In either case, the experience constituted a strong warning that sustained funding was vital and could never be taken for granted. The council returned to the municipality seeking (and receiving approval for) CDBG funding in FY 06, and at present, the council has submitted two additional proposals to other sources seeking to ensure sustainable funding.

Promising Results

The role and scope of the police social worker continuously expands as unique and unanticipated opportunities arise. Referrals made by police department personnel

(both sworn and civilian) remain the mainstay, and the social worker's regular presence in the police department and consultation with those making them conveys the message that such referrals are received and acted upon. At times, one even sees the social worker riding with a police officer to contact someone the officer had referred. This approach is believed doubly beneficial in that it adds gravitas to the social worker by presenting her as an ally and colleague of the police and depicts the police as a concerned agent in the delivery of needed services.

Developing in tandem with the police social worker effort was the police department's adoption of the principles and procedures set forth in the Juvenile Justice Reform Act of 1998, creating a codified process for utilizing station adjustments as a nonjudicial response to juvenile offenses. While station adjustments may impose restrictions and consequences on juvenile offenders, they can also be used to require activities and conditions geared toward competency development in the young offenders.

The presence and availability of a social worker allows juvenile officers to arrange mental and behavioral health assessments as well as enrollment in classes designed to provide young offenders with the decision-making skills they often lack. The provision of such assessments and classes are part of the mission of the social worker's employing entity, so they are provided at no cost to the young offenders' families, constituting another mutually beneficial arrangement.

The inclusion of the social worker in juvenile intervention efforts has unexpectedly afforded greater insight into the problems and conditions often underlying juvenile misconduct. In many cases, juveniles who have come to police attention for minor offenses such as running away, quarrelling with peers or parents, underage drinking, etc., have been found to have previously diagnosed mental illnesses, behavioral disorders, or other conditions that have never been treated or addressed.

Furthermore, the influence the social worker has upon juveniles, whether offender or victim, has proven more profound than was expected. One memorable case involved a young teen that was sexually assaulted. By way of the social worker, the police department was able to offer additional support to the victim and family, ancillary to the criminal investigation. Although appreciative of the gesture, the family did not believe long-term services were necessary.

One year later, the mother requested police help with having the teen "placed" somewhere, characterizing her as "beyond control." In a conversation with both the mother and the daughter, I asked whether they remembered the social worker from the previous year. Both responded in a noticeably positive way and were very amenable to "picking up where they had left off" with her.

At present, the police social worker has established a network with her counterparts in the schools, and a unified approach to adolescent issues ranging from underage drinking to sexual assault is emerging. Her contact and familiarity with an alternative school has her participating in early interventions for students with pronounced behavioral problems who ideate violence, a preventive approach to school violence recommended by the Departments of Education and Justice and the National Institute of Mental Health (Dwyer, Osher, & Warger, 1998).

The presence and accessibility of the police social worker also gives rise to alternatives not previously considered. A fairly common occurrence in domestic violence cases involves victims recanting their statements, causing the widespread practice of prosecuting without the cooperation, and even against the wishes, of the victim. Prosecutors and their staff who have not had training in the dynamics of domestic violence or have not adopted this practice have been known to refer such recalcitrant victims back to the police seeking corrected or supplemental police reports.

I have long objected to this practice, notwithstanding discovery concerns. To accept and record a victim's obviously recreated version of events, often concocted at the behest of her abuser (the feminine pronoun is used denoting the majority of domestic violence victims), undermines the intent of domestic violence legislation and policies. Procedural rules requiring such practices constitute a classic Catch 22.

Nevertheless, declining to listen to a victim insistent upon telling the police "what really happened" places her in an even more tenuous position; fearing the wrath of her abuser if she fails to do her part to get the charges dropped or otherwise undermine prosecution, she may become more alienated from and even hostile toward those whose duty it is to help her. This was the case with one victim whose abuser was witnessed by multiple neighbors dragging her across the yard by her hair, and yet she was intent upon filing a false arrest complaint. Even worse, returning to the abuser and reporting failure to convince the police may subject such a victim to further abuse.

Searching for a solution to this dilemma, I instituted a practice of having victims who seek to recant first meet with the police social worker. In this setting, the victim is able to tell someone at the police department "what really happened," while the social worker is not so inclined to evaluate the credibility or veracity of the victim's statements. Instead, she is able to listen without rendering judgment and is then in an ideal position to discuss in detail the dynamics of power and control, providing the victim with information and resources, proposing safety and escape plans, and concluding with an ongoing offer of help.

The victim is thus able to say that she went to the police, and they took a thorough statement from her. She is then more able to contemplate the advice of the social worker and knows what to do and where to go for further help. Many survivors of long-term abuse have stressed how important and influential it was for them to be told the same things four, five, or more times over the course of decades before they felt empowered enough to escape lives of violence (Sessetti, Fridrich, Rexroad-Campbell, & Hunt, 2003).

Evaluation

While the members of the council unanimously believe the social worker endeavor has been a success, all of the evidence to date has been anecdotal. All of the members recognize the value of methodic measurement of activities and outcomes (Allen & Hagen, 2003), as well as the necessity for empirical research and data collection, but none have been able to devote the time and attention required of scholarly study and evaluation.

In hopes of at least recording the anecdotal successes, the council has sought vignettes capturing the many success stories told. Most recently, the social worker has been authoring a monthly summary of activities and referrals containing such vignettes (see Appendix D) that has been included in the police department's monthly report to the municipality's board of trustees.

At the time of this writing, the psychology professor and a colleague in social work have received funding for a 2-year study of the activities, processes, and outcomes of the council, to include its institution of a police social worker and the resultant effectiveness. As recommended by the IACP (Allred, 2004), a graduate student has been designing an archival analysis system that will clarify measurements indicative of efficacy. This research will provide sound academic footing for program evaluation and add substantially to the present bodies of knowledge regarding both police social workers and community coordinating councils and coalitions.

Moreover, the police social worker will be among those attending the first session of the new Illinois Victim Assistance Academy established by the Illinois Attorney General. This innovative approach to building the capacity of victim service providers stresses cutting-edge thinking in a multidisciplinary context and is therefore likely to supply the foundation and framework that the council was not able to provide in a concise plan or existing model. The degree to which activities and practices to date comport with those proffered may also constitute another measure of project design and effectiveness. Ideally, the curriculum will include practical tools for gauging program success.

Officer Acceptance

Some may wonder how or whether a social worker operating in the police environment is accepted by police officers. Early on, the social worker was asked by more than one of her peers what it was like or even how she was able to work in the police department. Anyone with experience in either discipline recognizes the differences between the two institutional cultures and the potential for clashes and "culture shock."

In the formative stages that led to the creation of the position, the police chief had noted his earlier experiences with social workers operating in conjunction with the police in the 1970s, recalling that any existing distrust or cynicism on the part of police officers seemed to give way to appreciation once they realized the social workers were dealing with the clients and situations that they themselves did not relish. Much of the resistance police officers have historically voiced toward social work stems from the fact that police officers are often by default placed in the role of social worker without adequate tools and resources. Having a police social worker means that officers can spend more time in their largely preferred role of crime-fighter.

More recent endeavors by police and mental health providers would even suggest that such historical resistance has diminished in the era of community policing. The Child Development – Community Policing Program developed in the 1990s between New Haven Police Department and the Child Study Center of Yale's School of Medicine witnessed police officers and mental health professionals cross-training each other in order to provide direct interdisciplinary intervention to child

victims, witnesses, and perpetrators of violent crime (Marans & Berkman, 1997). In the present decade, many law enforcement agencies are subscribing to the Crisis Intervention Team (CIT) approach in which police officers are trained largely by mental and behavioral health providers and others specializing in developmental disabilities.

In meetings surrounding the drafting of a job description for the police social worker, I had advocated a balanced distribution of the incumbent's time between the police environment and that of the employing entity. It was deemed important for the social worker to spend enough time in the police department to be familiar, accepted, and trusted but not so much as to adopt the organizational culture. The space limitations that preclude an office for the social worker in the police department actually contribute to the proper formula for "keeping one foot planted on either side of the fence"; although, the consequent travel demands clearly indicate the need for a dedicated vehicle, which future funding requests will pursue.

Conclusion

In spite of a slow start, the police social worker project appears to be delivering results both where anticipated and beyond. Although efficacy cannot yet be shown with certainty, anecdotal evidence and observations are quite promising and encouraging. The acquisition of research funding means empirical data and definitive answers lie ahead; the challenge remaining is that of sustained operational funding.

Tempting though it may be to itemize the lessons learned from this experience, to do so could do more harm than good. For example, the lack of a plan or model for the social worker to follow, while ostensibly a shortcoming, is what causes her to explore multiple avenues, each of which seems to be leading toward desired outcomes. Conversely, had there been a plan or model, it is unlikely that it would have contained many of those avenues, which would imply that exploring them would not be in keeping with the plan. In other words, having no map results in exploration and stimulates evolution.

This is much the way the council has operated—somewhat haphazardly, spontaneously, and unconventionally, yet with classic synergy. Had it operated more conventionally, it would have respected its limitations early on (e.g., insufficient resources, limited knowledge base, incompatible service orientations, fuzzy game plan) and would have logically avoided moving forward until each was satisfactorily resolved. In truth, I have been known to caution against attempting too many things at once or embarking upon excessively divergent courses, yet at the same time, I marvel at the capacity, cohesiveness, and resiliency demonstrated by this council, which has modeled what is coming to be known in the 21st century as "systems thinking."

References

Allen, N. E., & Hagen, L. A. (2003). *A practical guide to evaluating domestic violence coordinating councils*. Harrisburg, PA: National Resource Center on Domestic Violence.

Allred, C. E. (2004). *Improving partnerships between law enforcement leaders and university based researchers. Recommendations from IACP 2003 roundtable.* Alexandria, VA: International Association of Chiefs of Police.

Corcoran, J., Stephenson, M., Perryman, D., & Allen, S. (2001). Perceptions and utilization of a police-social work crisis intervention approach to domestic violence. *Families in Society: The Journal of Contemporary Human Services, 82*(4), 393-398.

Dwyer, K., Osher, D., & Warger, C. (1998). *Early warning, timely response: A guide to safe schools*. Washington, DC: U. S. Department of Education.

Illinois Domestic Violence Act of 1986, Public Act 84-1305 (Supp.), 750 ILCS 60/ et seq. (2005).

Jolin, A., & Moose, C. (1997). Evaluating a domestic violence program in a community-policing environment: Research implementation issues. *Crime and Delinquency, 43*(3), 279-297.

Juvenile Justice Reform Act of 1998, Public Act 90-590, 705 ILCS 405/5 (2002).

Marans, S., & Berkman, M. (1997, March). *Child development–community policing: Partnership in a climate of violence (OJJDP Juvenile Justice Bulletin No. NCJ-164380)*. Washington, DC: U.S. Department of Justice.

Schechter, S., & Edleson, J. L. (1999). *Effective intervention in domestic violence and child maltreatment cases: Guidelines for policy and practice [The green book]*. Reno, NV: National Council of Juvenile and Family Court Judges.

Sessetti, M., Fridrich, D., Rexroad-Campbell, T., & Hunt, K. (2003, May). *The health care clinician's role in preventing domestic violence*. Symposium conducted by Illinois Health Cares Coalition at Urbana, Illinois.

Shepard, M. F., & Pence, E. L. (Eds.) (1999). *Coordinating community responses to domestic violence: Lessons from Duluth and beyond*. Thousand Oaks, CA: Sage.

Tapper, D., Kleinman, P., & Nakashian, M. (1977). An interagency collaboration strategy for linking schools with social and criminal justice services. *Social Work in Education, 19*(3), 176-188.

Henry H. Gamel is the deputy chief of the Rantoul Police Department, where he has served for 25 years following a tour in the United States Air Force. Gamel holds AS, BA, and MPA degrees, and is a graduate of Northwestern University's School of Police Staff and Command. He has been an instructor in subject areas ranging from CPR and first aid to cultural diversity and EVOC and has formed numerous neighborhood watch and community groups, receiving a national award for outstanding city-wide participation in National Night Out.

Appendix A
Families-Youth-Community

A Position Report Developed by
The Rantoul Comprehensive Community Council

Council Membership

Name	*Representing*
Scott Amerio	Associate Principal, Rantoul Township High School
Lamont Barclay	Champaign County YMCA
Marty Barrett	Regional Superintendent of Schools
Carol Baxter	Provena Behavioral Health-Centerpoint
Dawn Bechtold	Illinois Department of Children and Family Services
Robin Calhoon	Children's Home and Aid Society of Illinois
Margurette Carter	Assistant Principal, Eater Junior High School Rantoul City Schools
Maria Cerbrian	Citizen Volunteer
Reverend Ken Crawford	President-Elect Greater Rantoul Ministerial Association
Nate Cunningham	Associate Principal, Rantoul Township High School
Pastor Mike Curtis	Past President, Greater Rantoul Ministerial Association
Chief of Police Paul Dollins	Village of Rantoul Police Department
Elizabeth Frankie	Village of Rantoul Police Department
Lt. Henry Gamel	Village of Rantoul Police Department
Joe Gordon	Director, Champaign County Probation and Court Services
Erin Graham	Catholic Social Services
Karla Grimes	Children's Home and Aid Society of Illinois
Travis Hallock	Administrator, Chanute Transition Center, Youth Services International
Reverend Don Hatfield	Former President, Greater Rantoul Ministerial Association
Jeremy Heath	Police Intern, Western Illinois University
Ken Heath	Assistant Superintendent, Rantoul Township High School
Linda Henderson	Prevent Child Abuse Illinois
Karen Johnson	Children's Home and Aid Society of Illinois
Kristen Johnson	Champaign County Delinquency Prevention Board
Officer Kevin Kaiser	DARE Officer, Village of Rantoul Police Department
Andy Kulczycki	Director, Community Service of Northern Champaign County
Helen Lewis	Trustee, Village of Rantoul
Sandy Lewis	CEO, Provena Behavioral Health
Alicia Mangrum	Children's Home and Aid Society of Illinois
Linda Morgan	Illinois Department of Children and Family Services
Doug McMeyer	A Woman's Place
Rebecca Rochester	Police Intern, Parkland College
Karmen Roehrs	Champaign County Probation and Court Services
Leslie Rose	Provena Behavioral Health
Beth Setrak	Citizen Volunteer
Barbara Shipp	Regional Administrator, Illinois Department of Human Resources
Amy Stolzmann	Campaign for Better Health Care
Sarah Strand	Land of Lincoln Legal Assistance Foundation
Ramona Sullivan	Land of Lincoln Legal Assistance Foundation
Betty Sweat	Peacemeal Senior Citizen Nutrition Program
Teresa Turner	InTouch
Ruby Weathersby	Village of Rantoul Fire and Police Commission
Julie Wilcox	Project Success
Bill Zuehlke	Rantoul Rotary International

Introduction

When Chanute Air Force Base closed, the Village of Rantoul was faced with the very real possibility that it would cease being a vital and growing community and become an economic backwater in Champaign County. This outcome was avoided through the determined efforts of its community leaders and the determination of its residents. Rantoul not only survived but has become a model for other communities facing similar military base closings. Rantoul prides itself on its sense of community and its willingness to do whatever is necessary to improve the well-being of its citizens. Today the Village of Rantoul is facing another crisis potentially as destructive as the closing of the Air Force Base. This crisis is violence: juvenile, child abuse, domestic, and public aggressive behavior.

On March 13, 2001, Chief of Police Paul Dollins held a meeting of all the county social agencies, state social agencies, educational institutions and agencies, and civic organizations serving the Village of Rantoul. At this meeting, Chief Dollins and Lieutenant Hank Gamel of the Rantoul Police Department, shared their concerns regarding the increasing amounts of domestic violence and violence involving individuals below the age of 18. Their concerns were echoed by many of the agencies' representatives. It was the conclusion of those present that Rantoul is witnessing an increase in violence. This meeting ended with the formation of the Rantoul Comprehensive Community Council (hereafter referred to as the Council).

Following the March 13 meeting, the Council has been meeting on a regular basis. These meetings focus on the following to determine how significant the amount of violence is in Rantoul and to develop recommendations that the Council feels will significantly reduce violence in Rantoul.

How Significant Is Violence in Rantoul?

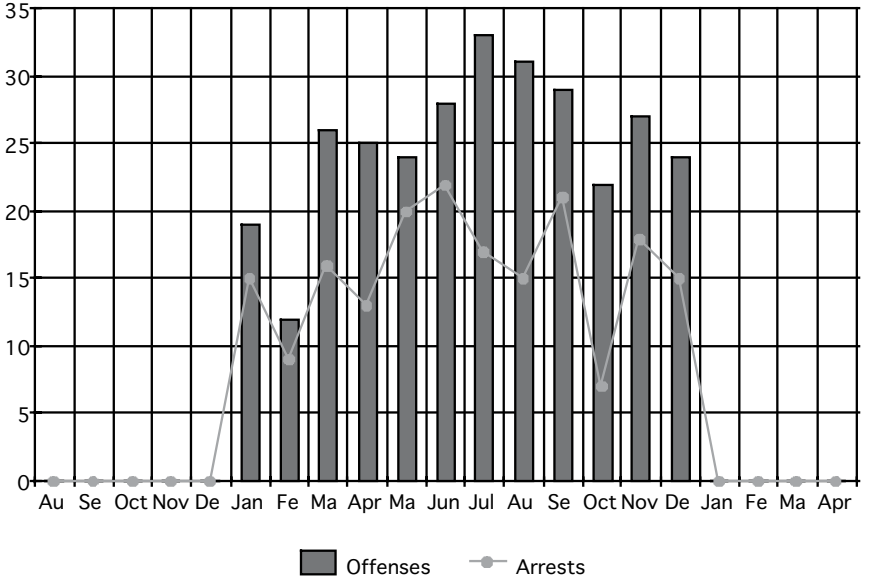
The Council used two indicators to determine whether there is a significant amount of violence involving families and youth in Rantoul. The first indicator was data provided by the Rantoul Police Department. The second indicator was the anecdotal record provided by various social services agencies.

Juvenile violence statistics only cover those activities that are conducted against adults, other juveniles, and property. The following graph shows the pattern of juvenile arrests between August of 1999 and June of 2001. As indicated, there is a significant increase in juvenile violence. This is even more significant since during this same time period, there has been a drop in juvenile violence nationally.

The data on domestic violence, as the following chart illustrates, does not show the same increase as juvenile violence over the same period of time; however, the number of offenses and resulting arrests are at a consistently high level of occurrence.

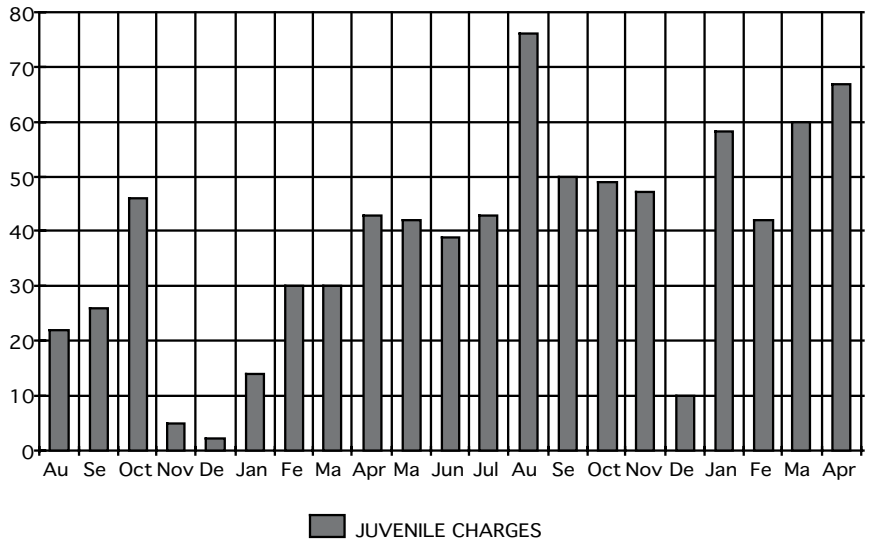
The data supplied by the police department only covers those instances that resulted in some type of police action. It is reasonable to assume that not all of the instances of juvenile violence and domestic violence result in police action. Therefore, the real level of violence in Rantoul is actually higher than the data indicates.

Domestic Violence, August 1999 to April 2001



Based on the review of information gathered by the Council, it is our conclusion that an unacceptable level of juvenile and domestic violence is present in Rantoul. It is also our conclusion that if steps are not taken to reduce the level of violence, the entire community will be affected.

Juvenile Charges, August 1999 to April 2001



Recommendations

Before we state our recommendations, it is important to understand that these recommendations are put forward to reduce, not eliminate, violence. Domestic violence is an exercise of control and manipulation. The cause or causes of why one member of a family feels it is appropriate to use physical force or abusive behavior to control or manipulate other members of the family are well beyond the powers of this Council to address. Our recommendations are directed at reducing the effects of domestic violence on victims and in turn, reducing the level of domestic violence.

Juvenile violence is a matter of choice on the part of the individual committing the violent action. The solutions to this problem are well known but extremely difficult to achieve. These solutions are as follows:

- Strengthen the family unit.
- Increased parental responsibility for the actions of their children.
- Supervision of children at all times.
- Conflict resolution training.

Following are two groups of recommendations, preventative and responsive. We present these recommendations in a list format; however, there is no implied priority order. While it may be possible to implement each of these recommendations individually, the effectiveness of these recommendations to reduce the level of violence in Rantoul will be a function of how many of these recommendations are implemented and how soon this is done.

Prevention

1. Education of the Community
   A. The dissemination of information to the community about the violence problem in Rantoul and its effect on the total population. Before real progress can be made, the general population needs to share the understanding that a problem exists and that this problem does affect them.
   B. The dissemination of information about the social services available to the community located within the Village of Rantoul.
   C. The dissemination of information about the social services available to the community located outside of the community.
   D. Specific efforts should be made to educate the clergy, teachers, social workers, police, and other professionals. These individuals should receive extensive training in violence, violence-related issues, counseling, and referrals.
2. Identification of At-Risk Families and Youth – This does not mean the development of a profile of at-risk families and youth but rather the identification of families and youth experiencing risk factors.
3. Strengthen the Family Through Frequent House Visits and Follow-Up Support Services to Families with Risk Factors
4. Formation of Support from Businesses, Churches, and Civic Organizations – This support would come in the form of funding, collaboration, equipment, facilities, volunteers, development of family-friendly policies, and personal involvement.

5. Increase Out of School Hours Participation in Programs – Increase the time children are supervised outside of school. This would include structured, age-appropriate, activities during nonschool hours and during the summer.
6. Community-Based Structured Mentoring Programs
7. Use of Research-Based Best Practices Models

Responsive

1. Establish a Trained Crisis Team – The members of this team would be called on to respond to domestic violence situations when summoned by the police. They would meet with the victims of domestic violence and would provide or arrange for follow-up contacts. Protocols need to be established for calling a crisis team member and the police department's obligation to this individual.
2. Provide Enhanced Resource Packets to Police Officers – These packets would provide victims of domestic violence with information about services available to them through various social agencies.
3. Additional Training of Police Officers Regarding Domestic Situations – Training would include making referrals to the Department of Children and Family Services, identification and documentation of children present or involved, and strategies for interventions.
4. Feasibility for the Development of an Emergency Shelter in Rantoul – Such a shelter would serve both victims of domestic violence as well as children that need to be removed from their home.
5. Explore the Restructuring of Village Ordinances to Increase Parents' Responsibility for Their Children's Behavior – The purpose is to force parents into parenting classes and to give some measure of responsibility to parents.

In addition to the above recommendations for prevention and response, there are two further recommendations that must be addressed. These two recommendations will greatly expedite the previously mentioned recommendations and in some case are essential to their implementation. These two recommendations address the need for transportation and for an individual to facilitate these recommendations.

1. Provide Transportation Services
2. Retain a Full-Time Social Worker or Crisis Team Manager – This is a key element. An individual needs to be given the sole responsibility for the coordination of social services for the citizens of the Village of Rantoul.

Appendix B
Provena Behavioral Health Job Description

Effective Date: _____
Employee: _____
Clinical: _____ Non-Clinical: _____
Exempt: _____ Non-Exempt: _____

1. **Title:** Community Prevention Social Worker

2. **Salary Administration Level:** Clinical C

3. **Job Specifications:**
   a. ***Education:*** Master's Degree in Human Services
   b. ***Experience:*** Three years of clinical experience preferred
   c. ***Licenses or Professional Certifications:*** Must meet the criteria of an MHP (mandatory). Valid Illinois driver's license is required and ability to transport self and clients in own vehicle and agency vehicle.
   d. ***Knowledge, Skills, and Abilities:***
      (1) Work requires ability to remain flexible under pressured conditions.
      (2) Work requires ability to react to change productively.
      (3) Work requires ability to maintain confidential information.
      (4) Work requires ability to perform other duties that are deemed by management to be an integral part of the job, including but not limited to, fulfillment of work schedules; adherence to attendance policies; and other applicable operating rules, policies, and procedures.
      (5) Work requires knowledge of mental health principles and practice.
      (6) Work requires knowledge of life-span human development with special emphasis on early adolescence and the ability to apply that knowledge in interactions with participants and staff.
      (7) Work requires understanding of family systems.
      (8) Work requires knowledge of group process and development and ability to apply that knowledge.
      (9) Work requires the ability to observe verbal and nonverbal behavior in individual and group settings.
      (10) Work requires the ability to serve persons and families from a wide range of cultural and ethnic backgrounds.
      (11) Demonstrated competency in assessment; referral and linkage; outreach; and short-term focused counseling with adults, youths, and families.
      (12) Demonstrated skills with special populations including domestic violence, psychiatric disabilities, families, and working with consumers across all age groups.
      (13) Familiarity with the functions of behavioral healthcare and law enforcement as it relates to domestic violence, child welfare, and community social services.
      (14) Demonstrated effective leadership, communication, and presentation skills.
   e. ***Working Conditions and Physical Requirements:***
      (1) Observe verbal and nonverbal behavior.

(2) Record service data in legible written and computer forms; use word processing program to complete program reports.
(3) Lift and carry 30 pounds.
(4) Walk 300 yards; climb and descend stairs.
(5) Drive own car on job, and transport clients and their children including loading and unloading child car seats.
(6) Be present and oversee evening and weekend service as needed for service completion and quality assurance.
(7) Travel to and attend trainings and conferences as directed.

4. Function Summary

Responsible for coordinating and providing behavioral health services to the identified consumers in Rantoul, Champaign, Urbana, and the surrounding area. This includes coordinating with the Rantoul Police Department to provide access screening, schedule/coordinate assessments, case management, service coordination, and short-term counseling/therapy. Will establish and maintain relationships with other providers in the Rantoul area and serve as a member of the Rantoul Comprehensive Community Council (RCCC). This position will have a special focus on providing services for families experiencing issues related to domestic violence as well as juveniles in the RPD Station Adjustment Program. The position will work with the Community Prevention Coordinator to recruit and supervise interns in provision of I Can Problem Solve curriculum and in provision of Raising a Thinking Child and Strengthening Your Family workshops.

5. Essential Functions Statements (Duties, Tasks, and Responsibilities):

The list of essential job functions is not exhaustive and may be supplemented as necessary.

a. Understands and complies with all Agency policies and procedures and relevant local, state, and federal provisions of mental health. Abides by ethical standards of practice and professional responsibility relevant to the position.
b. Acts as a team member of the organization, supporting its goals and missions within the Agency and in community settings.
c. Provides services in a customer-focused manner.
d. Maintains an awareness of current and emerging local, state, and national issues and resources related to outpatient behavioral healthcare.
e. Strives to maintain continuous improvement philosophy.
f. Conducts creative outreach activities to engage families in service and comprehensive assessments of family strengths and needs per program plan.
g. Provides assessment, treatment planning, counseling, information services, referral, and linkage to other appropriate social services for family members referred by the Rantoul Police Department.
h. Promotes professional working relationship with the police department, social service providers, medical providers, housing, public entitlements, and other resource providers.
i. Completes all documentation required to meet applicable agency and funding standards.
j. Displays basic therapeutic skills, including ability to interact with clients in an accepting, nonjudgmental, and ethical manner; exploring, attending,

understanding, action, and self-awareness; ability to establish and maintain a therapeutic relationship with clients in individual, couple, family, or group settings; knowledge of therapeutic approaches and techniques; and ability to communicate rationale for using a specific approach/technique with particular clients.

k. Demonstrates an understanding of family dynamics and works to involve family members when appropriate.
l. Demonstrates ability to recognize client crisis and appropriately assess for risk.
m. Demonstrates receptivity to supervision and willingness to integrate feedback provided and keeps supervisor informed of issues related to client, group, funder, community, agency, and fiscal matters as well as all other matters that may affect group service quality.
n. Demonstrates ability to conduct information groups with preschoolers, adolescents, and parents.
o. Demonstrates ability to recruit, retain, and provide appropriate instruction and supervision to volunteers and interns.
p. Other duties as assigned.

6. Relationships:

a. ***Supervised by:*** Prevention Services Manager
b. ***Supervises:*** Interns and volunteers
c. ***Other Internal/External Relationships:*** Works cooperatively with Rantoul Police Department and other community agencies in support of program and individual client and family goals.

7. Signatures:

Employee: _____ Date: _____

Supervisor: _____ Date: _____

Manager: _____ Date: _____

Director: _____ Date: _____

Chief Executive Officer: _____ Date: _____

Reviewed On: _____

Revised On: _____

Appendix C
Rantoul Comprehensive Community Council Strategic Plan 2003 - 2004

Overview

The RCCC began a planning process in July of 2003 to clarify its long- and short-term goals and to identify a set of activities to pursue those goals. The following models (Figures 1 and 2) provide a visual representation of the overall trajectory of the work of the RCCC.

Figure 1

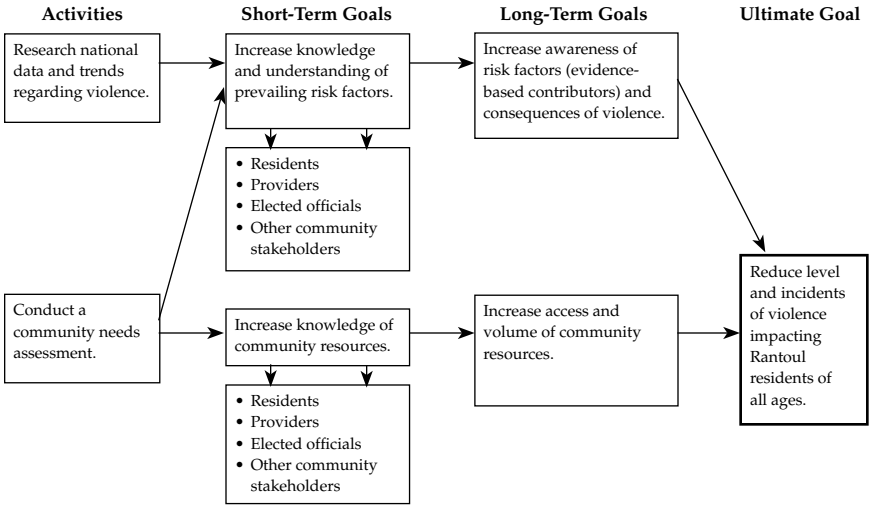
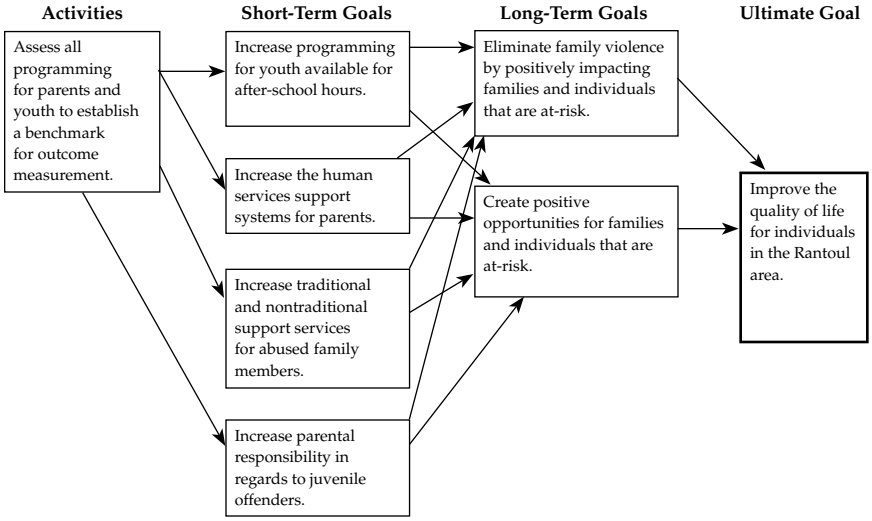


Figure 2



In essence, the RCCC wants to address interpersonal violence—broadly defined—in the Rantoul community. This includes intimate partner violence, child abuse, and youth violence. While the RCCC recognizes that different forms of violence require different intervention and prevention strategies, we are also concerned with addressing common underlying antecedents of such violence. Pursuant to reducing violence in the Rantoul community, we have articulated three long-term goals:

1. To increase the safety and well-being of the victims of interpersonal violence.
2. To increase accountability for the perpetrators of interpersonal violence.
3. To decrease risk factors for interpersonal violence.

We believe that a focus on a full spectrum of prevention and intervention activities is required to ultimately affect change in these areas. With regard to the prevention end of the continuum, we will focus on the following short-term goals over the next three years:

Year 1

- To increase awareness among RCCC members of community assets and needs in the response to interpersonal violence.
- To maintain awareness of existing available resources among RCCC members.
- To increase community "ownership" and awareness of interpersonal violence as a community-wide problem.
- To strengthen and maintain the RCCC.

Years 2 and 3

- To increase positive opportunities for our community youth.
- To increase services for those "at risk" for perpetrating interpersonal violence.
- To recognize the needs of those collaterally impacted by interpersonal violence.

We also propose addressing the following issues on the intervention end of the continuum. Addressing these short-term goals will follow our efforts to become more knowledgeable about our current community needs and assets regarding interpersonal violence.

Years 2 and 3

- To increase access to and delivery of services to respond to interpersonal violence.
  a. For adult victims.
  b. For children and adolescent victims.
  c. For secondary victims (i.e., those collaterally impacted) such as family, friends, coworkers, children, by-standers, etc.
- To increase outreach to victims.

This report provides detail regarding our plans to address each short-term goal targeted in Year 1. Each section contains details regarding the following: the goal, activities (including the purpose of those activities where applicable), specific actions, stakeholders needed, and timing of completion.

Year 1 Plan for Action

Short-Term Goal 1: Increase council knowledge of community assets and needs.

Activity: Complete a community needs and assets assessment.

Purpose: To identify . . .

- Resources
  - Potential Local Resources
    - Social Services
    - Community Programs
    - Counseling/Human Services
    - Information Services (Public Libraries)
    - School-Based Programs/Activities
    - Faith-Based Organizations
    - Businesses
  - Potential County-Based Resources
  - Potential State Resources
  - Potential National Resources
- Incidence
  - 911 Calls
  - # of Offenses
  - # of Arrests
  - # of Station Adjustments
  - # of DCFS Cases (Substantiated)
  - # of Children Placed Outside of the Home
- Unmet Needs
  - # of people A Woman's Place turns away
  - # of Rantoul residents not entering Batterer's Intervention (proportion)

Specific Actions:

- Contact university-based resources to conduct assessment:
  - Urban Planning
  - Community Psychology
    - Jacob Hess
  - Social Work
  - Volunteer Illini Projects
  - Adults/Youth Mandated Community Service (where appropriate)
    - Offenders not related to domestic abuse could assist.
- Plan community needs/assets assessment with chosen partners.
- Secure monetary resources to support assessment.
  - Explore in-kind support from those conducting the assessment.
  - Explore in-kind staff time and resources (e.g., copying) from participating agencies.
  - Encourage, and empower, each member and organization to pursue grant funding with the knowledge and assurance that fellow member organizations will provide support and participation.
- Contact local government.
  - Explore regulations about the assessment activities (going door to door).

- Discuss what the assessment would address.
- Gain support of local officials.
- Contact other key stakeholders.
- Contact Duluth about their Monitoring and Tracking System (in particular with regard to incidence and other statistics in the community response).

Stakeholders to Involve:

1. Local Government
2. Service Providing Agencies
3. Criminal Justice Agencies
4. Faith-Based Organizations
5. School-Based Organizations
6. Community-Based Organizations (e.g., Hope for the Children, Big Brothers/Big Sisters, Neighborhood Organizations)
7. Commercial/Businesses
8. University-Based Supports for Assessment
9. Affected Community Members

Timing of Completion:

- To complete the project by December of 2004
  - 4 months to plan
  - 4 months to gather data
  - 4 months to compile and present data

Markers of Success for Accomplishing Goal 1 (Evaluation): *To be developed.*

Short-Term Goal 2: Maintain RCCC members' awareness of current available resources.

Activities:

- Include regular agenda items regarding current available resources:
  - Get updates from other councils.
    - Illinois Health Cares Coalition
    - Human Services Council
    - Local Area Network (LAN)
    - Coalition to End Family Violence
  - Get local updates.
    - General agenda item to get information about anything service related that has changed in Rantoul
    - Champaign County Mental Health Board
  - Get circuit/state updates.
    - Family Violence Coordinating Council (FVCC)
    - Illinois Violence Prevention Authority (IVPA)

Specific Actions:

- Assign specific members to provide updates from each identified local council and agency at each RCCC meeting.

- Assign follow-up to specific members regarding changes in Rantoul services.
- Identify specific individuals from circuit/state agencies to contact for updates.
- Assign specific members to provide updates from circuit/state agencies.

Stakeholders to Involve:

1. RCCC Membership
   a. Service Providing Agencies
   b. Criminal Justice Agencies
   c. Faith-Based Organizations
   d. School-Based Organizations
   e. Community-Based Organizations (e.g., Hope for the Children, Big Brothers/Big Sisters, Neighborhood Organizations)
   f. Commercial/Businesses
   g. University-Based Supports
   h. Affected Community Members
2. Illinois Health Cares Coalition
3. Human Services Council
4. Local Area Network (LAN)
5. Champaign County Mental Health Board
6. Family Violence Coordinating Council
7. Illinois Violence Prevention Authority (IVPA)
8. Nonmember Agencies Providing Rantoul-Based Services

Timing of Completion:

- To institute agenda items immediately:
  - Next Full RCCC Meeting
- To develop contacts in all of the agencies identified by February 2004

Markers of Success for Accomplishing Goal 2 (Evaluation): *To be developed.*

Short-Term Goal 3: Broad Public Engagement

a. Increase community awareness of abuse/violence and available resources.
b. Increase community ownership and involvement in responding to abuse and violence.
c. Increase a sense of hope for change among those directly and indirectly affected by interpersonal violence.

Activities:

- Increase resident membership (both service agency affiliated and community members at large) on RCCC.
- Create free flowing interaction with community not directly impacted (i.e., those who are not in abusive relationships, etc.).
- Engage in public education campaigns.
- Engage the local media in supporting education efforts.

Specific Actions:

- Ask media representatives to join RCCC.
- Develop relationship with local media (regular press releases).
- Identify specific people (RCCC members and nonmembers) to develop and support social marketing campaign.
- Raise funds to support billboards, brochures, placemats, PSAs, etc.
- Identify venues for public education (newsletters, church bulletin, placemats, coasters, restrooms, etc.).
- Explore training on interpersonal violence for people in a variety of community roles (employers, firefighters, healthcare providers).

Stakeholders to Involve:

1. RCCC Membership
   a. Service Providing Agencies
   b. Criminal Justice Agencies
   c. Faith-Based Organizations
   d. School-Based Organizations
   e. Community-Based Organizations (e.g., Hope for the Children, Big Brothers/Big Sisters, Neighborhood Organizations)
   f. Commercial/Businesses
   g. Affected Community Members
2. Local Media
3. University Resources (Communications Department)
4. Local Businesses
5. Local Churches

Timing of Completion:

- To begin contacts/exploration of resources following January meeting.

Markers of Success for Accomplishing Goal 3 (Evaluation):

1. Increased number of referrals
2. Increased membership and attendance of Rantoul residents on RCCC
3. Increased reporting
4. Increased alliances with nontraditional partners followed by increased opportunities for public engagement

Short-Term Goal 4: Strengthen and maintain the RCCC (communication network, accountability, membership, subcommittee structure).

Activities:

- Continually expand membership to maximize human resources of council.
- Follow up with important community stakeholders who are not regular participants.
- Increase accountability among current membership organizations (regarding their involvement/commitment to RCCC efforts).
- Acquire resources to facilitate organization of RCCC (e.g., lap top, format for minute taking).

- Set up regular communication with external entities vital to the functioning of the RCCC (e.g., the Champaign County Community Mental Health Board).

Specific Actions:

- Contact potential new members.
  - Create a process by which members are encouraged to recruit new members.
  - Appoint individual members to focus on expanding the RCCC membership as needed.
- Regarding accountability
  - Get letters of commitment/involvement from organizational leaders when they join the RCCC.
    - Letters should specify how the organization will participate, what resources they offer, what they hope to get from the group, etc.
  - Explore commitment from those who receive a portion of the ¼ cent sales tax in Champaign County.
- Explore venues to acquire resources.
  - Find someone to assist with convening the council.
    - Preparing an agenda
    - Distributing minutes
  - Look into the purchase of a laptop to facilitate minute taking and RCCC planning.
- Appoint someone to liaison with key external groups like the CCCMHB so that you remain abreast of trainings offered, funding opportunities, etc.
  - Explore other ways to keep CCCMHB informed about the RCCC's activities.

Stakeholders to Involve:

1. RCCC Membership
   a. Service Providing Agencies
   b. Criminal Justice Agencies
   c. Faith-Based Organizations
   d. School-Based Organizations
   e. Community-Based Organizations (e.g., Hope for the Children, Big Brothers/Big Sisters, Neighborhood Organizations)
   f. Commercial/Businesses
   g. University-Based Supports
   h. Affected Community Members
2. Champaign County Community Mental Health Board
3. Nonmember Agencies/Groups to Recruit (Specify.)

Timing of Completion:

- To begin organizational tasks (e.g., agenda, minutes, letters, etc.) with meetings in January of 2004
- The timing of other tasks is still to be determined.

Markers of Success for Accomplishing Goal 4 (Evaluation):

1. Regular meeting agendas
2. Minutes of meetings taken, distributed and retrievable

Appendix D
Monthly Report

February 2005

Major accomplishments and/or special projects during the month:

Strengthening Your Family – A start date of March 24, 2005, has been set for the beginning of the Strengthening Your Family program. This program will be offered to all youth ages 10-17 who have been placed on formal or informal station adjustment. The program is also offered to the parents of these youth. The program will run for 7 weeks. During the 7-week program dinner will be provided to families attending the program; the time is 5:30 PM-7:30 PM. This program is designed to encourage parent/child communication and interaction. Referrals are also being taken from the high school for families that are interested in being part of the program.

Champaign County Juvenile Issues Forum – A meeting was held on Friday, February 11, 2005, and included representatives from local police agencies, the State's Attorney's Office, public schools, and other concerned community members. The station adjustment process was discussed at length. After an introduction, small groups were formed to discuss different ways station adjustments might be improved.

Referrals:

During the month of February, there were 23 active referrals. Of these referrals, 16 were from the police department, and 7 were from the Rantoul High School. Highlights are as follows:

- A 15-year-old experiencing troubles at home. Because of these concerns, the police, high school, DCFS, Pavilion, and Catholic Charities were involved with the family. After several weeks of negotiating between the family members, the youth was placed in DCFS custody and placed with a family member.
- An elderly lady experiencing trouble with noises at night. This is an ongoing referral; however, the lady does not call the police department as often as she did in the past. Time was spent working with the lady to ensure bills are paid and the house is safe. Discussed noises she is hearing at night and possible causes for the noises.
- A 15-year-old experiencing trouble at both school and home. After meeting with the school, the youth was moved to an alternative school. Since being at the school, the youth has only had one incident with the police department and has been attending school every day. Currently, the family is being set up with services.
- A 17-year-old arrested for illegal substance abuse. After meeting with the family, it became clear that there was a drug addiction and possible suicide attempts. The family was referred to Prairie Center where the youth is now receiving services and counseling.
- A 15-year-old experiencing problems at home and at school. After meeting with the family, it was decided that the Psychological Services Center through the UI would be an appropriate match. The family was referred for services and is now

receiving services from the program. Follow-up is also being provided with the youth through one-on-one discussions.
- A 13-year-old experiencing problems at home and at school. The family was referred earlier for services but did not start services. The youth is now being recommended to the Strengthening Your Family program and is receiving one-on-one services for a few weeks.

Kimberly L. Harden, MSW
Community Support Social Worker
Rantoul Police Department

Sociological Practice as an Expert Witness in the Criminal Justice System: With Special Emphasis on Gang and Violence Cases

Lewis Yablonsky, PhD, Emeritus Professor of Sociology and Criminology, California State University–Northridge; Legal Consultant/Expert Witness

This article was the basis for a lecture on January 25, 2001, presented at Grand Valley (Michigan) State University on the occasion of receiving an honorary doctor of law degree. The article is based on my 50 years of research into criminal gangs and my participation as a gang expert witness in 185 gang cases around the United States—mainly in California.

In general, in my "sociological practice" over the years, I have researched and worked directly with offenders, utilizing group psychotherapy with gangs, criminals, and delinquents in a variety of settings including the community, prisons, therapeutic communities, and psychiatric hospitals. All of this past work has contributed enormously to my primary current sociological practice as a legal consultant and expert witness in the criminal justice system. The foundation for my work as an expert witness in 185 gang and violence cases is based on my professional experience and research as delineated in several of my books [*The Violent Gang* (Macmillan, 1962); *Criminology* (HarperCollins, 1990); *The Therapeutic Community: A Successful Method for Treating Substance Abuse* (Gardner Press, 1991); *Gangsters: 50 Years of Madness, Drugs, and Death on the Streets of America* (New York University Press, 1998); *Juvenile Delinquency: Into the 21st Century* (Wadsworth, 2000); and *Gangs in Court* (Lawyers & Judges Publishers, 2005].

My preparation for and testimony in the courtroom involves the presentation of various sociological theories and opinions derived from my research that aids the judicial process. In this regard, I have determined that many criminological theories are irrelevant when I have attempted to relate them to my "expert opinions" in the real world of court cases. In the courtroom situation, ivory tower conjectures often prove to be irrelevant, and care has to be exercised in responsible testimony because a person's life (in prison) or death (by lethal injection) often hangs in the balance.

Some criminological theories prove to be most relevant and aid me in presenting opinions in court that foster the dispensation of appropriate justice. I take my role in the system very seriously since, in addition to the defendant's life, the outcome of a criminal trial affects many other parties affected by the criminal act including the victim and his or her family, who are entitled to a fair and just verdict.

Relevant Sociological and Criminological Concepts That Are Useful in the Criminal Justice Process

Following is a brief analysis of some criminological concepts that hold up in court and facilitate this form of "sociological practice." Although, I have participated in

various cases, my focus will be on social psychological and sociological concepts useful in violent gang and murder cases. In the process of preparing for testimony, several social psychological and criminological issues have emerged that I have found to be relevant in my practice:

- The structure of gangs and the roles of youths in violent gangs
- The cultural rules and regulations required for participating in a gang
- The utilization of the legal concept of "imperfect self-defense"
- Marvin Wolfgang's socio-criminological concept "victim-precipitated violence"

Gang Structure

Based on my extensive research of gangs since 1950 for my books *The Violent Gang* (1962), *Gangsters* (1997), and *Gangs in Court* (2005), I have developed my theory of the violent gang as a "near-group." The theory, simply stated, posits that gangs, unlike the popular viewpoint and the police perspective, vary with regard to their degree of organization. Some gangs are very cohesive, closely knit, and well organized. In contrast, gangs that fit the model of a "near-group" are very loosely structured, and the concept of "membership" as is found in most coherent groups is unclear. This factor of gang organization is significant in a criminal trial because a defendant may be a core participant in a gang or on the periphery depending on the degree of cohesiveness of the relevant gang and his or her role.

Gang Roles

The police, the courts, legislators, and the mass media always use the term *gang member*. I find that clear membership in a "near-group," like a violent gang, is debatable. Consequently, I prefer to refer to an individual's "level of participation" in a gang in my testimony. In my opinion, it more clearly reveals the role and degree of criminal involvement of a youth in any given gang structure. His or her level of participation can be a significant determinant of legal culpability.

In this regard, based on my research and a review of the literature on gangs, I have delineated six basic types of gang roles and nonroles that are pertinent in identifying the legal responsibility of a gang defendant:

1. "OGs" or "Veteranos" are longtime core gangsters dedicated to their gang. They are individuals who have "put in work" and earned their status in the illegal behavior of the gang.

2. "Gs" are gangsters who comprise the general troops of the gang.

3. "Wannabees" are young interns aspiring to become gangsters, and they often commit illegal acts known as "putting in work" to gain a higher status in the gang.

4. "Gangster groupies" comprise a relatively new category of youths who do not ordinarily participate in criminal gang activity but gravitate to and apparently enjoy hanging out with gangsters out of their own ego needs and intrigue with the gangster lifestyle. They tend to dress and talk like Gs and are enamored with

"Gangsta-Rap" music. They are often caught up in the net of police arrest when a gang crime has been committed.

5. "Residents in a G neighborhood" are young men who have grown up and live in a gang neighborhood. Literally, some of their best friends or relatives are Gs. They often hang out, dress in G clothes styles, go to school, and party with Gs from their neighborhood. Although they basically lead a legal and constructive life in work and school, they are often identified by the police as gang "associates" when they are stopped by the police in the company of Gs. They are often falsely labeled as Gs by police identification as "associates," even though their self-concept and their behavior indicates that they do not belong to a gang or participate in the illegal acts of a gang. These youths are prone to "be in the wrong place, at the wrong time" and are too often unjustly arrested and convicted as felons in a gang activity. This issue harks back to the old legal dictum of "guilt by association. "Being in the presence of friends or relatives who are in a gang does not necessarily make a youth a coconspirator in an illegal gang activity. (See the United States Supreme Court's 1999 decision in overturning a Chicago "anti-loitering" law; and Lewis Yablonsky's article "The Affirmation of 'Hanging Out' The U.S. Supreme Court Ruling on Gang Busting Laws" in *The Journal of Gang Research*, Summer, 1999.)

6. "Former Gangsters" are individuals who at one time in their earlier years were participants in a gang. Contrary to popular belief, because of the "near-group" usually disorganized nature of gang structure, many youths leave the gang and become law-abiding citizens. This pattern is more prevalent than the police perspective on membership indicates. Many youths, who were formerly in gangs, achieve regular employment, get married, become involved with their family, and seek to continue their education. The street gang theory of "blood-in, blood-out" referring to lifelong "gang membership" is a myth. Regrettably, after leaving the gang, youths often maintain a relationship with former "homies" and sometimes find themselves in "the wrong place at the wrong time" when a crime has been committed.

I have found these six designations of gang roles of significance in my testimony as an expert witness. "Membership" is not uniform, and the defendant's culpability for a gang crime is important in determining guilt or innocence in court. More specifically, these two latter categories of less culpable youths, G-groupies and "Resident Gs" are too often caught in the net of a violent gang incident, identified as coconspirators, and become subject to the overkill punishment of (25 years to life) imprisonment that is meted out to the more involved gangsters under "Gang Enhancement" laws. As an expert witness, after careful analysis and interrogation of a defendant, I can make these distinctions in my reports and testimony—and this information is of aid to the judicial process in rendering a just decision on a defendant's guilt or innocence in a gang crime.

A significant factor in the complex of gang activity and behavior is the California Gang Enhancement Law. In the context of this law, police and prosecutors too often squeeze deviant behavior into gang behavior and erroneously prosecute an innocent youth. For analysis purposes, following are the main elements of Penal Code 186.22, often referred to as the "gang enhancement law":

> Every person who actively participates in any criminal street gang with knowledge that the members are engaging in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang, is guilty of a violation of Penal Code section 186.22, subdivision , a crime . . .
>
> Criminal street gang means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of [crime list.] Active participation means that the person (1) must have a current relationship with the criminal street gang that is more than in name only, passive, inactive, or purely technical, and (2) must devote all, or a substantial part of [his] [her] time or efforts to the criminal street gang.
>
> In order to prove this crime [a gang crime], each of the following elements must be proved: (1) A person actively and currently participated in a criminal street gang, (2) The members of that gang engaged in or have engaged in a pattern of criminal gang activity, (3) That person knew that the gang members engaged in or have engaged in a pattern of criminal gang activity, and (4) That the person aided and abetted member[s] of that gang in committing the crime(s).

A factor that needs to be added into the analysis of the gang law is that simple membership in a gang does not prove the intent to commit a crime. For example in an opinion rendered in an appeal case (Superior Courts 95CF2769 and J-161645), one Appeal's Court Judge stated, ". . . Mere presence at the scene of the crime which does not itself assist the commission of the crime does not amount to aiding and abetting."

Another significant statement in the Appeal Courts decision is "evidence that a person was in the company of or associated with one or more persons alleged or proved to have been members of a conspiracy, is not, in itself, sufficient to prove that such a person was a member of the alleged conspiracy."

In brief, association with other gang members "without more" ["more" in the words of an appellate judge means more evidence] does not make an individual gang member guilty of the crimes of others, "unless there is an act of backup." In other words, you can't convict someone as having committed a crime through the disproved time-worn concept of "guilt by association." Despite this definition, many youths are convicted who do not fit these criteria.

Another aspect of this analysis of gang culpability is that a gang member may commit a crime that has nothing to do with his or her participation in a gang. A few examples make this point. A gang member may be carrying a weapon for self-protection, and being armed has nothing to do with his gang affiliation. A "made" member of the mafia may kill a man who he finds in bed with his wife—and the murder has nothing to do with a mafia crime in the context of RICO (Racketeer Influenced Corruption Organization) gang laws. In brief, a violent act committed by a youth unrelated to gang affiliation does not warrant the activation of the gang enhancement law at his trial—although many youths are convicted on the premise of the law. [Recently RICO has been used by the federal government in the case of

the so-called Mexican Mafia (Eme). I am currently working on a case in the defense of an alleged Eme member.]

The foregoing categorizations of gang structure and gang roles are significant in a trial in determining the level of culpability of a youth in a criminal gang incident. It is apparent that OGs are likely to be leaders who are more involved in a violent criminal incident than peripheral Wannabees, groupies, or residents in a gang neighborhood who in many cases have limited or no criminal responsibility.

A Case-in-Point: Gerardo

In 2000, I testified in several gang homicide cases regarding the participation of several defendants in violent gang behavior. Notable among these cases was a youth charged with first-degree murder who, in my opinion, had no gang involvement, "was in the wrong place at the wrong time." After a thorough investigation of his background, I identified him as fitting into categories of resident in a G neighborhood and former gangster.

He had attended a wedding and was given a ride home by two youths who were previously unknown to him. They were violent gangsters (OGs) who during the ride, spontaneously opened fire on a youth group, shot and killed one person, and wounded three others. In my opinion, the defendant I testified about, a youth charged with a 187 first-degree murder offense was more of a witness than a perpetrator. Based, in part, on my testimony, he was acquitted on the 16 charges brought against him. After the trial, the attorney in the case wrote me as follows:

> I am extremely pleased to report that Gerardo, his mother, his aunt, and I (as well as a packed courtroom) listened to the clerk read 16 verdicts of "not guilty." What a relief! The defendant needed Kleenex as he had tears running down his face. He periodically looked at the jury and mouthed, "thank you." Mrs. A and her sister were also in tears in the audience. The two shooters were convicted of the most serious crimes across the board [and were later given life sentences]. Your name did come up in my short discussions with some of the jurors in the hallway. There were two jurors—one lady in the back row and one man in the front row—who particularly liked you. They both said they were going to go out and buy your "Gangster" book. They agreed with my closing argument that the primary message that you brought to this trial was that one had to look at the overall picture, not just the negative factors, in deciding whether a person was a gangster. They felt that Detective A [the prosecutor's expert witness] had overreached in labeling Gerardo a gang member and your analysis was more thoughtful. The front row juror encouraged me to seek the removal of Gerardo's name from [the California] law enforcement's gang database. I told him I would indeed seek that relief . . . I want to thank you for your hard work and intelligent courtroom presentation. Your counsel was something I valued, and you certainly assisted me in better representing an innocent young man.

Gang Activities

In my experiences in court, I have found that judges and juries tend to share the "police perspective" that all gangs are violent and criminal. This perspective clearly

affects their judicial decisions. Consequently, I have found it useful to point out that gang behavior is not all criminal. Basically, my research reveals three types of gang activities: (1) Social Activities, (2) Criminal and Delinquent Activities, and (3) Violent Behavior.

Social activities include partying, party crews, some drug and alcohol use, and "hanging out." The latter activity dovetails with a prototypical American behavioral pattern of youths standing around participating in conversations that can involve movies, dating, sports, and problems. Too often, especially in minority areas, given the "police perspective" on gangs, the benign activity of hanging out is perceived as illegal—and innocent youths are "profiled" and identified as gang members in what is known as an FI (field investigation report.) This ID, utilized by many police departments, mainly against minority youths, can appear as a negative mark if the youth is later arrested in a gang incident.

Criminal and delinquent activities are often part of a gang's behavior. For example, the notorious Mexican Mafia or Eme has been characterized as a drug-dealing empire, and this, in part, has validity. Some gangs have so-called "crews" that participate in thefts and robberies.

Gangs do participate in violent activities as individuals and as a group. Based on pseudoterritorial disputes, "gang banging" is a typical pattern. In some cases, an individual emotionally predisposed to violence will utilize the gang as a rational (or a cloak of immunity) for his or her individualistic sociopathic violent tendencies. Individualistic behavior, sometimes with a few homie friends, is construed as a major gang act when in fact, it is the violent expression of a few emotionally disturbed individuals who happen to participate in a recognized gang.

Most gangs are primarily involved in one or more of these activities. For example, some gangs are primarily engaged in social activities including party crews; some are basically involved in criminal and delinquent behavior; and others are essentially gang bangers who participate in violent behavior. Some gangs include all of these activities. Often a gang's primary activity changes over time. In this context, a youth may participate in a gang's social activities without acting out in the other activities. Also, often a youth may leave the gang yet continue to participate in the gang's social activities.

Gang Culture

It is useful for all of the participants in a criminal trial related to gang behavior to know and understand various aspects of the gang culture. A knowledgeable gang expert witness can offer information that can aid in reaching judicious decisions. Following are a few examples of the gang's culture that are relevant in understanding a gangster's motives and behavior.

The Macho-Syndrome

All gangsters are motivated to present themselves as tough, super-macho Individuals. In my book *Gangsters*, I refer to this as "the macho syndrome" or in some cases "macho-madness." In this context, being "dissed" or disrespected as a man is often the precipitator of gang violence. Being "dissed" usually occurs with

some attack on the gangster's masculinity by calling him a "pussy" or a "faggot." Implying that a gangster has feminine characteristics is sufficient grounds in the gang culture for a violent—even homicidal—retaliation. The disrespectful epithets used in a violent gang incident are often significant factors in determining motives in a criminal case.

Suicidal Tendencies

It is my viewpoint, based on my research of gangsters in and out of therapy groups, that many gangsters, especially those who continuously participate in gangbanging are suicidal. This emanates from their underlying low self-esteem. Given this lack of concern for themselves, unlike the general population that recoils from violent situations gangsters tend to jump into violent situations, with little regard for others or themselves. Participation in violent gang activities tends to ensure the widely stated platitude among gangsters that "I won't live past 30." Tattoos like, "born to lose," also reinforce their "do or die" attitudes. The macho syndrome of arrogance and being violent readily dovetails with their suicidal tendencies.

The Spontaneous Nature of Gang Violence

A major factor of gang culture that is significant in the judicial process is an awareness that gang violence, including drive-by shootings, are not necessarily premeditated acts. They are, often, in the context of "near-group" theory, spontaneous, in-the-moment acts, that do not constitute premeditated violence. Sometimes an aspiring gangster will commit a bizarre spontaneous violent act for the purpose of what I have referred to as "putting in work"—in order to acquire his or her credentials or status in the gang. This behavior is not a premeditated or rational act of violence and, to some extent, mitigates the culpability of an offender. In cases involving a gang homicide, they are more likely to call for a charge of second-degree murder rather than first-degree murder.

Other Gang Myths

Myths about gang culture include the assumptions that "homies are down for each other," members "never snitch on a homie," and members are committed to "watch each other's back" for protection. Experienced police officers know that gangsters are not necessarily "family" and will inform or "give-up a homie" when it serves their self interest. Gangsters are often very willing to "snitch" on their "bro" in self-defense. This issue can be a significant factor in acquiring information that can aid in the judicial process. It is my experience that most gangsters when interviewed one-on-one will inform and reveal information vital to the just resolution of a criminal case.

These are only a few of the myths and realities of gang culture that can be helpful to all of the participants in the criminal justice system. A realistic knowledge of gang organization and culture is invaluable in the true service of justice in a criminal gang case.

The Concepts of "Imperfect Self-Defense" and "Victim-Precipitated Homicide"

These are two other basic legal and sociological concepts that I have found most valuable in my testimony in gang and violence cases. They are concepts that relate to the generally inchoate nature of violence; and how in a violent situation, it is difficult to determine who is the victim and who is the perpetrator in retrospective analysis. This problem often appears in a defense that involves what is popularly know as "self-defense." There are several laws that illuminate this issue. One such California law is known as "imperfect self-defense."

Imperfect Self-Defense

Imperfect self-defense, as defined by California law (CALJIC 5.17), is a relevant law that can be utilized in gang homicide and other violent cases. With regard to gang violence, the law implies that a violent offense committed by a gangster who believes he or she is in imminent danger in a gang situation is less culpable for his or her behavior. The law under the heading "Honest but Unreasonable Belief in Necessity to Defend Manslaughter" states in part, "A person who kills another person in the honest but unreasonable belief in the necessity to defend against imminent peril to life or great bodily injury, kills unlawfully, but does not harbor malice aforethought and is not guilty of [first-degree] murder." In brief, in some violent or homicidal cases, this law can be utilized not to exonerate a defendant but to plead a case down to a lower level of responsibility and punishment.

In one case I worked on as an expert witness, a gangster killed another gangster who had invaded his "territory" by stabbing him to death. The perpetrator claimed it was a case of "kill or be killed." The first-degree murder charge was reduced to 2nd degree murder.

Victim-Precipitated Violence

Many, if not most, violent situations can be better understood in the context of the widely accepted criminological theory posited by Marvin Wolfgang, "victim-precipitated homicide." I find it useful to utilize Wolfgang's concept in a broader way as "Victim-Precipitated Violence." In the context of violent gang behavior, simply stated, this theory pertains to the fact that in a violent gang interaction, it is often difficult to ascertain who will wind up as the perpetrator and who will become the victim. The individual who is the initial victim of a violent act, often in self-defense, winds up as the assailant who is to be prosecuted.

A Case in Point

A case I worked on delineates this issue. On an evening in 1997, Two opposing gangster factions met in a drug dealer's house to consummate a drug deal. There is evidence that one faction, comprised of three individuals, had some affiliation with the LA Crips, and the opposing two individuals were affiliated with the LA Bloods gang—two enemy gangs. There was apparently a major unanticipated misunderstanding between the factions. All of the participants had money to buy drugs, and no one had any drugs to sell.

Apparently, based on murky court testimony, a conflict ensued with guns being pulled and used to threaten each other. The evidence is unclear; however, the Blood's gang group of two gained control of the situation. In fear of their lives, then or at a later time involving a reprisal, they apparently decided to kill the opposing group. They bound their three "enemies" with duct-tape, put them in two cars, and drove to a remote area outside of the city.

They then placed their "enemies" face down on the ground and shot them each in the head. Two of the three died immediately. The one potential victim who survived the execution had an Afro haircut. Either because they were poor shots, or they miscalculated because of the haircut, the bullet grazed the survivor's head and he lived to be the main witness in the homicide case against the shooters. The shooters, were convicted of first-degree murder.

I was hired by the two defense attorneys for one of the defendants in the sentencing phase of the trial. Only two outcomes were possible: (1) execution by the state or (2) life imprisonment. After reviewing the evidence, and interviewing the defendant, who I will call Ed, I came to several conclusions about his participation in the homicide, and several possible factors emerged that would mitigate against his receiving the death penalty.

The murder situation in which Ed was involved can be understood in the context of victim-precipitated homicide. In this context, my testimony simply stated that in many gang violent interactions, it is often difficult to ascertain who will wind up as the perpetrator and who will become the victim. The individual who is the initial victim of a violent act, often in self-defense, winds up as the assailant. In this case, Ed and his partner, after being initially attacked by the three opposing individuals apparently acquired the upper hand and gained control of the situation. Now in charge, and fearing the deadly possibility that if the three who ultimately became their victims were released from their control, they would return to kill them. They felt, according to Ed, in the context of gang culture, that it was incumbent on them to eliminate their perceived enemies.

In the penalty phase of a capital case, testimony can be presented in the form of what are known as "mitigating factors." In Ed's case, I testified on the issue of victim-precipitated violence, along with my analysis of Ed's case history. The judge determined that there was validity to my testimony, and instead of a death sentence, Ed received the penalty of life in prison.

Summary and Conclusions

These are only some of the legal and sociological arguments that can be effectively employed by a gang or violence expert witness in a criminal trial. Although the foregoing concepts do not necessarily produce "slam-dunk" clear decisions in a criminal case, they present reasonable issues that should be deliberated in the prosecution of a violent act. Testimony on these issues by an expert witness can be helpful in the rendering of a more equitable and judicious decision in a criminal trial involving violent behavior.

In general, I recommend the sociological practice of being an expert witness, not only with regards to gang and violent crime but all aspects of human behavioral conflicts

that come up for trial in the criminal justice system. This form of "sociological practice" sharpens the validity of sociological concepts and theories; can positively affect more rational justice for the people who are litigants; impact the reasoning of a jury of laymen; and, in general, have a positive effect in a democratic society.

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Dr. Yablonsky has interviewed over 5,000 criminals in prison, therapeutic communities, psychiatric hospitals, and on the streets in their communities about their participation in violence.

The Minority and Police Partnership: A Historical Overview of This Unique Organization

Ronald D. Swan, MA, Chief of Police, Illinois State University Police Department

The opinions, observations, and conclusions expressed in this article are mine alone. I am not speaking for the Minority and Police Partnership (MAPP) nor any constituent group or individual member, but merely providing my perspective on this unique group from the vantage point of a charter and founding member.

The MAPP could be described as an association of autonomous organizations formed to advance the common interest of the greater community. It might also be described as a federation—an alliance based on trust through honest dialogue among various constituent groups having recognized that common concerns and shared objectives can best be achieved through a stable and formal organization with each member organization coming to a shared table to identify their own organization's concerns, goals, aspirations, and needs for the betterment of the greater community (MlistGlossary, available at webapp.lab.ac.uab.edu/wiki/mlist/index.php/MlistGlossary).

The seed that subsequently grew into this effective organization came by way of correspondence from Mr. John H. Elliott, First Vice President of the Bloomington/Normal Branch of the NAACP to Ms. Barbara J. Adkins, Community Affairs Specialist for the City of Bloomington, Illinois, in February 2001. Mr. Elliott requested that Ms. Adkins "facilitate a meeting with local heads of law enforcement and executive leadership of the NAACP."

The meeting took place on Tuesday, April 10, 2001, at Bloomington City Hall with Ms. Barbara Adkins chairing the meeting. In attendance representing the police departments were Chief Roger Aikin, Bloomington Police Department; Chief Walter Clark, Normal Police Department; Sheriff David Owens, McLean County Sheriff's Police; and me. Several deputy chiefs were also in attendance. Representing the NAACP were Mr. J. Michael Williams, President; Mr. John H. Elliott, First Vice President; Ms. Linda Foster, Second Vice President; and Mr. Tony Jones, Secretary. Several other nonexecutive committee members of the NAACP were also in attendance. In addition to representatives of the NAACP, law enforcement, and Ms. Barbara Adkins was Mr. José Garibay, Human Resources Director for the Town of Normal.

My perception of the first few minutes of that initial meeting was that it might compare to the first meeting between President Ronald Reagan and the former Secretary General of the Soviet Community Party, Mikhail Sergeyevich Gorbachev held at Reykjavik. This comparison is not meant in any political sense whatsoever, only in the "chilliness" within the room. Formal introductions were made on both sides of the table with accompanying pleasantries. The agenda was already known

to police beforehand, having been outlined in correspondence from John H. Elliott to Ms. Barbara Adkins. That agenda included the following:

- Racial Profiling Concerns
  - What new policies has each department implemented in this regard?
  - What type of training is required for new and veteran police officers?
  - What type of monitoring system does each department have in place to ensure that the new policies are being enforced?
  - What type of information (e.g., public service announcements, fliers) is being used to address the fears minorities in this community have of being treated unfairly by local police?
- Minority and Law Enforcement Relations in our Community
- Complaint Procedures and Forms

Each law enforcement executive was asked to bring copies of any written materials pertaining to the above listed discussion items.

More than a bit of defensiveness was seen on both sides of the table, each group being obviously suspicious of the other. The apprehension, mistrust, poor communication, and misunderstanding that existed between police and some minority segments of the community became crystal clear; however, as if divine providence had intervened, a meeting originally scheduled for one hour lasted over two with a significant and positive outcome. This first assembled group unanimously agreed to follow-up meetings and perhaps regularly scheduled meetings. In a subsequent meeting, it was decided not only to meet regularly but to name this fledgling organization, the first such organization of its kind in the nation. The Minority and Police Partnership (MAPP) was officially formed in June of 2001. Ms. Barbara Adkins was unanimously appointed its first chairperson. Most meetings would take place at the Bloomington Police Department, courtesy of Chief Roger Aikin and his staff. This continues to be our primary meeting place today.

A committee was established to craft a mission statement based upon a shared vision of what the group hoped to accomplish. That vision was best summarized as establishing the greater Bloomington/Normal community as a role model for the nation in the area of police/race relations. The constituent members were adamant that "talk be linked to action if anything meaningful were to develop." The mission statement would serve as the foundation upon which goals and objectives would be developed.

The mission of the MAPP within McLean County is to promote better understanding and improved relations between our minority and law enforcement communities, encourage positive minority and law enforcement contacts, and establish mutual trust through honest dialogue.

From its very inception, the group has been committed to breaking down barriers of mistrust, coming to terms with negative perceptions by some in the minority and police communities, and confronting the causes of those negative perceptions (which took years, if not decades or even centuries of mistrust and apprehension to develop, fester, and build between law enforcement and the minority community nationwide). MAPP is taking a proactive approach toward these goals through

monthly meetings, program offerings, and town hall gatherings. Its keystone event, the Annual Conference on "Bias, Bigotry, Hate, and Terrorism in America" has been a genuine success story.

Many of the problems and concerns that exist between the minority community and the police (not only in our community, but throughout the country) can be attributed to a lack of sincere interpersonal communication and a failure to sit down at a common table to problem-solve with openness, honesty, and commitment. The focal point of MAPP for the first year or so was to find common ground where possible and/or to bring resolution to those concerns, issues, and perceptions articulated in Mr. Elliott's first communique to Ms. Barbara Adkins. Other issues put on the table included the following:

- How can we have an impact on negative perceptions of the police within the minority community?
- How can we increase dialogue and communication between police and members of the minority community?
- How can we educate the community on police practices that are put in place to protect both citizens as well as police officers who are simply trying to perform a difficult, complex, and daunting job within a very complex society?

It is infrequent not only in our state, but throughout the nation, to find police and minority organizations coming together in true partnership and working hand-in-hand for the common good of the greater community. The range of opinions, ideas, thoughts, and recommendations are as diverse as the spectrum of light. For example, some believe that the collection of traffic-stop statistics is not a measure of racial profiling that the collection of this data is fraught with problems and is not empirically sound, that it is impossible to adequately interpret the data once collected, and that benchmarks have yet to be developed/established to effectively utilize that data.

On the other end of the continuum, there are those who feel that the collection of traffic-stop statistics provides data on the number, race, and gender of individuals stopped for any reason by police; that it would identify those officers who might aggressively target those of color within the minority community; and that it would counter the belief that, "a person's perception is their reality" with facts. When MAPP was founded, no law existed in Illinois requiring data collection. Only a handful of police departments collected traffic stop statistical data, the Illinois State University Police Department (a charter member of MAPP) being one of them.

The MAPP is committed to its primary tenets: working toward greater understanding; finding common ground through the enhancement of education and educational programs offered throughout the community; and developing programming in the schools, churches, civic organizations, and cultural festivals. The organization also strives to work through difficult issues and situations, such as understanding and interpreting traffic stop statistics now mandated by Illinois law.

Since its formation, MAPP has sponsored and/or participated in a number of community activities. "Profiling: A Concern in McLean County," a town hall

meeting, explored how we can transform our local policing efforts by improving the relationship between the minority community and local law enforcement and move toward a community-wide partnership of all our citizens. The organization also held a one-day retreat focusing on team building, thinking out of the box, developing new paradigms, and avoiding paradigm paralysis. In subsequent years, a number of MAPP members attended and subsequently graduated from the Normal Police Department's Citizens' Police Academy. The organization also hosted a community-wide program entitled, "Understanding the Role of Law Enforcement," the second such education forum sponsored by the MAPP. The forum highlighted the different types of training officers receive ranging from handling traffic stops to crime prevention strategies in an attempt to dismantle the "warrior image," and to draw focus toward the reality that police officers are in fact "peace officers."

In 2002, MAPP sponsored its first annual conference on "Bias, Bigotry, Hate, and Terrorism in America" with Dr. Robert J. Van Der Velde, Chair of the Department of Justice and Public Safety at Auburn University–Montgomery serving as its keynote speaker. His topic was "Hate in Cyberspace." When Timothy McVeigh attacked the Alfred P. Murrah Federal Building in Oklahoma City killing 168 people (including 19 children), only one identified hate site existed on the world wide web. By the time of this conference, over 5,000 problematic sites could be found. It was a timely topic, as it continues to be today.

In 2003, the keynote speaker was Dr. Terrance J. Roberts, who has the distinction of being one of the "Little Rock Nine," the group of African-American teenagers who desegregated Central High School in Little Rock, Arkansas, in 1957. Dr. Roberts, a licensed clinical psychologist, spoke at great length on being "a stationary target battered physically and psychologically beyond belief [and that] fear was his constant companion." He pointed out strategies of how communities can come together in the fight against intolerance, bias, bigotry, and hate. The keynote speaker at the 2004 conference was Tom "T. J." Leyden, a former leader in the neo-Nazi movement who experienced a profound change in his life, turning him away from hate. Mr. Leyden taught tolerance for the Simon Wiesenthal Center for 5 years. He provided an indepth look at recruiting techniques and life within the neo-Nazi movement in the United States. In 2005, Brigadier General Vicent K. Brooks, Chief of Public Relations for the United States Army, was the keynote speaker. General Brooks became famous as the very eloquent and straightforward point contact for army media relations during the first Gulf War. General Brooks was seen daily on CNN and other media outlets throughout the world. The 2003 and 2004 conferences were cochaired by Ms. Barbara Adkins and Mr. José Garibay who followed Ms. Adkins as MAPP chairperson.

Several MAPP members—Mr. Otis Evans, Chairman, Bloomington Human Relations Commission; Chief Kent Crutcher, Normal Police Department; Deputy Chief of Police Jeff Sanders, Bloomington Police Department; and I—were selected to attend the prestigious National Institute Against Hate Crimes and Terrorism at the Simon Wiesenthal Center in Los Angeles, California. This relationship led to several representatives of the Simon Wiesenthal Center presenting at the annual conferences sponsored by the MAPP, including Dr. Terrance J. Roberts, T. J. Leyden; Elaine Norych Geller, a survivor of the Nazi death camp at Bergen-Belsen; and Mr.

Timothy Zaal, a former member and Los Angeles area director of operations for the White Aryan Resistance, a neo-Nazi organization.

The MAPP developed its own website under the direction of Sergeant Bonnie Devore, administrative assistant to the chief of police at Illinois State University. The website provides a number of features and useful information:

- Information about the MAPP
  - Explanation of logo
  - History
  - Mission statement
  - How to contact the organization
- Annual conference
  - Topics and presenters
  - Venue information and registration forms
- Upcoming events
- Accomplishments noted in the media, both electronic and print
- Easy community access to local law enforcement agencies' citizen complaint forms
- Publication page that provides downloadable PDF for the MAPP brochure and our police contact card
- Photo gallery of MAPP events and annual conference
- Links to some great resources
  - Minority organizations
  - Hate, bias, and bigotry websites as well as diversity and human relations organization websites
  - Governmental websites in McLean County including municipal, county, and state
  - Local law enforcement
  - Universities and colleges in McLean County

The website can be accessed at www.ilstu.edu/depts/police/mapp/mapp.htm.

MAPP consists of representatives of the following organizations: Bloomington/Normal Branch NAACP; Bloomington Human Relations Commission; Bloomington Police Department; Illinois State Police; Hispanic Employees Resource Organization; Illinois State University Police Department; Islamic Center of Bloomington/Normal; McLean County East India Association; McLean County Sheriff's Department; Minority Advocacy Council; Normal Human Relations Commission; Normal Police Department, Organization of Chinese Americans of Central Illinois; Town of Normal; and Illinois State University.

In October of 2005, an Illinois State University student, Ms. Olamide Adeyooye, was reported missing to the Town of Normal Police Department, being a resident of the municipality (living off campus). An intense investigation commenced under the leadership of Chief Kent Crutcher, Town of Normal Police Department, with detectives of the Illinois State Police, Bloomington Police Department, Illinois State University Police Department. FBI agents in Illinois, Georgia, and Mississippi were also deployed to assist in the investigation. As with most high-profile cases, at least some criticism of police action, or lack of action, took place (e.g., how the investigation is being handled or conducted, the effort and

intensity of police action, etc.). Due to the active involvement of the NAACP (a MAPP member) with family members, however, the few allegations that police were being less than aggressive in the investigation were set aside. The family had complete trust in the NAACP, and the NAACP had confidence in the Normal Police Department (a MAPP member) through mutual trust and respect earned and established through the MAPP. Credit should also be extended to the interpersonal communication skills of the leadership of the Normal Police Department who kept the family apprised of events, as best they could without compromising the criminal investigation.

Mr. Michael Williams, President of the Bloomington Normal Branch NAACP, said it best at a recent MAPP meeting: MAPP "built bridges of trust among family and law enforcement . . . the case of Olamide Adeyooye is testimony of MAPP's worth" (January 4, 2006). MAPP has indeed proven its value and worth time after time, year after year, finding common ground on so many avenues and so many fronts. Each and every member, in his or her own special way, through partnership, hard work, commitment, dedication—and a willingness to be open-minded—is the life-blood of the MAPP!

Ronald D. Swan is chief of police at the Illinois State University (ISU) Police Department. Prior to his appointment at ISU, he was chief of police in Monticello, Illinois, and Beverly Hills, Missouri. Swan is a graduate of the Municipal Police Training Academy of St. Louis County; the Major Case Squad Training School of Greater St. Louis; The Dignitary Protection School of the United States Secret Service; the Institute of Applied Science, Chicago; National Institute Against Hate Crimes and Terrorism; Simon Wiesenthal Center, Los Angeles; Plenary Session National Institute Against Hate Crimes and Terrorism; New York Tolerance Center; and the Advanced Training School of the Anti-Defamation League, Washington, DC. Chief Swan is an elected member of the law section of the British Academy of Forensic Sciences in London, England.

Swan holds an AAS degree in criminal justice from Hannibal-LaGrange College in Hannibal, Missouri; a BS degree in liberal studies/criminology from the University of the State of New York; a BS degree in administration of justice from the University of Missouri–St. Louis; and an MA degree in urban affairs from Webster University–St. Louis. Chief Swan has also completed additional post-graduate work at St. Petersburg University of the Ministry of the Interior in St. Petersburg, Russia.

Chief Swan is the recipient of such awards as the Police Medal of Distinction from the City Council of Monticello, Illinois; Life Saving Commendation from the Jewish Employment and Vocational Services of St. Louis; Letter of Commendation from Scotland Yard; Diploma of Honor and Veteran of Labor Medal from the Union of Soviet Socialist Republics; Law Enforcement Commendation Medal from the Sons of the American Revolution; Medal of Excellence in Service to Russia 1 & 2 Order; Distinguished Alumnus Award 1993, Hannibal-LaGrange College; Medal of Yuri Gagarin; and Medal Freedom of Russia. The latter was presented by President Boris Yeltsin's representative. Swan was also awarded the List of Honor by the Ministry of the Interior

of Russia for saving the lives of three Russian citizens in 1993. Chief Swan received the "Outstanding Part-Time Faculty Award" in the Social and Natural Science Division 1996-1997 from Richland Community College and received the Dr. Martin Luther King, Jr. Human Relations Award from the City of Bloomington in 2003. Swan is an active member of the Bloomington/Normal Branch NAACP.

Crimes of Omission: An Underestimated Challenge

Wojciech Cebulak, PhD, Associate Professor of Criminal Justice, Minot State University, Department of Criminal Justice

Let me start by asking you three "simple" questions:

Question #1: Forget criminal law and criminal justice for a moment: Can you read this article *by not acting*? Assuming reading is acting, you can't. To not act, you'd have to not read it. So even though physically you're not doing much when you read, your eyes and your brain work, so *you act*.

Question #2: Let's keep away from criminal justice for another moment. Your religion is your business of course, or even whether you have one, but have you ever been to a Catholic mass? What do Catholics say in the so-called "Act of Contrition"? Don't they say: "I confess to Almighty God . . . that I have sinned through my own fault . . . in what I have done and in *what I have failed* to do"? (emphasis added). Yes, that's exactly what they say. *Failing to do something* may be as serious as, or even more serious than, acting. This shows very clearly that the concept of doing something wrong or evil *by omission* is not just a criminal law concept—we use it all the time in walks of life that have nothing to do with criminal law or criminal justice. Of course, what they do pertain to is control of behavior, by different means, be it religion, morality, ethics, etc. Not telling your spouse about your extramarital affair is not morally acceptable just because you fail to tell her or him about it. You have a moral/religious obligation (or just moral if you don't believe in God) first of all to stop the affair but then secondly, to tell the spouse about it. Of course, the affair itself is *action*, but failing to tell your spouse about it is *inaction*, or in other words, omission, or if you prefer—*failure to act*. "What she don't know won't hurt her" is a cute expression, but it is of course extremely cynical and disrespectful to the person affected. We can possibly tolerate it in a soap opera, but we better make sure we don't follow it in real life.

Now, let me ask you Question #3: Would you be scared if someone seriously threatened you with something terrible but said that he or she will *do nothing*? How about death? Would you be scared if someone threatened to kill you, but in your case, the perpetrator threatened to carry out the homicide by *not acting*? Of course, most people would find that laughable because we assume that things always happen in certain ways, ways that we feel we know at least something about. Consequently, I believe most people would not take that kind of a threat seriously. How on earth can anyone possibly kill another person by not acting? It seems ridiculous. After all, a lot of crimes simply cannot be committed by omission; let me rephrase that: perpetrated by omission, since "committed by omission" seems absurd. How could anyone rape, rob a bank, assault, or forge a check by not acting? Isn't it impossible? Yes, it's impossible; however, keep two things in mind:

First, you can still be charged with a crime in a situation in which you *didn't do anything* even though you were supposed to do something. So, when somebody

beats your 1-year-old child until he is bloody, and you just stand watching and *do nothing*, you will be found guilty as an accomplice to some crime, possibly assault. When a defendant has a *legal duty to act*, which parents do vis-à-vis their children, and yet the person *does not act*, mere presence at the crime scene is enough. You don't have to do anything; just being there is enough. Since "being there" or "standing around" and "watching" is usually not considered to be "acting" (unless watching itself is criminal, like watching child pornography), the conclusion is that *you did not act*, and yet you're guilty. Not guilty of the assault itself, of course, but of being an accomplice to assault *by not acting*. That was exactly what happened in *State v. Walden* (1982) in which the defendant was found guilty as an accomplice to assault "solely on the ground that [she] was present when her child was brutally beaten." She "looked on the entire time the beating took place but *did not say anything or do anything* to stop [the beating] . . ." (Samaha, 2005, pp. 117-118, emphasis added). Since merely "being present" or "looking on" is not much of an action, this was a crime of omission in that she was legally obligated to stop the beating ("or to otherwise deter such conduct"), and she didn't. Let me repeat that: *legally obligated*, not just morally, since moral obligation itself is not sufficient to trigger criminal liability.

Second, if you are still skeptical about whether one can perpetrate a serious crime by omission, consider this: You can be found guilty of *murder* (not just of being an accomplice to murder) *by not acting*! And this is not as far-fetched as it sounds. Consider this real-life example:

> An option available to Big Island prosecutors in the Peter Kema Jr. case is to bring a charge of *"murder by omission"*—to prove that a death resulted by *not seeking medical attention or not providing basic needs for the child*, criminal attorneys said. . . . Big Island Deputy Prosecutor Mike Kagami, who is assigned to the "Peter Boy" case, confirmed that *murder by omission* is being considered. "We'd look at any possible charge, whether it would be commission or omission," he said. Criminal defense attorney Todd Eddins said Honolulu prosecutors often charge both murder and *murder by omission* in child deaths. Eddins defended Christopher Aki, who was convicted of *manslaughter by omission* in the death of 12-year-old Kahealani Indreginal, whose body was found on an Aiea trail in December 2002. Aki was accused of murder but convicted of the lesser charge of manslaughter for *not providing aid* to Indreginal. Eddins said he believes the prosecution has "a strong circumstantial case" if they bring charges against Peter Boy's parents. But, he added, "it's not a bad case for the defense either." Peter Boy is believed to have disappeared in 1997. His parents, Peter Sr. and Jaylin Kema, said he was given to "Aunty Rose Makuakane" in Aala Park on Oahu. They reported him missing in 1998. But police believe Makuakane does not exist and investigated the Peter Boy case as a homicide. The Kemas have denied killing their son and have never been arrested or charged in connection with the case. On Tuesday, the state Department of Human Services released more than 2,000 pages of previously sealed documents in the Kema case, an unprecedented action that has again focused attention on what may be Hawaii's most publicized missing child case. A key finding in the documents is that Peter Boy's then 5-year-old sister told a psychologist in 1998 that she saw her brother dead in a box in the closet and trunk of a car. Peter Boy's siblings also said their brother was the victim of child abuse and *neglect*, *left to sleep outside in the cold*, forced to

> eat feces, and locked in a car trunk. They said he also had a long-festering wound in his arm before he disappeared. The disclosure of the documents comes as prosecutors are conducting a review of the evidence in the Peter Boy case, something that has been done periodically since police turned over the case files to prosecutors 7 years ago. Defense attorneys said proving a *murder by omission* charge may be more difficult than proving murder. . . . "*Omission is a failure to act*. You have to prove a person would have survived (with medical attention," said defense attorney William Harrison. On the other hand, proving the exact cause of death is not a requirement in a basic murder charge, he said."You're basically saying, 'you killed a child,'" he continued. . . . The defendant's state of mind is also important. A murder conviction requires proving that the defendants acted "knowingly or intentionally." If the jury finds the actions were "reckless," then the crime is manslaughter rather than murder. In the Kema case, a manslaughter conviction might still be considered a victory for the prosecution. The penalty is not life in prison with parole, but the defendants could be sentenced to serve up to 20 years in prison . . . ("Murder by Omission," 2005, emphasis added).

Of course, most murders occur by active behavior, and that is the way most people conceptualize murder when they watch trials on Court TV, for example; however, this does not mean there are no murders by omission, as the above example from Hawaii clearly demonstrates. In child-neglect, murder-by-omission cases, all you have to do is, for example, leave your baby alone for a sufficient time period. Unless somebody finds the baby, he or she will surely die of starvation and neglect because the child is completely dependent on you as the parent and because you have a *legal obligation, not just a moral one*, to care for the baby. All you have to "do" is *do nothing*—imagine a blind person who is dependent on you, in a legal and moral way, and for whom you have a legal obligation to care, like a family member. All you have to do is let the person walk off a 300-foot seaside cliff. Because of the height and because there are big stones down on the ground, anyone falling off that cliff is sure to die. So the point is that you will not be able to say in court that you "didn't do anything." That's the point—you didn't stop the blind person from killing himself even though you had a legal obligation to do so. So this is somewhat ironic; not many people realize that even though many crimes by definition cannot be perpetrated by not acting (e.g., rape, robbery, assault), the most serious crime against the person—murder—can indeed be so perpetrated. Why is it so hard to realize this? Because we're used to thinking "inside the box." Most murders occur by action, not by omission; consequently, the mass media mainly shows those typical murders. They may not be "typical" in the sense of involving a celebrity, for example, but they are still "typical" in the sense of having been perpetrated by action. Murder by action is definitely the rule, but there is no reason we should ignore the exception. When we ignore the exception just because it is statistically less frequent, we perpetuate thinking "inside the box," which may become so common that most people cannot even imagine the exception taking place. If they cannot even imagine it, how can we expect them to know it, to realize it?

Against this background, what does policing literature say on this topic? Let me first point out that crimes of omission are discussed more fully in criminal law literature than in policing literature. One of the most comprehensive treatments of the topic comes from Gardner and Anderson (2003) who include a quite detailed

list of situations in which failure to act is a crime. These behaviors include not only homicide by omission but also things that are less serious: failure to report the death of a child, failure to report the location of a human corpse, failure to aid an officer when requested to do so, or failure to properly identify oneself and explain one's conduct when properly and lawfully ordered to do so by a law enforcement officer (p. 9). Some criminal law textbooks do not even mention the issue of crimes of omission, but they are exceptions; most at least mention it and/or try to define it. Schmalleger's (1999) definition is fairly typical:

> An omission to act, or a failure to act . . . may be criminal where the person in question is required by law to do something; that is, where the law specifies a duty to act. Classic examples of such offenses include the failure to file a tax return or to register for military drafts. More recently, child neglect laws, which focus on parents and child guardians who do not live up to their responsibilities for caring for their children, have received considerable attention. (p. 45)

Unfortunately, the situation with policing literature is much worse. For this research project, I examined nine policing books: (1) Conser, Russell, Paynich, and Gingerich (2005); (2) Grant and Terry (2005); (3) Leonard and More (2000); (4) Miller, Dawson, Dix, and Parnas (2000); (5) Ortmeier (2006); (6) Roberg, Novak, and Cordner (2005); (7) Thurman and Zhao (2004); (8) Thurman, Zhao, and Giacomazzi (2001); and (9) Wrobleski and Hess (2003). In the analysis, I look for three separate terms: (1) "Omission," (2) "Crimes of Omission," and (3) "*Actus Reus*" (the "physical element of a crime" as opposed to its "mental element," *Mens Rea*) to see whether they are included or covered by a particular book, and if so, how extensive the coverage is. My first finding is indicative of the neglect by policing literature to even mention crimes of omission or issues associated with them. Out of the nine books, as many as six (66.7%) have absolutely no mention of any of the three terms. Only Grant and Terry, Ortmeier, and Wrobleski and Hess cover the issue in one way or another, usually not very extensively, but I think that in this overall situation, even a little coverage is better than nothing.

There is no question that out of the three books mentioned, Grant and Terry's (2005) treatment of crimes of omission is the most comprehensive, *relatively speaking*. That is to say compared with the remaining literature because in absolute terms, even their discussion is highly insufficient. Anyway, Grant and Terry refer to omissions three times. First, in a section titled "The Components of Crime," they mention that the *Actus Reus* of a crime may be either an act or omission. In the same section, they also state, "The specific statutory elements must clearly define the conditions necessary for the criminal act *or omission* to have occurred" (p. 99, emphasis added). The third and final instance is the glossary at the end of the book in which the authors say that *Actus Reus* is "an essential element in a criminal case; [it] refers to the commission (or *omission of duty*) of the act that is prohibited by law" (p. 416, emphasis added).

The second best treatment of the issue of crimes by omission out of the three publications under analysis is Ortmeier (2006), whose contribution is not really original since he basically reproduces Tappan's definition of a crime, but at least the author is aware of the importance of crimes of omission to policing:

> [A] crime may be defined as an intentional act (*Actus Reus*), ***or omission to act***, in violation of the criminal law (penal code), committed without defense or justification, and sanctioned (punished) by society (government) as a felony, misdemeanor, violation, or infraction. The essential elements of the crime include a culpable mental state, guilty mind (mens rea), or *criminal intent* (a design, resolve, or purpose of the mind), an act, ***or, in some cases, omission to act***, and a causal legal connection between the intent and the act itself. (p. 45, emphasis added)

Of course, it would have been better if Ortmeier had been more consistent at the end of the excerpted passage, by saying that the connection must be between the intent and "the act or omission itself." Given the overall neglect of crimes of omission in policing literature, Ortmeier's awareness of the issue is, of course, significant and should be praised.

Wrobleski and Hess's (2003) contribution is no doubt the least significant because they do not even mention crimes by omission; however, the good news is that they are at least aware of the issue of *Actus Reus*. Wrobleski and Hess mention *Actus Reus* twice. First, under a heading, "Proving That a Crime Has Been Committed," they state the following:

> To prove that a crime has been committed, it is usually necessary to prove . . .
> - The act itself (*Actus Reus*) – the material elements of the crime.
> - The criminal mental state (*mens rea*) – intent to do wrong.
>
> **Material Elements – The Criminal Act**
> Basic to the commission of a crime is the concept of *Actus Reus*—literally the "guilty act." The *Actus Reus* must be a measurable act, including planning and conspiring (Wrobleski & Hess, 2003, p. 53, all emphasis in the original).

Again, it would of course have been better if instead of saying "the act itself," they had said "the act or omission itself" and instead of stating "a measurable act," "a measurable act or omission." So the authors' awareness of crimes by omission is far from obvious to me, which is also clear when you look at their definition of a crime in the glossary: "an *action* harmful to another person and/or to society and made punishable by law" (p. 469, emphasis added). Again, the problem is the same, it would have been so easy to say "an action or omission"—unless the authors' thinking is that readers will assume that when they say "action," it is implied that it includes "omission," but that would be a weak assumption because I think in the minds of most people "action" does *not* include "omission." If instead of "action," the authors had said "behavior," that would have been a different story because one could reasonably argue that "behavior" is a generic term that includes both "action" and "omission."

Overall, Wrobleski and Hess's discussion has many problems and is the weakest of the three books, but at least it includes the issue of *Actus Reus*, although that discussion cannot be described as satisfactory or comprehensive, as we just saw.

So what does it all mean for police? Just like the title of this article suggests, crimes of omission are an underestimated challenge. Let me explain the last two words.

First, they are definitely a *challenge* for at least three reasons:

1. Murder—the most dangerous crime against the person—can take place by omission, so dismissing crimes by omission as insignificant or not serious is a big mistake.

2. Crimes of omission take place in a very different manner than crimes of commission or possession. A police officer seeing a person sitting on a park bench and *doing nothing* is extremely unlikely to conclude that the person, right at that very moment, is killing somebody (e.g., a baby that he or she has left somewhere to die). In a way, it is no wonder that most, if not all, officers would be reluctant to make an arrest *simply because it is possible* that the individual is committing a crime (in this case, by omission). If an arrest were made in that situation, it would be an illegal arrest because of lack of probable cause or warrant. So, in a way, it is no wonder that police do not act in such situations. Unless of course the officer has some real, factual information, enough facts to constitute probable cause, that the person is actually killing someone by omission. In that case, the arrest would be legal, but let me ask you, how often do police receive reports that somebody will kill or is killing someone by omission? Very rarely, if there are any cases at all. By definition, the way such murders happen is that there is no action. So unless somebody finds the baby and notifies the police, how can they possibly stop such a crime from happening or apprehend the perpetrator?

3. Traditional law enforcement techniques like patrol, even if it is preventive patrol, are mostly useless for preventing crimes by omission or for apprehending suspects. It is obvious that the very nature of such crimes—lack of action—*frustrates police efforts to prevent and investigate them or apprehend the perpetrator*. Take the following proactive arrests and crackdowns as examples:

> Proactive arrests, which are initiated by the police, focus on a narrow set of high-risk targets. The theory is that a high certainty of arrest for a narrowly defined set of offenses or offenders will have a greater deterrent effect than will a low certainty of arrest for a broad range of targets. . . . One of the most widespread developments in the use of proactive arrests in the mid-1980s was the use of police crackdowns. Crackdowns can be defined as intensive, short-term increases in officer presence and arrests for specific types of offenses or for all offenses in specific areas. Drunk driving, public drug markets, streetwalking prostitutes, domestic violence, illegal parking, and even unsafe bicycle riding have all been targets for publicly announced crackdowns. . . . (Roberg et al., 2005, p. 242)

The issue is very simple to me. Just look at the list of offenses. They are all crimes of commission. How can you perpetrate drunk driving, prostitution, or illegal parking by not acting? Doesn't that mean that we in effect ignore crimes of omission? Of course, you cannot crackdown on something that "happens by not happening," if I may say so, but the question is, do we have any strategies that would work for crimes of omission? Have we even thought about those crimes, about how they are

different from commissions or possessions? Have we paid any attention to them at all? I am afraid the answer is no. Part of the problem is that to my knowledge, there are no statistics on crimes of omission.

In addition, crimes of omission are an *underestimated* challenge. There are two aspects of this problem: (1) underestimation by police and (2) underestimation by society at large. A brief look at the policing literature that I presented earlier makes it clear that the issue is mostly ignored. I also think that if someone were to do a poll of average Americans, asking them for examples of different possible ways of killing a human being, they would be extremely unlikely to even mention murder by omission. And the reason for this is not because those murders are any less serious—they're not. The victim dies just as if it had been a murder by commission. Rather, the reason omission does not come to our minds when we hear about murder lies in how we perceive crime and create stereotypes about it in our minds. Murders reported in the media often involve spectacular crimes, sometimes with sadistic motives, cruelty, etc., but these are almost all murders by action. Given that, and given how media-dependent Americans are, no wonder that crimes of omission are not something about which most people are aware. If such murders result in death just like murders by action, however, what moral right do we have to ignore or minimize them? Of course, one could argue that they are the exception, not the rule, and there is no question that this is true—statistically, they are the exception, but that does not mean we are morally entitled to disregard them. Crimes by omission are certainly possible; they do happen. By definition, they require no action, so frequently that makes them easier to commit than crimes by action. Of course, they will probably always be exceptional. But let's keep surviving family members of homicide victims in mind. To them it makes no difference how the murder was perpetrated, whether by commission or by omission—their loved one is gone, and that's all that counts from their perspective.

Awareness of crimes by omission should be propagated among law enforcement, both present and future. By "future law enforcement," I mean current students majoring in criminal justice. This, among other issues, goes back to the issue of information gaps in policing literature. If you take Conser et al. (2005) as an example, they have a pretty interesting section titled "The Need to Understand Crime" (p. 288) but there is not a word about crimes of omission. Don't you think that a good understanding of crime has to include crimes of omission?

But let's also remember this: The terrorists of 9/11 succeeded because they were thinking "outside of the box." Before 9/11, nobody had ever even thought of the possibility of aircrafts full of passengers being used as missiles to attack and destroy a building and to kill the people inside. Let's learn from that. If we want to prevent and fight crime, we have to understand the criminal mind and allow for the possibilities that are outside of our mental "box." Perpetrating a crime by not acting is certainly one such possibility.

References

Conser, J. A., Russell, G. D., Paynich, R., & Gingerich, T. E. (2005). *Law enforcement in the United States* (2nd ed.). Sudbury, MA: Jones and Bartlett Publishers.

Gardner, T. J., & Anderson, T. M. (2003). *Criminal law* (8th ed.). Belmont, CA: Wadsworth/Thomson Learning.

Grant, H., & Terry, K. J. (2005). *Law enforcement in the 21st century*. Boston/New York/San Francisco: Pearson/Allyn and Bacon.

"Murder by omission" possible in Peter Boy Case. (2005, June 5). *Honolulu Star Bulletin.* Retrieved January 20, 2006, from http://starbulletin.com/2005/06/05/news/story4.html

Leonard, V. A., & More, H. W. (2000). *Police organization and management* (9th ed.). New York: Foundation Press.

Miller, F. W., Dawson, R. O., Dix, G. E., & Parnas, R. I. (2000). *The police function* (6th ed.). Reprinted from *Cases and materials on criminal justice administration* (5th ed.). New York: Foundation Press.

Ortmeier, P. J. (2006). *Introduction to law enforcement and criminal justice* (2nd ed.). Upper Saddle River, NJ: Pearson/Prentice Hall.

Roberg, R., Novak, K., & Cordner, G. (2005). *Police and society* (3rd ed.). Los Angeles: Roxbury.

Samaha, J. (2005). *Criminal law* (8th ed.). Belmont, CA: Thomson Wadsworth.

Schmalleger, F. (1999). *Criminal law today*. Upper Saddle River, NJ: Prentice Hall.

Thurman, Q. C., & Zhao, J. (Eds.). (2004). *Contemporary policing. Controversies, challenges, and solutions: An anthology*. Los Angeles: Roxbury.

Thurman, Q. C., Zhao, J., & Giacomazzi, A. L. (2001). *Community policing in a community era. An introduction and exploration*. Los Angeles: Roxbury.

Wrobleski, H. M., & Hess, K. M. (2003). *Introduction to law enforcement and criminal justice* (7th ed.). Belmont, CA: Wadsworth/Thomson Learning.

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Community Policing Deployment Models

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Twenty years after the development of the community policing concept, how to best accomplish structured community communication and problem solving is still an unanswered question. Although a great variety of initiatives have been created and described, many of them have had little relationship to the original concept (Goldstein, 2003). Furthermore, it appears that the community policing effort post-September 11 is a lower priority, exacerbated by significant cuts in the Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) funding (De Guzman, 2002; DeSimone, 2003).

Although there has been much written conceptually on community- and problem-oriented policing, relatively little literature has been generated that is devoted to the examination of actual deployment of neighborhood or community policing models. There are three basic models that are used to put community policing into practice: (1) the "overlay," (2) "every officer," and (3) "beat team." In the "overlay" model, a department assigns specialist officers to engage in structured community contact and problem solving. In the "every officer" model, it is assumed that staffing levels are sufficient so that officers can not only meet the responsibilities for responding to calls for service and proactive enforcement but also engage in structured community contact and problem solving. The "beat team" model entails permanently assigning a group of officers to a geographic subdivision with 24/7 responsibility. This team is responsible for all of the services in that area, including patrol services, detective services, community contacts, and problem solving.

This study seeks to accomplish the following:

- Examine the extent of employment of the three models (overlay, every officer, and beat team)
- Examine related resource allocation
- Analyze the effect(s) of employed models on perceived sustainability of the two core community policing elements—structured community contact and organized problem solving
- Suggest policy implications

Survey

Sample

In April 2003, 73 police departments in Texas were surveyed regarding overall deployment, operation, and evaluation of each agency's chosen model among three basic models of community policing: (1) overlay, (2) every officer, and (3) beat team. Out of 73 surveys mailed, 44 (60.3%) were returned for analysis. From these returns, each agency was assigned to one of three groups based on the neighborhood policing

deployment model they employed. Group 1 was comprised of agencies with an overlay model; Group 2 was comprised of agencies with an every officer model; and Group 3 was comprised of agencies with a beat team concept.

The core concept of the overlay model (Group 1) is deployment of generalist officers to patrol beats with full-time specialists responsible for community policing activities assigned to groupings of beats. The generalist officers respond to calls for service and may use uncommitted patrol time for structured community contact and organized problem solving; however, the "overlay" of full-time community policing specialists assigned to a sector or grouping of beats bears primary responsibility for structured community contact and problem solving. The specialists engage full time, or nearly full time, in such activities. The core concept of the every officer model is that community policing efforts will occur by having regularly assigned beat patrol officers use uncommitted patrol time to engage in structured community contact and organized problem solving. There are no community policing specialists under this schema. The concept of the beat team model is permanent assignment of a group of officers to a given fixed beat, and as a group, they engage in structured community contact and organized problem solving. Again, there are no community policing specialists in a beat team model.

Basic Models Employed

As shown in Table 1, of the 44 agencies that responded to the survey, the majority (32 agencies, 72.7%) currently use the overlay model as their basic deployment model for community policing, followed by the every officer model (8 agencies, 18.2%) and the beat team model (4 agencies, 9.1%). This finding indicates that, among the three models, the overlay model is most popular in Texas while the beat team model is seldom used.

Table 1
Basic Models of Community Policing Employed in Texas

	Number of Agencies	Percent of Agencies
Overlay Model	32	72.7
Every Officer	8	18.2
Beat Team	4	9.1

It is important to note that agency classification into these models was based on responses in the survey instrument to questions on how structured community contact was accomplished. Those agencies that indicated they had specialist roles of community resource officers were classified as the overlay model. Of the 32 agencies with specialist community resource officers, 31 indicated they were full-time positions—only one indicated the position was part time. The eight agencies classified as using the every officer model indicated that structured community contact was accomplished by regular patrol officers (there were no specialists), and beat boundaries and assignments to beats varied by time of day/day of week. The four agencies classified as working with a beat team model accomplished community contact by patrol officers (no specialists) but had fixed beat boundaries and assignments. It should be noted that real differences in operations between

agencies classified as an every officer model and those classified as a beat team model may be minimal.

Given the number of agencies with specialists, the overlay model appeared to be by far the most viable, while the beat team model, albeit hypothetically ideal, may be difficult to implement. Additionally, compared to the majority of agencies with an overlay model, the lower number of agencies that utilize the every officer model (8 agencies) may indicate some potential problems with sufficient staffing to respond to calls for service and engage in structured community contact and problem solving in addition to the way officers use unpredictable and uneven segments of uncommitted patrol time to engage in structured community contact and problem solving.

Analysis

Various statistical tests were used to analyze the data. Specifically, multiple response dichotomies analysis was undertaken in which data was summarized to rank the effects of the model employed. The form of analysis involved three stages.

General Description and Effect of Three Models

The first stage consisted of analyzing the three different models to examine the response of the 44 agencies regarding questions reflecting six variables: (1) employment of a patrol deployment program, (2) factors considered when allocating patrol resources, (3) use of beat boundaries, (4) extent of community contact and problem solving by patrol officers, (5) agency's evaluation on sustainability of structured community contact and organized problem solving, and (6) funding from the DOJ Office of Community Oriented Policing Services. Both descriptive and multiple response analyses were used to compare similarities and distinctiveness among the three different models.

First, out of 44 agencies, only 6 (13.8%) indicated that they employed a structured, widely distributed, patrol deployment program. The programs mentioned included PAM (Houston), Staff Wizard (Dallas and Austin), modified IACP (Lewisville), PROS (El Paso), and Deputy Sheriff Against Crime (Bexar County). The other 38 agencies did not employ a structured patrol deployment program. Among these, 53.1% indicated that they quantify needs from their own analysis of data, followed by estimating patrol needs from prior institutional experience (28.6%). Table 2 presents the rank order of factors in deployment. The first four rankings provided by agencies using the overlay model involved the following: (1) total time spent on call for service, (2) balancing the amount of committed/uncommitted patrol time, (3) response time for high priority calls, and (4) response time for moderate or low priority calls. The ranking of these factors reflects an emphasis of patrol resource deployment on tasks related to call-for-service response.

Table 2
Factors Influencing Patrol Resources Deployment

	Overlay	Every Officer	Beat Team
Total time on call for service	1	5	4a
Balancing committed/uncommitted patrol	2	4	3
Response time: High priority calls	3	1a	1a
Response time: Moderate/low priority calls	4	1b	1b
Time for problem solving	5	9	8
Time allowance for community contact	6	8	9
Patrol drive-by on residential streets	7	6a	4b
Patrol drive-by on arterial streets	8	6b	6
Other	9	1c	7

Note: a, b, c = tied ranking

The counterpart agencies in the every officer and beat team models provided similar rankings on most factors influencing patrol deployment; however, regarding two factors—routine time allowance for structured community contact and time for organized problem solving—the overlay model agencies placed the two factors in the middle of the 1-9 ranking order. These two factors were the lowest rankings in the every officer model and beat team model. This is interesting, since hypothetically, the reverse should be the case. Since structured community contact and problem solving are specialist functions in the overlay model, they should have less influence on regular patrol deployment.

Questions regarding beat boundaries were asked to determine whether agencies attempted to draw beat boundaries or deploy officers among beats to equalize workload—committed patrol time—among beats. Among the 44 agencies, a majority (65.9%) indicated that they did draw beat boundaries to equalize workload while 34% of respondents indicated they did not. The traditional principle of modifying beat boundaries to equalize workload was thus practiced by only two-thirds of the responding agencies. Among the agencies that attempted to equalize workload, the majority (69%) did so by varying the number of officers assigned to fixed beats by shift/day of week or by altering both boundaries and assignment (27.6%). Only one agency equalized committed patrol time workload solely by modifying beat boundaries by shift/day of week. Among the 15 agencies that did not draw boundaries to equalize workload, the majority (60%) indicated that variation in workload was tolerated while 26.7% indicated that variation in workload was designed into their deployment. In other words, they deliberately design some beats to have more or less committed time than others and draw beat boundaries to distribute committed patrol time workload accordingly among beats.

As depicted in Table 3, the extent of reported community contact and problem solving by patrol officers was cross-tabulated against the deployment model. Two questions were asked about extent of structured community contact and organized problem solving. Each was composed of a 1-4 Likert scale with a rating of 1 indicating "Not at all," 2 indicating "Little, monthly," 3 indicating "Some, weekly," and a rating of 4 meaning "A great deal, daily or almost daily." As to the extent of community contact by regular patrol officers, the average score for all three models (2.14) reflects that patrol officers engage in formal, structured, scheduled community contact no

more often than monthly. Some differences in scores among the three models were found. The scores of the every officer model (2.3) and beat team model (2.3) are a little higher than that of the overlay model (2.1). This is understandable since only the overlay model among the three has full-time, dedicated community policing specialists in charge of structured community contact and problem solving.

Table 3
Extent of Community Contact and Problem Solving by Patrol Officers

	All Models	Overlay Model	Every Officer Model	Beat Team Model
Extent of community contact by patrol officers	2.14	2.1	2.3	2.3
Extent of problem solving by patrol officers	2.4	2.3	2.5	3.0

Note: Score on a 1-4 Likert scale – 1 = Not at all; 2 = Little, monthly; 3 = Some, weekly; and 4 = A great deal, daily or almost daily

On the other hand, regarding the extent of problem solving by patrol officers, the average score for the beat team model (3.0) reflects that patrol officers in this model engage in problem solving weekly. This compares to a rating by the every officer model agencies of 2.5 (problem solving between weekly and monthly) and the overlay model agencies of 2.3 (closer to monthly). Again, the score discrepancy between the overlay model and the two other models is understandable in that community policing specialists in the overlay model supposedly provide support in both community contact and problem solving.

Table 4 depicts the agencies' evaluations on sustainability of both structured community contact and organized problem solving. Two questions were composed of a 1-4 anchored Likert scale with a rating of 1 meaning "Not Sustainable – After one or two rounds, for various reasons we gave it up" and a rating of 4 meaning "Very Sustainable – We are doing as much or more as we ever have." First, regarding sustainability of structured community contact, the average score for all three models (3.2) reflects that structured community contact, one of two core elements of community policing, was judged sustainable at moderate levels. The full text of the choice was "Sustainable at moderate levels – The amount has tapered off, but we still engage in a reasonable amount." The average score for the overlay model agencies (3.4) reflects structured community contact based on agencies' evaluations was sustainable at least at moderate levels and close to "Very sustainable." The sustainability of structured community contact was rated lower among the every officer model (2.9) and beat team model (2.2).

Table 4
Agency Evaluation: Community Contact and Problem Solving

	All Models	Overlay Model	Every Officer Model	Beat Team Model
Sustainability of structured community contact	3.2	3.4	2.9	2.2
Sustainability of structured problem solving	3.1	3.4	2.7	2.0

Note: Score on a 1-4 Likert scale – 1 = not sustainable to 4 = very sustainable

Similar to the findings in sustainability of structured community contact, the overall average score for formal, organized problem solving for the three models (3.1) suggests that it is also sustainable at moderate levels ("The amount has tapered off, but we still engage in a reasonable amount"). In detail, the average score for the overlay model (3.4) reflects the highest evaluation score on sustainability of formal, organized problem solving. The rating for the every officer model was 2.7, and for the beat team model, it was 2.0. In sum, with respect to the sustainability of both structured community contact and structured problem solving, the findings indicate relatively higher ratings of sustainability for the overlay model agencies compared to those of the every officer and beat team model agencies.

In addition, Herman Goldstein (2003) asserts that the lack of financial support is one of the major impediments to problem-oriented policing. He argues that funds are required for a police agency to hire community policing specialists so that their support can free patrol officers from call-for-service response duties and give them increased time for devotion to structured community contact and specific problem solving efforts. The Texas agencies' experience in obtaining COPS support is provided in Table 5. Of the 44 agencies, 27 (61.4%) indicated that they applied for funding under Cops Ahead, Cops More, Cops Fast, and/or Troops to Cops; whereas, 17 (38.6%) indicated that they have never applied for funding. The great majority of agencies with an overlay model (71.9%) had applied for funding, followed by agencies using the every officer model (37.5%) and the beat team model (25%).

Table 5
Experiences: Funding/Funding Application

	All Models	Overlay Model	Every Officer Model	Beat Team Model
Experience of funding or funding application	61.4 (27)	71.9 (23)	37.5 (3)	25.0 (1)
No experience of funding or funding application	38.6 (17)	28.1 (9)	62.5 (5)	75.0 (3)

Note: Number of responses in parentheses

This finding affirms the perspective of Goldstein that the relative lack of funds may be an obstacle in the development of problem-oriented policing in an agency. This result is consistent with the findings on agencies' evaluations on sustainability of both structured community contact and structured problem solving (overlay, every officer, and beat team model in descending order).

Comparison of Overlay and Non-Overlay Models

The second stage of the analysis involved a series of t-test analyses to determine which of the three models was significantly related to the following four criteria: (1) reported extent of community contact by patrol officers, (2) reported extent of problem solving by patrol officers, (3) agency's evaluation on sustainability of structured community contact, and (4) agency's evaluation on sustainability of structured problem solving. It should be noted that for this analysis, two models were combined (every officer and beat team) for the purpose of comparison with the overlay model (frequency: 32) because the number of responses in the every officer model (frequency: 8) and beat team model (frequency: 4) was too small.

Thus, three groups were reduced to two groups: the overlay model and non-overlay model for t-test analyses.

As depicted in Table 6, the first question asked to what extent patrol officers, those who respond to calls for service, engage in formal, structured, scheduled community contact. The mean of the non-overlay model (2.25) is a little higher than that of the overlay model (2.09), indicating that patrol officers in the non-overlay model reportedly engage in more community contact; however, the difference is not statistically significant. Regardless, the result suggests that, absent the full-time community specialists of the overlay model, officers in non-overlay models are expected to engage in more community contact. In the same vein, a parallel question asked to what extent patrol officers engaged in formal, organized problem solving. The mean of the non-overlay model (2.67) is slightly higher than that of the overlay model (2.34), although again not statistically significant. This result has the same implication as the previous. The results must be interpreted carefully since the differences were not statistically significant; however, given the relatively small number of cases, the lack of statistical significance is not surprising.

Table 6
Independent T-Test Results for Overlay and Non-Overlay Model

	Variable	Model	Mean	T-Test	P
Extent	Extent of community contact by patrol officers	overlay	2.09	-0.52	NS*
		non-overlay	2.25		
	Extent of problem solving by patrol officers	overlay	2.34	-0.99	NS*
		non-overlay	2.67		
Sustainability	Structured community contact	overlay	3.37	2.31	0.04
		non-overlay	2.44		
	Structured problem solving	overlay	3.38	2.37	0.04
		non-overlay	2.44		

* Not Significant

Statistically significant differences were found between the two models in terms of sustainability of structured community contact and problem solving. More specifically, the third question asked whether structured community contact was sustainable. The mean of the overlay model (3.37) is much higher than that of the non-overlay model (2.44). A significant mean difference of 0.93 between the two groups was found ($t = 2.31$, $p = 0.04$), which obviously indicates that the overlay model agencies were more likely to be optimistic in their evaluation of the sustainability of structured community contact. Consistently, in the question of sustainability of structured problem solving, the mean difference of 0.94 between the two groups was statistically significant ($t = 2.37$, $p = 0.04$).

Characteristics of the Overlay Model

The third and final stage of analysis involved a more indepth examination of community policing specialists in the overlay model regarding the following: what they are called, ratio of community policing specialists to patrol officers, shifts normally and routinely staffed, proportion of their time for problem solving, call for service responsibility, and how to measure productivity. Additionally, two stepwise multiple regression analyses were conducted to determine the effect of the ratio of community policing specialists to patrol officers, proportion of specialists' time for problem solving; call for service responsibility, extent of community contact by patrol officers, extent of problem solving by patrol officers, and external funding on an agency's evaluation of sustainability of structured community contact and organized problem solving.

Agencies were asked how many FTE community policing specialists they had and how many officers were assigned to regular patrol. Among those with community policing specialists, the community policing specialist-to-patrol officer ratio average was 1 community policing specialist for every 17 patrol officers, ranging from 1 to 100 to 1 to 4. The ratio range indicates enormous variation from agency to agency. The variation of the ratio of community policing specialist to patrol officer may be a meaningful indicator of dedication of effort to community policing. On the other hand, the role of regular patrol officers may vary considerably. Regarding shifts, the majority of specialists (63.6%) normally and routinely worked during the day shift; 29.5% worked during evenings; and a small percentage of specialists (6.8) worked during the night shift.

Table 7
Descriptives for Community Policing Specialists in the Overlay Model

Variable		Percentage
Name	Community police officers	40.5
	Community service officers	24.3
	Neighborhood patrol officers	13.5
	Other	21.6
Ratio of specialist to patrol officers	Minimum	1 to 100
	Maximum	1 to 4
	Average	1 to 17
Shift	Day shift	63.6
	Evening shift	29.5
	Night shift	6.8
Proportion of time for problem solving	Minimum	20.0
	Maximum	90.0
	Average	49.4
CFS responsibility	Emergency back-up role only	62.5
	Routine calls for service	21.9
	Exempt from calls for service	15.6
Productivity measure	Generic supervisor assessment	57.1
	Summaries of daily activity logs	26.2
	Assessment for community policing specialists	4.8
	Other	4.8

The finding regarding the proportion of the specialists' time for problem solving indicated great variation from agency to agency, with a minimum proportion reported at 20% and a maximum proportion of 90%. On average, approximately half of the time the specialists were dedicated to problem solving. Only 15.6% of the agencies indicated that specialists were exempt from call-for-service response, but 62.5% indicated that they were subject to such response only in an emergency back-up role. In 21.9% of the agencies, community policing specialists were reported as routinely responding to calls for service.

Lastly, the productivity of community policing specialists was measured by generic supervisor assessment in 57.1% of the agencies, summaries of daily activity logs in 26.2%, or a supervisor assessment form especially designed for community policing in 4.8%. Without integrated assessment and feedback on the specialists, the community policing specialists may have deficient/unsatisfactory incentives to accomplish successful problem-oriented policing, which hypothetically helps the police to learn about sources and causes of neighborhood problems and then can reduce overall levels of crime, disorder, and service demand (Eck, 2003).

As a final step, stepwise multiple regressions were used to predict agencies' evaluations of the sustainability of two core elements of community policing: (1) community contact and (2) problem solving. Among the six predicting variables, four represent the effect of community policing specialists: (1) ratio of community policing specialists to patrol officers, (2) proportion of specialists' time for problem solving, (3) call for service responsibility, and (4) external COPS funding. The remaining two represent the effect of patrol officers on community policing: (1) extent of community contact by patrol officers and (2) extent of problem solving by patrol officers. As depicted in Table 8, among the main predicting variables, the predicting variable "sustainability of community contact by patrol officers" accounted for 17% of the variance in the dependent variable, agencies' reported amount of community contact. The other variables—ratio of specialists to patrol officers, proportion of specialists' time for problem solving, call for service responsibility, extent of problem solving by patrol officers, and external funding—did not have any statistical significance and were excluded from the final best-fit equation [$Z_{\text{sustainability of community contact}} = .41\ (Z_{\text{community contact by patrol officers}})$]. The equation is interpreted as follows: when agencies' evaluation of the sustainability of community contact increases by a Z score of 1.0, the Z score of the predicted amount of community contact by patrol officers increases by 0.41.

Table 8
Stepwise Regression Summary: Evaluation of Community Contact

		Sustainability of Community Contact				
	Variable	**Beta**	**T-Value**	**Significance**	**R-Square**	**F (df)**
Included	Community contact by patrol officer	0.41	2.11	0.046	0.17	4.447*
	CFS	-0.05	-0.24	0.812		
Excluded	Problem solving by patrol officers	0.17	0.60	0.555		
	Existence of COPS funding	0.20	1.03	0.315		
	Ratio of specialists to patrol officers	0.04	0.18	0.860		

Note: * p <.05

Similarly, Table 9 indicates that 38% of the dependent variable agencies' evaluation of the sustainability of problem solving is accounted for by the predicting variable reported amount of problem solving by patrol officers. Only problem solving by patrol officers had a statistically significant positive effect ($p < .05$) on agencies' evaluations of the sustainability of community contact. The other variables were excluded due to each nonsignificant effect from the final best-fit equation [$Z_{\text{sustainability of problem solving}} = .62\ (Z_{\text{problem solving by patrol officers}})$]. The equation is interpreted as follows: when agencies' evaluation of the sustainability of problem solving increases by a Z score of 1.0, the Z score of the predicted amount of problem solving by patrol officers increases by 0.62. Overall, these findings provide evidence that the agencies' evaluations of the sustainability of both structured community contact and organized problem solving were more likely to derive from the effect of regular patrol officer participation rather than that of community policing specialists.

Table 9
Stepwise Regression Summary: Evaluation of Problem Solving

		Sustainability of Problem Solving				
	Variable	**Beta**	**T-Value**	**Significance**	**R-Square**	**F (df)**
Included	Problem solving by patrol officers*	0.619	3.62	0.002	0.38	13.1 (1)*
	CFS	-0.34	-2.06	0.053		
Excluded	Community contact by patrol officers	0.25	1.04	0.311		
	Existence of COPS funding	0.002	0.02	0.988		
	Ratio of specialist to patrol officers	0.24	1.40	0.176		

Note: * $p < .05$

Conclusion

There is considerable variation in community policing models from department to department due to variation in crime, socio-demographic composition, economic health, agency commitment, and community support. Consequently, there is difficulty in generalizing the findings for policy implication. Survey research cannot fully determine which model is the most effective in accomplishing both structured community contact and organized problem solving as the two core elements of community policing efforts. These findings, however, do provide evidence that even if the every officer model and beat team model hypothetically engender extensive community contact and problem solving, in reality, these are likely to be less effective than the overlay model. Moreover, community contact and problem solving by regular patrol officers does not decrease substantially when community policing specialists are added.

Bibliography

Eck, J. (2003). Police problems: The complexity of problem theory, research, and evaluation. In J. Knutsson (Ed.), *Crime Prevention Studies, Vol. 15, Problem oriented policing: From innovation to mainstream* (pp. 79-113). Monsey, NY: Criminal Justice Press.

De Guzman, M. C. (2002). The changing roles and strategies of the police in a time of terror. *ACJS Today, 22*(3), 8-13.

DeSimone, D. C. (2003). Federal budget: A mixed bag for state and local governments. *Government Finance Review, 19*(2), 66-69.

Goldstein, H. (1990). *Problem-oriented policing*. New York: McGraw-Hill.

Goldstein, H. (2003). On further developing problem-oriented policing: The most critical need, the major impediments, and a proposal. In J. Knutsson (Ed.), *Crime Prevention Studies, Vol. 15, Problem oriented policing: From innovation to mainstream* (pp. 13-47). Monsey, NY: Criminal Justice Press.

Hahn, P. H. (1999). *Emerging criminal justice: Three pillars for a proactive justice system*. Thousand Oaks, CA: Sage.

Hoover, L. T. (2003). Neighborhood deployment—Conceptual issues. *Texas Law Enforcement Management and Administrative Statistics Program Bulletin, 10*(3).

Parks, R., Mastrofski, S., Dejong, C., & Gray, M. (1999). How officers spend their time with the community. *Justice Quarterly, 16*(3), 483-518.

Sherman, L. W. (1997). Policing for crime prevention. In Department of Criminology and Criminal Justice, University of Maryland (Ed.), *Preventing crime: What works, what doesn't, what's promising* (pp. 8-58). Washington, DC: Office of Justice Programs.

Skolnick, J. H., & Bayley, D. H. (1988). *Community policing: Issues and practices around the world*. Washington, DC: National Institute of Justice.

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The Fourth Amendment and Canine Searches in *Illinois v. Caballes*: "The Dogs on Main Street Howl"

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Introduction

The Supreme Court recently decided the case of *Illinois v. Caballes* (2005). The case dealt with the constitutionality of a canine sniff conducted during a routine traffic stop. The Court held that "the use of a well-trained narcotics-detection dog"—"one that does not expose noncontraband items that otherwise would remain hidden from public view"—during a lawful traffic stop generally does not implicate legitimate privacy interests (847, citing *U.S. v. Place* 462 U.S. 696 at 707). While the holding in the case is narrow, its use in today's society and its possible implications for future police practice warrant exploration.

Interactions between the police and persons occur approximately 44 million times per year in the United States (Langan, Greenfield, Smith, Durose, & Levin, 2001). One of the functions of the nation's approximately 800,000 local and state police officers involves controlling traffic on America's roads. While this mandate is handled in a variety of ways, one method is the officer-initiated traffic stop. Statistics indicate that one-half of people in the United States who experience contact with the police each year do so in a traffic stop (52%). Thus, the traffic stop is the single greatest method of contact between the police and the citizenry (Langan et al., 2001). This police-citizen encounter occurs a great many times in individual jurisdictions around the United States. The sheer volume of these encounters is exemplified by statistics from Illinois, where there are an estimated 35,000 traffic stops a month (or 420,000 per year) (Greenburg, 2005).

Traffic stops allow officers to do more than address driving issues. Traffic stops can provide officers with a vantage point from which they may gather information related to nontraffic criminality. Officers have uncovered evidence of a wide range of criminality while conducting routine traffic stops (e.g., stolen merchandise, drug and weapon possession, and evidence of child abuse). Traffic stops have also provided information relevant to the current fight against terror. In these cases, officers have encountered criminals smuggling persons, explosives, or cash that could potentially be used for terrorism (Cox, 2003). While traffic stops provide a window of opportunity for detecting a wide range of crime, they do introduce risk to officers who engage in them. Data complied by the FBI regarding officers killed in the line of duty from 1994 to 2003 indicate that 10.5% of officers killed in this time frame were involved in a traffic stop or in pursuit (FBI, 2004).

This article proceeds in six sections:

1. The nature, use, and effectiveness of canine searches are discussed.
2. The general Fourth Amendment law surrounding searches and seizures is explored.
3. Prior Supreme Court cases dealing with canine searches are reviewed.
4. The opinions in *Illinois v. Caballes* are detailed.
5. A survey of the cases involving interpretations of the *Caballes* case by the circuit courts is presented.
6. The policy implications of the case are discussed.

Canine Searches

The relationship between dogs and mankind goes back deep into the history of the two species. Indeed, dogs may have been the first domesticated animal. While dogs have provided many services for man, the use of canine sniffs as a tool for humans also has a long and varied application. In the policing realm, O'Block, Doeren, and True (1979) identify the following eight general roles for police dogs:

1. As a psychological deterrent
2. To search buildings
3. To defend their handler against attack
4. To track down criminals or lost persons
5. To control unruly crowds and gatherings
6. To detect marijuana and narcotics
7. To detect hidden explosives
8. For general patrol (pp. 157-158)

Dogs currently represent the best in bomb detection technology. Their sense of smell is used to detect mines in war-torn areas, as well as to protect dignitaries from assassination (Lister, 2003; Reuters, 2004). The private sector has also embraced the use of dogs to protect assets. Recently, a large casino developer in Las Vegas added a state-of-the-art kennel and canine corps to its newest property. This action was taken to protect the mass private property, as well as to instill customers with a sense of security and protection (Associated Press, 2005).

The nose of a dog, with its huge number of olfactory cells, is well designed to detect odors. The number of cells and their arrangement provide canines with a sense of smell far superior to humans. While unsure of the exact sensation operating in a dog's nose, scientists aver that dogs may have substantially higher abilities to detect faint smells, as well as the ability to differentiate or discriminate between odors (Bird, 1996).

A wide variety of dogs make good candidates for drug-detection canines. The training process of the dog is based on conditioning principles and lasts several weeks. The dog is taught that a towel is its toy. The towel is then scented with a narcotic scent and the dog is trained to associate the scent with its toy. The drug scent is then hidden without the toy. The dog searches for the scent assuming that when it has found the location of the scent, it will find its toy. When the dog does find the drug, the officer gives the dog its toy as a reward (Bird, 1996).

Training of the human handler takes substantially more time. Both handler and dog will train together for several months. The dog and handler will be exposed to a wide variety of environments in which canine sniffs may occur. Once the dog demonstrates proficiency, the dog will be certified by the training organization. Dogs and handlers must also generally be periodically recertified (Bird, 1996). The initial training of the dog, the canine team (officer with the dog) training, and the period refresher training of the team all aid in proving the reliability of evidence provided by the canine.

Establishing a canine's reliability is an important legal issue.[1] If a dog is not reliable, the probative value (proving power) of the evidence provided by that dog is suspect and, thus should not be used to make any legal decision whether the decision occurs in a court of law or in the field. Reliability, however, is established by testimony regarding the dog's record of training and performance. While jurisdictions differ, one may not need to provide the dog's training and search records in order to introduce evidence of a canine sniff in court. An officer familiar with the dog's training and performance can testify as to these issues and thus establish reliability. Moreover, canines are not expected to be perfect in their detection histories. A low history of false positives would not warrant a conclusion that the animal is unreliable.

The Fourth Amendment

The Fourth Amendment is often implicated in encounters between the police and citizens. It reads as follows:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

The amendment applies to both the seizure and search of things or persons by the state. The determination of whether a seizure of a person is reasonable, and thus legal, depends upon the type of seizure and the amount of evidence an officer possesses.

In general, there are three types of interactions between the police and citizens. The first type of encounter, and perhaps the most familiar to the public, is the arrest situation. An arrest is defined as the "seizure of an alleged or suspected offender to answer for crime" (Gifis, 1984, p. 29). Police officers are granted the legal authority to assume custody and control over a suspected criminal. To properly arrest a person, a police officer is required to have a certain quantum of evidence. That is, an officer who arrests a person is required to have evidence of criminality that amounts to probable cause. Defining probable cause is difficult. In the language of the Fourth Amendment, probable cause is a "reasonable belief that a person has committed a crime" (Lectric Law Library, 2000, p. 1). Practically speaking, an officer has probable cause to arrest when the facts and circumstances presented would convince the average person that "it is more likely than not that the suspect committed an offense" (Del Carmen, 1998, p. 61).

The second general type of police-citizen encounter is the Terry stop. A Terry stop is a short seizure of a person for the purposes of investigation. The landmark case of *Terry v. Ohio* (1968) created this type of police-citizen interaction and stated that seizures of the person that were not arrests could be constitutional provided that police stop an individual and detain him or her when they have reasonable suspicion that the person can be associated with some type of illegal activity. Additionally, if an officer has reasonable suspicion that the person stopped is armed, the officer may conduct a brief search of the person for weapons. The case does put an additional control on Terry stops: not only must the officer's actions be justified at the inception of the stop, but the stop as conducted must be "reasonably related in scope to the circumstances which justified the interference in the first place" (pp. 19-20). Like probable cause, reasonable suspicion is also difficult to define. The amount of evidence necessary for a Terry stop is less than probable cause but more than mere suspicion (Del Carmen, 1998). In essence, the officer must be aware of specific facts that, in light of his or her experience, form a substantial and supported belief that the suspect was or is about to engage in some form of crime.

The last type of police-citizen encounter is a consensual or voluntary interaction. In this situation, a police officer, usually without probable cause or reasonable suspicion, asks a person to submit to questioning or a search. Citizens in such encounters are legally permitted to decline the police officer's request. Consent searches are extremely popular with police for two reasons. First, valid consent removes constitutional issues from the search. Effectively, a person who consents to a search has waived his or her Fourth Amendment protection against unreasonable searches and seizures. In addition, citizens tend to consent to officer requests for searches even when they are actively engaged in criminality (Zalman, 2002).

The Fourth Amendment also governs searches conducted by state actors. Prior to 1967, Fourth Amendment analysis focused upon the presence or absence of a physical intrusion by a governmental actor. Without the demonstration of such a trespass by the government, Fourth Amendment protections were not implicated (Springer, 1999). The seminal case of *Katz v. U.S.* (1967), however, changed the fundamental basis upon which Fourth Amendment law was viewed. The opinion cast off property law as the basis of Fourth Amendment analysis and adopted a privacy approach in applying Fourth Amendment protections. In *Katz*, government officials had placed a microphone on the outside of a public phone booth in an effort to record Katz's conversations.[2] The *Katz* opinion noted that the "Fourth Amendment protects people, not places. . . . What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection . . . but what he seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected" (Julie, 2000, p. 130, citing Justice Harlan's concurrence in *Katz v. U.S.* 1967, pp. 351-352). Interestingly, the majority opinion in *Katz* did not offer a substantial explanation of how to employ the new privacy approach. Justice Harlan's concurrence, however, elaborated on how to properly analyze this issue using two criteria (Springer, 1999). Justice Harlan noted that for Fourth Amendment concerns to arise, the person must first have shown an actual subjective expectation of privacy in a matter. In addition to this element, Justice Harlan averred that the subjective expectation of privacy manifested by the person must be of such a nature that society is willing to recognize it as reasonable (*Katz v. U.S.*, 1967, Harlan concurring).[3] In essence, a person's private matters, to which he or she can show a subjective expectation of privacy that is recognized by

society as reasonable, are entitled to protection from unreasonable governmental intrusion. If both the objective and subjective elements are met and a state actor intrudes, a "search" has occurred and the protections of the Fourth Amendment are implicated.

The law surrounding the Fourth Amendment generally requires that searches be conducted with a warrant; however, if one of the prongs of Harlan's concurrence is not met, a "search" has not occurred, and the governmental action need not be conducted under the power of a warrant (Springer, 1999). In short, should government officials wish to monitor the matters of a party who can establish these two elements, they must generally do so with a search warrant. Should the government actors not obtain a warrant, any observations of the constitutionally protected matters would be illegal.

Canine Sniff Law

The Supreme Court has articulated two important precedents in the area of canine sniffs. The first case, *U.S. v. Place* was decided in 1983. In *Place*, drug enforcement agents detained luggage for approximately 90 minutes. The luggage was subjected to a canine sniff. The Court held that the length of the seizure exceeded acceptable limits of an investigatory stop and thus an unreasonable seizure in violation of the Fourth Amendment. The opinion, however, also explored the constitutionality of subjecting luggage to a canine sniff:

> A canine sniff by a well-trained narcotics detection dog . . . does not require opening the luggage. It does not expose the noncontraband items that otherwise would remain hidden from public view, as does for example, an officer's rummaging through the contents of the luggage. Thus, the manner in which information is obtained through this investigative technique is much less intrusive than a typical search. Moreover, the sniff discloses only the presence or absence of narcotics, a contraband item. Despite the fact that the sniff tells the authorities something about the contents of the luggage, the information obtained is limited. This limited disclosure also ensures that the owner of the property is not subjected to the embarrassment and inconvenience entailed in less discriminate and more intrusive investigative methods. In these respects, the canine sniff is *suigeneris*. We know of no other investigative procedure that is so limited both in the manner in which the information is obtained and in the content of the information revealed by the procedure. (p. 707)

The opinion then states that subjecting the luggage to the canine sniff was not a search with regard to the Fourth Amendment.

The second major case in this area of law is *U.S. v. Jacobsen* (1984). This case involved the examination of a damaged package in the care of a private shipper. The private party observed that it contained a white powder and notified federal agents. The agents then removed a small amount of the powder and subjected it to a field test, which determined that the powder was cocaine. The Court needed to decide whether such a practice by the federal agents should be governed by the warrant requirement. In deciding that such a practice did not need a warrant, the Court compared a chemical field test to a canine sniff. The opinion notes that in this case "as in *Place*, the likelihood of official conduct of the kind disclosed by the record will

actually compromise any legitimate interest in privacy seems much too remote to characterize the testing as a search subject to the Fourth Amendment" (p. 124).

The circuit courts have applied these guidelines in a variety of contexts. The cases have involved the use of canine sniffs of luggage, packages, warehouses, cars, buses, trains, motel rooms, and apartments/homes. In general, these cases have found the use of dogs to be constitutional as long as the canine sniff is applied to a lawfully detained entity or conducted in a public space (Walker, 2001).

Illinois v. Caballes

The facts of *Illinois v. Caballes* (2005) flow from a 10-minute traffic stop for speeding on an interstate highway. After the stop, Officer Gillette radioed to report the stop. Another officer, Trooper Graham, heard the call and responded with a narcotics-detection dog. Trooper Graham arrived on the scene while the traffic stop was still in progress. He walked the dog around the vehicle, and the dog alerted on the trunk. Based on the probable cause provided by the canine alert, the officers searched the trunk and found marijuana. Caballes was arrested at the scene.

At trial, a motion to suppress the drugs was denied, and Caballes was convicted and sentenced to a 12-year prison term and a fine of over a quarter of a million dollars. The appellate court in Illinois affirmed this ruling, but the Illinois Supreme Court reversed, holding that the canine sniff was conducted without specific facts and thus expanded the scope of the traffic stop into a drug investigation.

The Supreme Court of the United States granted review to determine "whether the Fourth Amendment required reasonable, articulable suspicion to justify using a drug-detection dog to sniff a vehicle during a legitimate traffic stop" (p. 837). In the case, the Court held that "the use of a well-trained narcotics-detection dog"—"one that does not expose noncontraband items that otherwise would remain hidden from public view"—during a lawful traffic stop, generally does not implicate legitimate privacy interests (847, citing *U.S. v. Place* 462 U.S. 696 at 707).

The reasoning of the case may be broken down into five sections:

1. At the outset, the Court noted that since the issue was framed without reference to any reasonable suspicion, facts and law regarding this issue were not considered in the opinion. The Court's reasoning notes that a Fourth Amendment seizure may be illegal in two situations: (1) if the state actor does not have the legal ability to stop the person at the inception of the seizure and (2) if a seizure properly effected at the start is executed in such a manner so as to "unreasonably infringe interests protected by the constitution" (p. 837). In the context of this case, the opinion noted that a traffic stop in which the goal was to issue a citation could become an unconstitutional seizure "if it is prolonged beyond the time reasonably required to complete" the delivery of the citation.[4] In this case, however, the state court established as a matter of fact that the stop was no longer than necessary and thus was not improperly extended.

2. The Court then noted that the Illinois Supreme Court held that the lawful traffic stop became illegal due to the canine sniff of the vehicle. Under this logic, the routine traffic stop was expanded and turned into a drug investigation that

was not supported by some form of reasonable suspicion of drug possession. The Illinois Supreme Court held that such an expansion rendered the stop unconstitutional. The Court, however, noted that a canine sniff "would not change the character of a traffic stop that is lawful at its inception and otherwise executed in a reasonable manner unless the dog sniff itself infringed [on the] respondent's constitutionally protected interest in privacy" (p. 847).

3. The third major section of the opinion explores the prior case law that has examined the ability of a canine sniff to infringe upon a reasonable expectation of privacy and thus violate the Fourth Amendment. The opinion noted that persons cannot establish an expectation of privacy in contraband, as society is not prepared to recognize such an expectation as reasonable. The opinion then noted that canine sniffs only detect presence or absence of contraband in the sniffed item. Therefore, since the method of detection was binary in nature and revealed only the presence or absence of contraband, a substance in which a person may not establish a reasonable expectation of privacy, the sniff could not have violated the Fourth Amendment.

4. In the next section of the opinion, Justice Stevens dismisses concerns about the potential for false alerts by narcotic-detection dogs as the record does not reflect any concern about this issue. He also shows deference to the trial judge's finding that the canine sniff in this case was of sufficient reliability to establish probable cause for a search of the vehicle.

5. In the last major section of the opinion, Justice Stevens notes that the holding in this case is consistent with the Court's recent holding in *Kyllo v. U.S.* (2001) in which the Court found that a thermal imager trained on a home was a search under the Fourth Amendment. In that case, the opinion relied upon the fact that a thermal imager could reveal intimate details that were protected by a legitimate expectation of privacy. In this case, however, Justice Stevens noted that an expectation that lawful activity will remain private was "categorically distinguishable from respondent's hopes or expectations concerning the nondetection of contraband in the trunk of his car" (p. 848).

Justices Souter and Ginsburg both filed a dissent in the case, and each of them joined in the other's dissent. Justice Souter's dissent focused upon the potential expansive use of canine sniffs as well as concerns surrounding the error rate of canine sniffs. He faults the Court's logic in *Place*, noting that dogs are not infallible in their abilities. Justice Souter then states, "once the dog's fallibility is recognized . . . that ends the justification claimed in *Place* for treating the sniff as *sui generis* under the Fourth Amendment" (pp. 849-850). He goes on to state that in such a case, "the sniff alert does not necessarily signal hidden contraband and opening the container or enclosed space whose emanations the dog has sensed will not necessarily reveal contraband or any other evidence of crime" (pp. 849-850).

Justice Ginsburg's dissent focuses upon the failure of the majority to employ the legal parameters created in *Terry v. Ohio*. She specifically states that "the Court diminishes the Fourth Amendment's force by abandoning the second Terry Inquiry" (was the police action "reasonably related in scope to the circumstances [justifying] the [initial] interference?"). Justice Ginsburg avers that the introduction of the drug dog into a routine traffic stop fundamentally altered the nature of the police-citizen

interaction and thus broadened the score of the traffic stop in contradiction to the rules of *Terry*. She also shows concern for an expansion of the practice, stating that "every traffic stop could be an occasion to call the dogs" (p. 855). Interestingly, Justice Ginsberg seems to be generally supportive of canine sniffs for security concerns like explosives detection. She likens such practice to the sobriety check points found constitutional in *Michigan v. Sitz* (1990).

Subsequent Cases

In *U.S. v. Marquez* (2005), the Third Circuit cited *Caballes* as establishing the use of a canine to establish probable cause to search a vehicle without a warrant.[5]

In *U.S. v. Carpenter* (2005), the Seventh Circuit interpreted the *Caballes* holding. The case averred that *Caballes* stands for the proposition that "the use of a dog in a public place does not require any suspicion" (p. 915). In this case, the defendant claimed the traffic stop was extended past the time necessary to effect the traffic investigation and thus violated the parameters of *Terry v. Ohio*, specifically, that waiting for the canine unit extended the stop to an impermissible, unreasonable length. The Seventh Circuit dispatched this concern by noting an earlier case in which it was held that traffic stops are not governed by *Terry*. Rather, such stops are better analyzed as arrest situations. In this case, the opinion noted that while all practices associated with arrest were not proper in a traffic stop, a "modest incremental delay for a person already lawfully arrested cannot be called unreasonable" (p. 915).

The Seventh Circuit also visited *Caballes* in *U.S. v. Wyatt* (2005).[6] In this case, an RV was stopped for exceeding the speed limit by five miles per hour. Upon approaching the RV, the officer noticed a bed in the vehicle that was unusually high and even with the window. The officer also noted that the driver was very nervous and shaking. The driver also provided a less than convincing story about his plans for travel. The officer then called for backup and learned via a records check that the driver was on probation. The officer informed the driver of his suspicions and his intention to issue a warning citation and asked for consent to search the RV. Backup arrived, and the driver was issued the warning citation at the rear of the RV. As the driver headed to the front of the vehicle, he was asked again whether he would consent to a search of the vehicle. He declined. The officer then asked whether the driver was on probation, and he responded that he had been caught transporting marijuana in his youth. The officer then asked whether he could subject the outside of the RV to a canine sniff. The parties disagree as to the response returned. The police averred that the driver agreed; the driver stated that he declined. A police dog was then walked around the vehicle and alerted on two areas. The officer informed the driver that they had probable cause to search the RV. Despite this probable cause, the officers decided to contact the state's attorney to ensure the legality of their warrantless search. The driver then asked whether he was free to leave and was told that he was but that the RV was to stay. The driver left via cab for the St. Louis Airport. Upon receiving approval, the officers searched the RV and found 128 kilograms of marijuana.

The analysis of the cases begins by noting that an officer may extend a traffic stop in length if he or she can "articulate grounds that establish reasonable suspicion of criminal activity" (p. 3). The existence of reasonable suspicion necessary for extension is to be judged from the totality of the circumstances known to the officer,

including his or her training and experience. In this case, the Court sought to determine whether the request for a search of an RV after the warning citation was issued was seizure requiring reasonable suspicion or a consensual encounter. The opinion states that the officer had reasonable suspicion to detain the driver even if the encounter in question was a seizure. Having found the subsequent extension legal, the case noted that there was no reason to investigate whether the consent to perform the canine search was valid. Specifically, the opinion states that "a canine sniff of the exterior of a vehicle that reveals no information other than the location of narcotics does not implicate any separate Fourth Amendment concerns; [the driver] need only be lawfully detained" (p. 3).

Caballes was also used by the Seventh Circuit in *U.S. v. Martin* (2005). In this case, a traffic stop for speeding was conducted by an Indiana state trooper. During the stop, the officer was presented with a variety of suspicious facts. At first, the driver could not find his license; then he stated that he was "probably" licensed in Illinois not Indiana. The driver could not remember his zip code, nor did he have the rental agreement for the rental car he was driving. The trooper learned that the driver was not authorized to drive the car, as he was not the renter. In speaking with the driver about his travel plans, the trooper found the driver's responses vague and varied. The officer ran a criminal history check and learned that the driver had been arrested several times. The officer radioed for backup. A canine unit was called for after approximately 30 minutes. Approximately 50 minutes into the interaction, the dog sniffed the exterior of the car and alerted on the vehicle. The officers removed the passengers from the vehicle and searched it. They found a loaded handgun and bags often used to hold narcotics. The driver was then arrested. The officers then Mirandized one of the passengers, the defendant's wife, and asked her if she had any drugs. She produced two bags of marijuana from her person. Both the driver and his wife were transported from the scene while the troopers stayed with their children awaiting a response from a child welfare worker. One of the troopers noticed an irregular bulge in one child's diaper. He examined the diaper and found a bag containing 140 grams of cocaine. In reviewing the denial of a motion to suppress, the Circuit court noted that the initial stop was valid. Thus, the only contention of the defendant the court examined was length of the stop. The opinion notes that the driver was "arrested based on probable cause that he was speeding" (p. 4). According to *Caballes*, however, a seizure justified only for the issuance of a traffic citation may become an unconstitutional seizure if it is prolonged beyond the need to effectuate the traffic stop. The opinion noted that an officer may develop reasonable suspicion to constitutionally extend the stop based upon routine investigatory techniques and that the use of a drug dog during a lawful traffic stop does not violate the Fourth Amendment. Based on the facts discovered by the troopers in this case, the court found that they had reasonable suspicion to believe criminality was afoot and thus could extend the stop and obtain a canine sniff of the vehicle.

The final case decided by the Seventh Circuit subsequent to the *Caballes* case provides some important dicta for future cases to be analyzed within this circuit. In *U.S. v. Garrett* (2005), the opinion notes that *Caballes* does not rule the holding of the case, but there are indications of issues that should be considered in future cases in which the *Caballes* holding is to be applied and interpreted. In *Garrett*, officers developed probable cause to arrest the defendant for drug dealing (four controlled buys). The officers ultimately effectuated the arrest by means of pretextual traffic stop. Garrett and the passengers were ordered out of the vehicle. The vehicle was then subjected

to a canine search without consent of the driver. The dog alerted on the vehicle, and a subsequent search of the vehicle found a gun, a small amount of marijuana, and 270 grams of crack cocaine. Garret sought but was denied a motion to suppress the evidence. He advanced two theories for suppression. First, he averred that length of the stop was impermissibly extended. Second, he claimed that the dog sniff did not provide probable cause to search the vehicle because the dog's reliability was not established. The court, upon review of this denial of the motion to suppress, noted that "the current record does not even permit us to decide whether, in order to wait for the drug dog to arrive, the police officers delayed the traffic stop longer than necessary to address Garrett's traffic offense" (p. 2). The court does note that the entire stop took 20 minutes but that it has no way to determine whether this was an acceptable length of time or not. Clearly, once the dog alerts, the officer has probable cause to extend the stop, but "the part of the traffic stop that matters for the *Caballes* inquiry is the time leading up to the dog alert . . . it does not matter how quickly the dog arrives after being called because a suspect might already be illegally detained by the time of the call" (p. 3). Thus, the opinion notes that the proper focus for a *Caballes* issue is what the officer was doing prior to the canine sniff. Yet, the court states that it does not believe such a review is necessary in this case because the officers had another reason to detain Garrett—probable cause to believe he was dealing drugs. Thus, in this case, the officers could clearly extend the length of the stop based upon this evidence, as the Fourth Amendment allows for the warrantless public arrest of persons for whom the police have probable cause. Garrett also questioned whether the canine sniff provided probable cause for a warrantless search of the car because there was no evidence presented about the reliability of the canine. The opinion dismissed this concern noting that evidence was presented showing the dog had received a 100% on its recertification exam 2 years prior. This evidence functioned to establish the dog's reliability.

The Eighth Circuit explored the parameters of *Caballes* in *U.S. v. Sanchez* (2005). The defendant was stopped for following too slowly. Passengers in the car provided stilted and conflicting stories of their trip and appeared very nervous. One passenger provided a false identification card, but a subsequent record check revealed no issues with the name on the identification card. The officer requested that a canine unit come to the scene for backup. The officer ultimately issued a warning citation and told the driver that she was free to leave. As the driver was headed to her car, the officer asked whether he could ask her some questions. She agreed, and the officer asked her about her knowledge of the drug problem in the United States and the frequency of transport of drugs on America's highways. The officer also voiced his suspicion regarding what he had learned in the encounter. During this period, the driver was visibly nervous, and the officer reported that she had goose bumps despite a temperature of 100 degrees. The officer then asked for permission to search the car but was refused. The officer then ordered the passenger out of the vehicle, and a canine search was conducted. The dog alerted on the trunk of the car. The officers opened the trunk and found large bundles of marijuana. The length of the stop was approximately 45 minutes.

With the initial stop legal, the petitioner argued that the investigation conducted during the stop lasted too long and thus made the stop unconstitutional. The opinion noted that while an investigatory detention is temporary and should not last longer than necessary to gather necessary information, officers are allowed to conduct a reasonable investigation during a traffic stop, ask a series of questions, and complete

computer database checks. The court found this detention reasonable, noting "the majority of the nearly 45-minute encounter was spent completing the traffic stop, including time spent" by the officer trying to confirm the identity of the passenger. The opinion also noted that the officer had reasonable suspicion to extend the traffic stop due to the various behaviors and conflicting information provided to him by the driver and passenger. Thus, the officer was justified in the use of the dog and in the seizure of the vehicle and its occupants. The opinion then cites *Caballes* and notes that "a dog sniff is not a search within the meaning of the Fourth Amendment, and thus requires no probable cause to be performed" (p. 4).

The Eighth Circuit again visited the issues involved in *Caballes* in *U.S. v. Martin* (2005). In this case, a car was stopped due to a faulty taillight. During the initial interaction, the driver was nervous and shaking. The officer completed the citation and then asked the driver whether there was anything in the vehicle the officer should know about. The driver responded nervously that there was not. The officer then retrieved a canine from his police unit and approached the car. The driver became agitated and placed his hands on his head. The dog alerted on two parts of the car. After the dog alert, the officer asked the driver whether there was something in the car he should know about, and the driver responded affirmatively that there was a pound of marijuana in the car. The driver was then arrested, and the officer searched the vehicle and found marijuana, cash, and a scale. The time between the transfer of the citation to the driver and the canine sniff was approximately 2 minutes. The court found the initial stop constitutional. In citing *Caballes*, the opinion noted, "It is clear that a dog sniff conducted during a traffic stop that is 'lawful at its inception and otherwise executed in a reasonable manner' does not infringe upon a constitutionally protected interest in privacy." A dog sniff may be the product of an unconstitutional seizure, however, if the traffic stop is unreasonably prolonged before the dog is employed" (p. 1002). To establish an unconstitutionally long traffic stop, the defendant must show that the detention was longer than necessary to effect the traffic stop and that the extended detention was not supported by reasonable suspicion. The case then notes that while there is room to debate these issues, in the case at bar, the point was moot due to an earlier case providing some leeway for canine sniffs. The opinion cites to *U.S. v. $404,905 in U.S. Currency* (1999) for the idea that "even if a dog sniff is 30 seconds to 2 minutes over the line drawn at the end of a routine traffic stop, a 2-minute delay to conduct a canine sniff is a *de minimis* intrusion into the driver's personal liberty and does not violate the Fourth Amendment" (p. 1002).

The Tenth Circuit has provided an interpretation of the *Caballes* case as well. In *U.S. v. Williams* (2005), the court examined the constitutionality of a dog sniff resulting from a traffic stop for speeding and failure to wear a seat belt. During the interaction, the driver was very nervous—his voice cracked; his hands shook; and the officer could visibly see his chest move due to his rapid heartbeat. The officer questioned both the driver and passengers and found they had conflicting stories regarding their trip's origin. The officer returned the driver's insurance card and informed him that he was free to leave. The driver, however, was still very nervous. The officer then asked for permission to perform a canine sniff of the vehicle. The driver refused. The officer then ordered the passengers out of the vehicle and performed a canine sniff. The dog alerted on the vehicle. The officer searched the vehicle and discovered a gun and a quantity of methamphetamine. The driver and passengers were then arrested.

In analyzing the case, the opinion noted a two-step process. First, the court had to determine whether the stop was justified at its inception. That is, did the officer have reasonable suspicion of a violation of the traffic code or some other law? Second, a reviewing court must determine "whether the officer's conduct during the detention was reasonably related in scope to the circumstances which justified the initial stop" (p. 1206). To extend a traffic stop beyond this boundary, the officer must have reasonable suspicion of criminality or consent of the person stopped. In this case, there was not consent; thus, the core issue of the case was whether the officer had "objectively reasonable and articulable suspicion of illegal activity that would justify prolonging the detention" (p. 1206). The court found that the officer did have reasonable suspicion to extend the stop due to the extreme nervousness, shaking hands, cracking voice, chest jerking heart beat, and inconsistent stories provided by the parties. Since the officer had reasonable suspicion, the canine search was thus conducted during a lawful stop. The court then noted that, according to *Caballes*, "a canine sniff on the exterior of a vehicle during a lawful traffic stop does not implicate legitimate privacy interests" (p. 1207).

Policy Implications

There are several policy implications flowing from the *Caballes* decision. From a legal perspective, the use of a well-trained narcotics-detection dog during a lawful traffic stop generally does not implicate legitimate privacy interests. Thus, one may expect to see police departments maintain any policies that encourage dog sniffs during the regular course of a traffic stop. Other departments may move in policy and practice to provide enhanced canine responses to routine traffic stops.

With a focus on counterterror efforts, canine sniffs may become more routine to both drivers and pedestrians in populated areas. Many aver that dogs are still the best bomb detection technology available. In providing a legal foundation to view many canine sniffs as nonconstitutional events, *Caballes* may provide legal logic by which the use of canine searches can be expanded to pedestrians on the street or even homes.

In a more general legal sense, the case seems to support the constitutionality of binary searches. As technology develops, tools may be created that only detect the presence or absence of contraband. As these tools develop, areas of personal life heretofore unknown to the government may be exposed without violation of the constitution. For example, a computer program that only exposed illegal materials and did not examine other files or a scanner that only detected drugs in the home without revealing any other information would appear to be supported by the logic of the case.

To some degree, however, the time and resources associated with canine units may mitigate against an explosion in the number and application of canine sniffs in society. Moreover, technology has not yet perfected other binary searching techniques, but the case does provide the potential to find such technology constitutional. In short, the policy implications of the case are limited to a degree by current practical restrictions and less so by legal restrictions.

Conclusion

The case of *Illinois v. Caballes* (2005) dealt with the constitutionality of a canine sniff conducted during a routine traffic stop. The Court held that "the use of a well-trained narcotics-detection dog"—"one that does not expose noncontraband items that otherwise would remain hidden from public view"—during a lawful traffic stop generally does not implicate legitimate privacy interests" (847, citing *U.S. v. Place* 462 U.S. 696 at 707). The case would seem to provide strong legal support for the expanded use of canine searches during traffic stops. In the long term, the case logic may also provide legal grounds for finding new binary search techniques constitutional. The short-term impact of the case on the privacy of Americans, however, likely depends on the practical resources available to law enforcement.

References

Associated Press. (2005). Wynn Las Vegas canine patrol sniff for danger at every corner. *USA Today*. Retrieved June 14, 2005, from www.usatoday.com/travel/hotels/2005-05-09-wynn-security_x.htm

FBI. (2004). *Law enforcement officers killed and assaulted 2003*. Washington, DC: Author.

Bird, R. (1996, Winter). An examination of the training and reliability of the narcotics detection dog. *Kentucky Law Journal, 85*, 405-433.

Cox, O. (2003). From the administrator: Complete traffic stops. *The Police Chief, 70*(9), 15-16.

Del Carmen, R. (1998). *Criminal procedure* (4th ed.). St. Paul, MN: West Publishing.

Gifis, S. (1984). *Barron's law dictionary*. New York: Barron's.

Greenburg, J. (2005, January 25). High court okays drug dog use, rules no suspicion needed at stops. *Chicago Tribune*, p. 1.

Isreal, J., & LaFave, H. (1988). *Criminal procedure: Constitutional limitations*. St. Paul, MN: West Publishing.

Julie, R. (2000, Winter). Note: High-tech surveillance tools and the Fourth Amendment: Reasonable expectations of privacy in the technological age. *American Criminal Law Review, 37*(1), 127.

Langan, P., Greenfeld, L., Smith, S., Durose, M., & Levin, D. (2001). *Contacts between police and the public*. Washington, DC: U.S. Department of Justice.

Lectric Law Library. (2000). *Probable cause*. Retrieved April 27, 2000, from www.lectlaw.com

Lister, R. (2003). Iraq's landmine legacy. Retrieved September 19, 2005, from http://news.bbc.co.uk/2/hi/uk_news/3043525.stm

O' Block, R., Doeren, S., & True, N. (1979). The benefits of canine squads. *Journal of Police Science and Administration, 7*(2), 152-160.

Reuters. (2004). Dog sniffs out trouble for U.S. ambassador. Retrieved June 14, 2005, from www.msnbc.com/id/5683562

Springer, M. (1999). A far cry from Katz: Deciding the constitutionality of prewarrant thermal imaging. *Ohio Northern University Law Review, 25*, 593.

Walker, J. (2001, April). Using drug detection dogs: An update. *FBI Law Enforcement Bulletin*, *70*(4), 25-30.

Zalman, M. (2002). *Criminal procedure* (3rd ed). Upper Saddle River, NJ: Prentice Hall.

Cases Cited

Illinois v. Caballes, 125 S. Ct. 834 (2005).

Katz v. U.S., 389 U.S. 347 (1967).

Kylo v. U.S., 533 U.S. 27 (2001).

Michigan v. Sitz, 110 S. Ct. 2481 (1990).

People v. Cox, 782 N.E. 2nd 275 (2002).

Terry v. Ohio, 392 U.S. 1 (1968).

U.S. v. Carpenter, 406 F. 3d 915 (7th Cir. 2005).

U.S. v. Davis, 113 Fed. Appx. 500 (3rd Cir. 2004).

U.S. v. Garrett, U.S. App. Lexis 13999 (7th Cir. 2005).

U.S. v. Jacobsen, 466 U.S. 109 (1984).

U.S. v. Johnson, 123 Fed. Appx. 240 (7th Cir. 2005).

U.S. v. Marquez, 127 Fed. Appx. 570 (3rd Cir. 2005).

U.S. v. Martin, 2005 U.S. App, Lexis 19274 (7th Cir. 2005).

U.S. v. Martin, 411 F. 3rd 998 (8th Cir. 2005).

U.S. v. Muriel, 418 F. 3d. 720 (7th Cir. 2005).

U.S. v. Place, 463 U.S. 696 (1983).

U.S. v. Sanchez, 2005 U.S. App Lexis 16694 (8th Cir. 2005).

U.S. v. White, 401 U.S. 745 (1971).

U.S. v. Wyatt, 2005 U.S. App. Lexis 8630 (7th Cir. 2005).

U.S. v. Williams, 403 F. 3rd 1203 (10th Cir. 2005).

U.S. v. $404,905 in U.S. Currency, 182 F. 3d 643 (1999).

Endnotes

[1] For a discussion of the various measures of canine reliability and their pitfalls see Bird (1996).

[2] The phone booth in this case was an older model that closed and provided some level of privacy regarding the user's conversation.

[3] Justice Harlan conditioned these criteria in *U.S. v. White* (1971) (Israel & LaFave 1988).

[4] The opinion then affirms the outcome of a different Illinois case, People v. Cox (2002) in which the traffic stop was prolonged resulting in an unconstitutional seizure.

[5] In *U.S. v. Davis* (2004), a case that is not subsequent but that appears congruent with other subsequent cases, the Third Circuit examined a traffic stop involving a canine search. In this case, the defendant was stopped based on a "probable vehicle inspection violation." The officer noted that the driver had several objective manifestations of intoxication and that there appeared to be marijuana stems protruding from a box of cigars. The officer performed a computer investigation and learned that the driver's license was suspended. While the officer was completing the paperwork for a citation regarding the driving suspension, two associates of the driver appeared on the scene. Both questioned the basis of the officer's stop of the driver, disrupting the traffic stop. The officer then called for a canine unit based upon the demeanor of the driver, his actions, the apparent remnants of marijuana, and the actions of the driver's associates. The dog alerted on the vehicle, and the driver was told that he was free to leave but that the car would be seized while a search warrant was obtained. After the warrant was obtained, the car was searched, and a quantity of drugs was found. The driver was subsequently arrested several months later on a different charge. The defendant lost his motion to suppress the drugs found in his vehicle. In reviewing this decision, the Third Circuit noted that the officer's initial stop of the driver was legal. Thus, the analysis focused upon whether the officer "lacked sufficient reasonable suspicion to prolong the detention for the dog sniff of the car." Based upon the totality of the circumstances, the court found that the officer did have reasonable suspicion to believe that the driver was engaged in illegal behavior. The opinion concluded that the officer "possessed the requisite quantum of suspicion to seize [the driver] and the car for the approximately 45 minutes between the initial stop and the dog alert on the trunk" (p. 502). The court also found that the officer acted "diligently in conducting the dog scan of the car, thereby minimizing the intrusion" and that any delay in the stop was the result of factors extrinsic to the officer (p. 502).

[6] See also *U.S. v. Johnson* (2005), in which the Seventh Circuit held that *Caballes* made the presence or absence of voluntary consent irrelevant with regard to a canine sniff conducted during the course of a routine traffic stop. The officer had not finished writing the citation when another officer administered the canine sniff to the vehicle. Based on the holding in *Caballes*, consent in such a situation was irrelevant, as no search occurred. Another Seventh Circuit case citing *Caballes* but not involving a canine search is *U.S. v. Muriel* (2005). Here *Caballes* was cited for the position that a traffic stop can become illegal if it is extended beyond the time necessary to effectuate the purpose of the stop.

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Premises Liability: Design Against Security Lawsuits

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Criminologists have studied the causation of criminal behavior for the last 300 years and have usually associated crime with urban centers; however, the flight from the cities to suburbia over the last three decades has created lucrative magnets of crime in the suburbs such as, office parks, apartment complexes, industrial sites, or multi-unit residential properties. The courts are finding the owners liable for criminal acts that occur on their property.

Owners and property managers, as well as the security directors working for them, have some obligations and responsibilities in the prevention of premises liability litigation. The most important steps a security manager can take to prevent premises liability are as follows:

- Identify the level of criminal activity in the site and the neighborhood. The evaluation should include a 3-year history with periodic annual reviews. The radius of the area for review will vary from site to site. Consult a security expert for a site-specific recommendation for your property.
- Conduct a security survey or audit that identifies the assets to be protected and the threats, vulnerabilities, and recommendations for security improvement. The survey should be submitted in a written report form and used as the basis for a plan of action.
- Provide a total security delivery system. Security is more than the guard gate, perimeter fence, wall construction, closed circuit television, security patrol, or detection technology. A security delivery system is the integrated approach for the protection of people, information, and property using access control, surveillance, management, and territorial strategies.
- Do as you say; say as you do! If you start a security program, complete it. The installation of CCTV with no one watching the monitors, having broken equipment, or not having trained staff to respond to emergencies creates a false sense or "illusion of security." The illusion can be very damaging in court.

In order to determine the level of preparedness of your facility, please answer the following questions:

- Do you maintain good relations with the local police agency?
- Do you maintain active membership associations that have strong national standards? (e.g., ASIS, BOMA, IREM)?
- Have you established policy and procedures for notifying tenants or residents of the development of security and crime problems?
- Do you record and log all incidents and keep them on file for that jurisdiction's statute of limitation of negligence?
- Do you have a clearly stated mission of security, job description, shift description, and essential functions?

- Are you able to provide or ensure that sufficient training is given to security and nonsecurity staff on the proper practices of security at that site?
- Do you review, update, and document all policies and procedures at least annually?
- Do you ensure that all employees are issued their own copy of policy and procedures and sign off that they reviewed them?
- Can you ensure that all locks and locking devices are of sufficient quality and quantity to protect tenants from an unauthorized entry?
- Have locking devices on doors and windows been inspected at least annually and reviewed upon each tenant entry or user turnover?
- Have intercom, security alarm, fire safety, and CCTV systems been tested, inspected, and documented at least annually?
- Is there even and consistent lighting levels in all exterior parking areas, walkways, and entries?
- Is all perimeter fencing maintained and in good condition?
- Do residential units have door viewers provided for all main entries?
- Are all vacant building spaces and units kept secured at all times to prevent unwanted criminal activity?
- Are all keys properly and continuously controlled for their distribution? Is the inventory of keys kept in a secure location? Is there a key control policy/procedure that is followed?
- Is foliage around the grounds and building perimeter trimmed to eliminate hiding spaces and allow exterior lighting penetration?
- Are all roof, basement, utility, and mechanical space doors secured to prevent unlawful entry?
- Are security bars, grills, or screens designed to allow fire egress in the event of an emergency?
- Are the buildings designed to screen persons and visitors who do not belong on the property?
- Are all utilities, power supplies, telephones, air conditioners, generators, and gas containers placed in as secure a manner as possible?
- Do all advertising and marketing materials accurately and adequately represent the level and type of security at the site?
- Do rental agents, managers, or staff misrepresent the level of security or history of crime at the site?
- Are disclaimers used in lease agreements and contracts and warnings posted in common areas, such as pools, parking areas, and mail areas, alerting residents of potential risks?
- Are all tenants and residents kept informed of any changes in security and criminal events that require warning?
- Are all employees thoroughly screened, tested, and given a background check prior to employment?

These questions will be the first ones asked by a security expert in the event of a personal injury or premises liability litigation. How many of these questions can you answer affirmatively?

A man is robbed in an apartment lobby left unguarded in the afternoon. A woman is attacked in a parking lot of a design showroom. A faulty door allows a rapist to enter an apartment building and rape a tenant. A faulty stairway design allows for a serious injury to an elderly visitor at a condominium. A hotel room balcony

facing an open atrium is wide enough to allow a child to slip through and fall ten stories. An inmate hangs himself from an air return grill over the toilet that is not properly secured. A secretary walks through a sliding glass door in an office that had no window markings on it. An entry rug in a bank buckles when the doorjamb hits the edge of the carpet and trips an elderly client. A child is accidentally shot in an apartment walkway by a stray bullet from a drug deal gone bad. These are just a few examples of the cases that are being litigated under premises liability.

According to a study published in 1984 by Professor Lawrence Sherman, a professor of criminology at the University of Maryland at College Park, the number of major awards reported nationwide each year in security liability cases increased 3000% between 1965 and 1982. Simultaneously, the average dollar amount awarded in those cases increased by 5000% (*New York Times*, March 17, 1985). Moreover, the study suggests that almost half of the major awards are from New York, New Jersey, Florida, and the District of Columbia. Security negligence lawsuits are currently one of the fastest growing civil torts in the United States.

To protect yourself, your property, or your client against potential lawsuits, a security/safety expert should be employed to look for vulnerabilities in the building and conduct a risk analysis. The security expert can be used to reduce the foreseeability and liability of crimes and accidents. The expert can check your city's codes for specifications and fire-safety regulations. The expert can serve in a crime preventative role and a critical role in litigation prevention.

A risk analysis, or study of the crime and safety threats on the premises and building should be conducted. Rape, robbery, burglary, thefts, and safety concerns are addressed in the risk analysis and security audit. The audit gives the owner direction in terms of the challenges that need to be addressed and a reasonable standard of care. The risk analysis also serves to put the owner on notice as to defects in the building or staff. If the owner can show that reasonable steps were made to correct defects, he or she greatly enhanced the defensibility in a case.

A key issue in security and safety liability cases is the "foreseeability" of a crime or accident at a given location. If several tenants have been robbed or attacked in a parking lot or building lobby, further criminal incidents can be considered foreseeable and thus, preventable. Legal liability increases dramatically if no action is taken to correct the defect.

The expert in security and safety can provide a risk analysis or security threat analysis to assess the vulnerability, foreseeability, and precedent of crime or accident incidents. The landlord, building management, and/or owner has certain duties that have been established in court decisions. These duties include reasonable care; contractual duty based on implied warranty of habitability; and the landlord, like an innkeeper, must exercise reasonable care to protect a guest or invited party from third party actions (i.e., the duty of care).

In reviewing cases from around the United States, the courts have examined many different facts and issues. The following criteria seemed to be most frequent in premises liability litigation:

- There has been prior crime on the premises (foreseeability).
- There has been prior crime in the neighborhood, or it is a "high-crime area," thus having increased awareness.
- If similar building complexes in the area have a "standard of care" better than the subject property, and which took reasonable measures and were aware of experienced precedent, then their action establishes your property's "standard of care."
- Does physical maintenance and upkeep of existing conditions in the building meet industry standards? Were the conditions in the building up to the standard of care? Items might include the working order of lights, doors, locks, fences, closed circuit television, and intercoms.
- The adequacy of the security delivery system to detect, delay, or deter criminals. Foreseeability and adequacy are the overall measure by which security legal cases are usually judged.
- The availability and performance of security personnel are key factors to be considered. Verify employee screening, training, policy and procedures, response time, and qualifications.
- Is there active or constructive notice of prior crimes or any defective condition to management or tenants? Did the landlord have notice of prior criminal incidents or defective conditions? Did the landlord have notice of a broken door, faulty stairway, burned out light, or past crimes?
- The lack of warnings to the tenants for dangerous conditions is also considered. Were the tenants warned of an activity, so as to be put on notice and take care (e.g., posting caution for slippery conditions) or ask for escort to their car and was denied, a rape on the property and residents not told, or car thefts and owners not told to lock their cars?
- Look for violations of statutes, codes, or regulations. A breach of a building code or ordinance provides strong support for negligence and liability.
- Decreased measures of safety and security below a prior level of reliance and expectations are also considered. Were services cut back due to finances or management changes and the tenants not notified of the cutback or change in services?

The security/safety professional can play a vital role in determining and establishing these conditions. Whether the expert is operating in a preventative nonlitigation situation, or working as an expert witness for the defense or plaintiff, these key issues must be addressed to determine the "standard of care," foreseeability, criminal precedent, premises liability, and most appropriate response for correction and prevention of crime on the property.

Many crime and accident sites have architectural or environmental contributory factors that may or may not be attributable to the landlord. Architecture impacts the safety and security of many different features of a building including stairs and ramp design; handrails; interior and exterior lighting; floor materials; parking lot design; blind spots; appliances; doors, windows, and access control systems; building circulation patterns; elevators; etc.

The security/safety expert can assist the attorney in litigation by looking at the scene of a crime or accident and determining the variables that led to the cause of the incident. A risk analysis of a property might include some of the following questions:

- Could persons be struck by any item?
- Could persons be blinded by change in lighting or surprised by floor surface changes?
- Are there any potholes or trenches not covered or marked that could be filled?
- Does the design make provisions for avoiding excessive demands on persons with respect to their height, build, ability to reach, ability to balance, walking gate, strength, or grip?
- Is the risk of injury increased for persons wearing long sleeves, loose clothes, high heels, neck ties, or walking barefoot?
- Is there sufficient lighting for surveillance of exterior grounds and interior common spaces?
- Are there guards or assigned persons to patrol the grounds or challenge strangers' entry?
- Are windows on the ground floor secured?
- Are doors sturdy with secure hinges and dead bolt locks?
- Are lobbies and elevators equipped with mirrors in their corners to allow visibility and assist in robbery and rape prevention?
- Are fire escape doors locked from the outside to prevent unauthorized entry?
- Are employees screened and provided with written security rules, regulations, and policies?

Most security professionals and lawyers say the best way to determine the "adequacy" and at the same time protect the building owners from lawsuits is through inspection of the premises by an independent nonvested consultant. From a legal viewpoint, independent inspections such as threat analyses, can be used in court to support the building management's security decisions in the event of a lawsuit. The advantage of a security audit by an independent expert is that the fee for services pays in part for the transfer of legal liability.

The expert is liable, to an extent, for the proficiency of the package recommended. A security company might offer an inspection for free, but the hook is the pressure to purchase a system or guard service at a substantial cost. There is no free lunch. The cost incurred for the expert now gets you a qualified opinion before litigation, or owners can pay for the expert to defend them later in court. The best prevention of litigation is proactive involvement by the expert before a problem. The expert can also assist if litigation is imminent by assessing the vulnerabilities or defensibility of the site or building. The expert can be used to prevent or reduce the liabilities of premises liability.

Randall I. Atlas, PhD, AIA, CPP, is a registered architect in the state of Florida and a certified protection professional (CPP) with the American Society of Industrial Security. He holds a doctorate in criminology from Florida State University. Dr. Atlas has served as an expert on numerous premises liability cases around the United States and has conducted security audits, Americans with Disabilities Act Accessibility Audits, and crime studies at over 50 sites in South Florida. The unique area of specialty for Dr. Atlas and most of his recognition is in crime prevention through environmental design. Dr. Atlas is a crime prevention trainer with the National Crime Prevention Institute, University of Louisville, and a member of the National Institute of Justice – CPTED Environmental Security National Advisory Board. Atlas has been an

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