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Interagency Cooperation

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Editorial

The organizational structure of law enforcement in the United States allows for autonomy based upon local control. There are approximately 18,000 law enforcement agencies in the United States. Furthermore, there appears to be no apparent movement for such agencies to relinquish jurisdictional boundaries and authority in order to consolidate police service delivery with bordering jurisdictions. As such, law enforcement in the United States, at least for the foreseeable future, will remain constant in organizational structure and fragmented in service delivery.

At the same time that law enforcement agencies have been unwilling to consolidate the totality of law enforcement operations with bordering jurisdictions, there are numerous examples of effective consolidation of certain police functions (e.g., the extensive use of major case squads or multi-jurisdictional task forces, shared crime labs, telecommunication centers serving multiple jurisdictions, consolidation of jail facilities, and consolidation of record and training functions). Such (limited) consolidation efforts allow for cost savings and enhanced service delivery, while each participating department retains control through various methods of participatory management and oversight.

Law enforcement leaders should be commended for the insightful and innovative manner by which they have promoted interagency cooperation. Crime knows no boundaries. As such, law enforcement personnel must devise cooperative ventures to fight crime affecting their community but which may have boundaries that overlap multiple police jurisdictions. Cooperation, communication, sharing of intelligence information, and sharing of manpower and resources are all necessary components of effective interagency partnerships.

This issue of the *Law Enforcement Executive Forum* focuses, in part, on interagency cooperation between law enforcement agencies. A number of articles contained herein provide insight, as well as working examples, of how interagency cooperation promotes effective service delivery in law enforcement.

Thomas J. Jurkanin, PhD
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Deinstitutionalization and Collaboration: An Exploration of the Meaning Behind the Movement for Criminal Justice Practitioners

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Originally, the federal policy of deinstitutionalization was viewed as a positive venture in that it called for the release of psychiatric patients from outdated, ineffective institutions (Grob, 1995). Theoretically, patients that were released from institutions would be successfully reintegrated into mainstream society through the use of various, client-tailored social and psychiatric support systems in community-based mental health facilities (Grob, 1995).

The policy of deinstitutionalization, however, did not work for many reasons. First, the federal money to help start the programs never followed the federal policy. In addition, the newly created community mental health centers were not able to shoulder the burden of managing the mentally ill in the community. Political arguments over the best policy regarding the mentally ill also led to the repeal of many mental health laws and an emerging “hands-off” attitude, on behalf of the federal government, toward dealing with the mentally ill. Finally, the states were accelerating their discharge of the mentally ill from institutions due to the impending lack of funding from their federal sources (Grob, 1995).

As a consequence of all of these influences, the mentally ill were suddenly being thrust out of mental health institutions and into local communities that were woefully unprepared to meet their needs. In the years following deinstitutionalization, therefore, the positive meaning of the federal policy changed to a fatalistic view of the outcome of the mentally ill as homeless undesirables that needed to be removed from the community (Harrington, 1999).

The unforeseen result of deinstitutionalization was that the federal government has unwittingly created a dilemma in the handling of the mentally ill. Reports indicate that several of these former mental health patients were not placed in residential treatment facilities but were moving into the criminal justice system (Harrington, 1999). Researchers have noted an increase in criminal justice contact with offenders who are mentally ill (Bonovitz & Bonovitz, 1981; Ditton, 1999), although few programs for the provision of psychiatric treatment to these offenders have been implemented (Grob, 1995). Current “get tough” legislation, which has increased sanctions for certain criminal offenses, has also led to individuals with mental illness spending longer periods in criminal justice custody (Harrington, 1999; Ditton, 1999).

Studies of the criminal justice system have begun to quantify the influx of individuals who have mental illness. Bonovitz and Bonovitz (1981) conducted a study after the enactment of the Pennsylvania Mental Health Act and found that law enforcement

calls for service (not simply relabeling a case as involving a mentally ill offender) involving a suspect with a mental illness, increased 228% after the enactment of the restrictive involuntary commitment guidelines put forth by the Mental Health Act. A qualitative explanation, from law enforcement officers, for this increase in calls for service and disorderly conduct arrests revolved around a lack of suitable options, such as psychiatric commitment and increased knowledge about mental illness (Bonovitz & Bonovitz, 1981). A study by Lamb and Weinberger (1998) reports that mentally ill individuals are admitted to jails at a rate eight times that of psychiatric hospital admissions. This has resulted in more individuals with severe mental illness in jail than in treatment (Council of State Governments, 2003).

The Call for Interprofessional Collaboration

To attempt to address the growth of incarcerated offenders with mental illnesses, researchers have reported that collaboration between mental health providers and the criminal justice system would encourage joint problem solving (Calsyn, Morse, Klinkenberg, Trusty, & Allen, 1998). This will allegedly result in reduced hospital stays, improved living situations, and improved social relationships for mentally ill individuals; although, empirical confirmation is currently lacking (Calsyn et al., 1998; Solomon, 1992).

Interprofessional collaboration portends many advantages, which are currently being explored by projects such as the President's Criminal Justice and Mental Health Consensus Project (2003). One of the key benefits that have been identified is the opportunity for criminal justice and mental health practitioners to learn each other's systems (Solomon, 1999). Additionally, law enforcement personnel would be able to gain access to information that would assist them in finding alternatives to arresting mentally ill individuals (Council of State Governments, 2003). Furthermore, interprofessional collaboration has been credited with early identification and treatment of mental illness, which decreases both disruptive behavior of mentally ill individuals and the frequency of interaction/law enforcement (Conly, 1999).

Although interprofessional collaboration has been identified as a successful venture with benefits for all agencies involved, there are several inconsistencies as to the validity of those claims due to a lack of empirical study and specified practices (Ditton, 1999; Mechanic, 1998). Therefore, in order to move beyond the rhetoric surrounding collaborative treatment of people with mental illness, a solid foundation of what collaboration is needs to be established. This practical foundation necessitates a thorough discussion of the theoretical foundations for collaboration, definitions of collaboration, and problems associated with collaboration.

Why Organizations Collaborate

Walsh, Brabeck, and Howard (1999) state that all human service professionals subscribe to at least one of the several human development theories. Knowledge of these theories is important for several professions in terms of not only the advancement of society through human development but also the development of an organization or profession (Bersoff et al., 1997; Mahoney & Patterson, 1992; Pullin, 1996; Sherman, 1998; Walsh et al., 1999).

From a criminological viewpoint, the human developmental view begins with neonatal development to explain criminality. It further seeks to understand why people behave in different ways during their life cycle (Loeber & LeBlanc, 1990). Furthermore, developmental criminology revolves around human development across the life span within a cultural and social context and espouses that human development can be continually modified into more acceptable forms of behavior (Walsh et al., 1999).

Most important for the prospect of interprofessional collaboration is Vygotsky's (1978) finding that the levels of human development that achieve the greatest skill and knowledge enhancement happen as a result of peer interaction rather than solitary actions. This aspect of human development is mirrored in organizational development theories in which it is posited that both the mental health and criminal justice systems should seek practical collaborative efforts for intervening in the life course of offenders who are mentally ill to provide treatment that would terminate criminal behavior (Walsh et al., 1999; Wood & Gray, 1991).

In order for organizations to achieve successful growth and enhance their knowledge of social issues, they must seek interprofessional collaborative efforts to maximize agency development (Brofenbrenner, 1979; Lerner, 1978; Werner, 1957). The idea of enhancing the development of an organization's response to social problems as a result of peer interaction is central to the pursuit of interprofessional collaboration. To counter the resulting organizational myopia, interprofessional collaboration allows for sharing of knowledge and expertise on multiple levels of human and organizational development and a more holistic approach to social issues (Walsh et al., 1999).

Walsh et al. (1999) note that a widespread recognition of the need for interprofessional collaboration exists, although there appears to be minimal effort in implementing collaborative strategies. Additionally, they found that many existing interprofessional collaborations occur in situations in which one profession works in a setting dominated by another (Abramson & Mizrahi, 1996; Allen-Meares & Moroz, 1989; Biaggio & Bittner, 1990; Reppucci & Crosby, 1993; Staley, 1991; Tharinger et al., 1996; Theil & Robinson, 1997; Walsh et al., 1999; Weil, 1982).

In terms of true collaboration in which agencies commit personnel and fiscal resources, any shift in professional practices is no longer simply a shift in actions but a paradigm shift in the professional understanding of and approach to a significant issue (Walsh et al., 1999). It has been asserted, however, that a theoretical and practical framework for interprofessional collaboration has not been expressed and that this lack of articulation presents the greatest barrier to the implementation of collaborative practice. It has been noted that the argument "it works" without empirical support (Petrie, 1992) is not a valid basis to commence nationwide collaboration initiatives (Walsh et al., 1999). This vague argument is especially unconvincing to the criminal justice profession, which bases success on quantifiable data such as arrest rates, incarceration rates, and recidivism rates.

From an organizational developmental theory perspective, however, there appears to be a spectrum of rationales for interprofessional collaboration that moves from practice-oriented thinking to abstract, theory-oriented perceptions (Goldkamp & Irons-Guynn, 2000). There is, however, an absence of information in the literature to bridge the theoretical foundations of interprofessional collaboration to the actual daily practice of agencies working together (Walsh et al., 1999).

The goal of this discussion on theoretical frameworks is to explore a common theoretical foundation from which to identify an organizational rationale that both mental health and criminal justice systems can utilize to engage in collaborative practices (Walsh et al., 1999). The fact that both the mental health and criminal justice systems subscribe to human developmental theories across a life span and acknowledge that successful intervention is a significant contributor to terminating antisocial or criminal behavior provides a shared view for the two systems to collaborate. The incentive to collaborate should pre-exist regarding the development of the offender with mental illness into a noncriminal member of society.

Additionally, due to the fact that both the mental health and criminal justice systems are seeking organizational and professional development and it has been argued that the greatest achievements of developing knowledge and skill happen in the social context of peer interaction as opposed to solitary endeavors, interprofessional collaboration should be a positive endeavor. These two facets of developmental theories, human and organizational, present a theoretical framework from which to define interprofessional collaboration. The human development theories seek to identify the onset of criminal behavior and the reasons for that onset, such as why and when an individual with mental illness engaged in criminal behavior. Additionally, the organizational development theories seek to maximize the intervention that would decrease the criminal behavior through organizations interacting with each other to share knowledge and skills.

Defining Collaboration

Leonard and Leonard (2001) look to classical organizational and leadership theories to explore the foundations of current collaborative practice. They note that the theories of Taylor, Weber, and Fayol rely heavily on top-down management in which power is associated with those that assume formal roles within a legitimate hierarchical structure (Leonard & Leonard, 2001). Since the emergence of the classical theories, however, the practice of interprofessional collaboration was noted as being more effective at achieving organizational goals (Friend & Cook, 2000). As a result, doubt grew regarding the long-held beliefs of hierarchical management and its ability to address human resources and community building (Leonard & Leonard, 2001).

As a result, advocates of reform called for leadership styles within the public, private, and not-for-profit organizations that would make interprofessional collaboration a reality (Drucker, 1996; Leonard & Leonard, 2001). These emerging leadership styles included conceptualizations such as servant leaders (Greenleaf, 1978/1995; Pollard, 1996), transformational leaders (Burns, 1978/1995; Senge, 1990), principle-centered leaders (Covey, 1991), and emotionally intelligent leaders (Goleman, 1998), which were essential organizational mindsets for interprofessional collaboration (Leonard & Leonard, 2001). The largest problem facing interdisciplinary collaboration, however, has been defining the term *collaboration*.

The term *collaboration* is often used in similar context with the term *community* (Leonard & Leonard, 2001). Advocates of collaborative efforts focus on the benefit of collective learning, empowerment, and professional learning communities that come together to solve a common problem (Leonard & Leonard, 2001; Little, 1982). The concept of collaboration, however, remains an indefinable process that often leaves constituents with little direction as to their role (Leonard & Leonard, 2001).

This has led to a feeling that collaborative practice is touted as a cure-all for societal problems that defy solutions (Leonard & Leonard, 2001).

Additionally, collaboration has been viewed as the opposite of bureaucratization, (Kruse & Louis, 1997; Leonard & Leonard, 2001). This suggestion alone has led many professionals to be skeptical of interprofessional collaboration, which engenders ideas of an inefficiently organized, full commitment of agency resources and personnel to a collaborative effort that may last indefinitely.

While a consensus definition of *collaboration* has not emerged within the literature, it is often found that practitioners involved usually hold homogenous beliefs that would be logical prerequisites for collaboration (Hochstedler, 1987). Additionally, although the definition of collaborative activities is often limited to projects, groups, or activities involving very small groups of agencies, common characteristics of collaboration can be found (Van Eyk & Baum, 2002).

Characteristics of Collaboration

Characteristics of collaboration, although not easily defined (Leonard & Leonard, 2001; Welch, 1998), have been compared to a romantic relationship that has no clearly defined boundaries but works within a continuum of interaction from situational cooperation to a full commitment (Leonard & Leonard, 2001; Schrage, 1995). Schrage (1995) defines collaboration as, “the process of shared creation: two or more individuals with complementary skills interacting to create a shared understanding that none had previously possessed or could have come to on their own” (p. 33).

This definition helps to solidify the notion of interprofessional collaboration as a higher level activity due to the new understanding of a social issue that is achieved as a result of a shared collaborative venture. Additionally, the concept of shared creation illustrates that the responsibility for creating a successful collaborative environment does not rest with any single entity (Corrigan, 2000; Melville & Blank, 1991) but encompasses a “village” concept. Moreover, each new group that enters a collaborative initiative offers a further opportunity to achieve the collaborative’s objectives (Ladd, 1969). A successful collaborative initiative is often facilitated through face-to-face meetings of the partners because they are located in the same building. This type of collaborative allows for expedient, efficient communication (Falk & Allebeck, 2002). These conditions are not always feasible, however, and there may exist a continuum of collaboration from a cooperative effort to a full collaborative model. The extent of collaborative activity along the continuum is based largely on peer equality (or at least the perception thereof) among stakeholders as opposed to one partner attempting to take control over the collaborative exchange (Berggren, 1982; Falk & Allebeck, 2002; Westrin, 1982).

A more realistic view of interprofessional collaboration involves balancing the interests of multiple stakeholders with divergent theoretical backgrounds and providing an effective means for channeling existing resources into productive, outcome-related policies (Alkema, Shannon, & Wilber, 2003). Gardner (1989) defines *collaboration* as “the creation of a community process to plan a service system for [clients] in which no new programs are started without participation with existing programs” (p. 21). The reformation and utilization of existing practices in a collaborative environment has become synonymous with a national focus on

reengineering government services to provide more outcome-based services (Harley, Donnell, & Rainey, 2003; Linden, 1994). The funding sources for this reengineering movement demand collaborative efforts due to the inefficiency associated with single-focus initiatives (Bailey & Koney, 1997; Harley et al., 2003).

These single-focus initiatives usually involve dedicating minimal personnel and fiscal resources to collaborate with outside agencies. Although not a full dedication of all agency resources, these smaller scale partnerships are more realistic practical applications of collaborative principles and are therefore more readily adopted as a coalition.

The term *collaboration* is often used synonymously with coalitions and other interorganizational approaches to address critical social issues (Abramson & Rosenthal, 1995; Mizrahi & Rosenthal, 2001; Rosenthal, 1998). There are, however, distinct differences between the ideas of *collaboration* and *coalition*.

Coalitions have been labeled as “advocacy” (Dluhy, 1990; Galaskiewicz, 1985; Mizrahi & Rosenthal, 2001; Roberts-DeGennaro, 1986), “action” (Frey, 1974; Mizrahi & Rosenthal, 2001), or “progressive” (Mizrahi & Rosenthal, 2001; Sink & Stowers, 1989) within the practice of social change (Mizrahi & Rosenthal, 2001). The organizations within a coalition often commit to an agreed-upon purpose, share decision-making responsibilities (while retaining professional autonomy), and limit themselves to a specified time frame (Mizrahi & Rosenthal, 2001). These cooperative commitments face limitations because they often run parallel to external social movements, and therefore, interprofessional coordination is defunct once the social movement has ended (Mizrahi & Rosenthal, 2001).

A coalition is distinctly different from full collaboration because individuals and agencies can cooperate and coordinate without drastically changing daily operations; however, due to the smaller scale of dedicating agency resources, the prospect of working within a coalition becomes more acceptable to agency leaders than the dedication of all agency resources to a specific task. This form of collaborating within a small scale coalition allows for an easier exchange of trust among partners because of the perceived limited impact on the overall agency in the event of failure to address the social issue.

This trust-building process, although slow, is facilitated through participants maintaining a clear purpose (Knop, LeMaster, Norris, Raudensky, & Tannehill, 1997; Leonard & Leonard, 2001); staying committed to the relationship (Jordan, 1999; Knop et al., 1997; Leonard & Leonard, 2001); maintaining a sense of selflessness (Knop et al., 1997; Leonard & Leonard, 2001); valuing diversity (Jordan, 1999; Knop et al., 1997; Leonard & Leonard, 2001); and retaining a willingness to share power (Leonard & Leonard, 2001; Mankoe, 1996), which is more easily accepted within a small scale coalition rather than a full collaborative effort. The facilitation of trust building can be measured to determine how agencies are coupled with other agencies.

Due to the emergence of federal initiatives such as the Criminal Justice/Mental Health Consensus Project (Council of State Governments, 2003), there is a possibility of perceived pressure to collaborate or lose important federal funding; however, according to Friend and Cook (2000), one of the most important aspects of interprofessional collaboration is that the effort must be voluntary in order to be genuine. Although collaborative relationships can be coerced, such coercion will often lead to ineffective outcomes (Leonard & Leonard, 2001). Other important

characteristics of collaboration are as follows: equality among participants, mutual goals, a shared responsibility for participation in the division of labor (although an equal division of labor is not essential), equality in decision-making responsibility, pooled resources, and shared liability for outcomes (Friend & Cook, 2000; Leonard & Leonard, 2001).

Finally, Tiegerman-Farber and Radziewicz (1998) cite a belief in the value of collaboration and a growing sense of community as important criteria for collaborative movements (Friend & Cook, 2000). These criteria allow collaborators to share ideas and viewpoints in nonintrusive manners, analyze them in a cooperative environment, and create an effective organizational synergy (Koehler & Baxter, 1997; Leonard & Leonard, 2001). The growing sense of community within an agency can be measured through the number of collaborative experiences that agency has had (Tiegerman-Farber & Radziewicz, 1998) and assessment of how an agency is coupled with other agencies (e.g., in other terms, how well they interact with outside agencies).

From the literature, there are many possible definitions of what is involved in interprofessional collaboration; however, two definitions emerge as common themes of collaboration. The first is an idealistic definition in which all partnered agencies are believed to be ideologically similar and fully involved in the collaborative effort by reengineering their agency's current practices in order to fit into the collaborative model. The second comes from a more practical standpoint of dedicating a portion of agency resources to an interprofessional collaborative effort that may result in specific projects or activities instead of complete immersion of all agency resources into a collaborative enterprise, which is more realistic. This reduced dedication of resources is more attuned to the reality of applying collaboration strategies in the form of coalitions as outlined in the discussion of defining collaboration.

It is also believed that agencies will not collaborate with outside agencies simply to collaborate. Instead, there needs to be a practical reason with identified goals for the collaborative exchange. The argument "it works" is not enough to drive potential partners into a collaborative exchange. While agencies may trust other agencies enough to couple and collaborate with them, partners must be able to visualize a tangible reason or goal for such an exchange, such as reducing the stigmatization of individuals with mental illness or increasing the understanding of the development of their core tasks. This reason for collaborating is often grounded in the perceived possibilities for success involved in pursuing the collaborative effort.

Barriers Associated with Collaboration

Aside from the theoretical reasons for agency collaboration, problems associated with the practical application of collaborative efforts exist. These problems often dissuade potential partners from participating in a collaborative exchange. One such barrier revolves around the time spent creating new theories that suggest that interprofessional collaboration is important as opposed to testing existing theories through application, which would combine the knowledge of collaborative partners regarding social issues. Austin and Baldwin (1991) assert that collaboration between professions is more frequent when the effort is made to empirically test theories about why collaboration is important and how it can benefit partners. This lack of combined knowledge and an ideology from which to operate leads to power struggles as collaborative partners strive for ownership of a phenomenon by being the first to provide theoretical foundations and operational

strategies. These power struggles can result in competing grant applications and funding issues and a reluctance to share necessary information among collaborative partners.

Biglan (1973) posits that collaboration is more prevalent in hard science fields in which strong agreement exists on research paradigms as opposed to soft-applied fields, such as the social sciences, in which there is less consensus about how to study social phenomena. This claim is bolstered by research that illustrates social scientists' reluctance for considering a paradigm shift for researching programs that assist populations in need of services (Harley et al., 2003; Luongo, 2000).

This research explores the combination of knowledge, skills, and values that participants must acquire to create a collaborative atmosphere (Brundrett, 1998; Corrigan, 2000; Johnston & Hedeman, 1994; Jordan, 1999; Leonard, 1999a, 1999b; Leonard & Leonard, 2001). Although the possession of knowledge, skills, and values about collaborating is not a prerequisite for collaboration, the effort to gain these abilities for a successful collaborative culture prove to be a difficult and time-consuming task for many stakeholders and causes the collaborative efforts to be negatively scrutinized (Brundrett, 1998; Johnston & Hedeman, 1994; Jordan, 1999; Leonard & Leonard, 2001; Leonard, 1999a, 1999b). Nevertheless, it is the acquisition of knowledge, skills, and values that allows for the open exchange of information and ideas in a nonthreatening atmosphere and creates a synergy that results in increased agency effectiveness (Koehler & Baxter, 1997; Leonard & Leonard, 2001).

Among researchers, the acquisition of knowledge, skills, and values through research would be ideally similar across social science disciplines (Creamer, 2003). Within the social sciences, Guba and Lincoln (1994) identified positivism, post-positivism, critical theory, and constructivism as the prevailing research paradigms. These paradigms are distinguishable according to basic beliefs about the nature of reality, the nature of the relationship between the knower of information and the information that is known, and the process of creating or exploring knowledge (Creamer, 2003; Guba & Lincoln, 1994). These paradigms were identified through the belief that collaborative efforts come from a shared view of the world, and interdisciplinary research would be based on this shared understanding (Creamer, 2003; Toma, 1997).

Regrettably, there is not a shared worldview, and the divergent research methodologies for studying social phenomenon within the social sciences has led to "paradigm wars" (Gage, 1989). This is reflected in organizational idiosyncrasies that prohibit collaborative efforts due to a feeling of loyalty or commitment to an individual's agency (Van Eyk & Baum, 2002). This leads to a rejection of new ideas and the possibility of divergence between the stated organizational policy and the unwritten organizational culture (Bemack, 2000; Harley et al., 2003).

When one compounds this by taking into consideration the organizational politics and culture both within and among agencies, interagency collaboration becomes even less likely (Van Eyk & Baum, 2002). Van Eyk and Baum (2003) assert that there is often an "us versus them" mentality, which makes the ability to reach agreed upon goals almost impossible.

This interdisciplinary conflict may be eased, however, by comparing the assumptions of scholars from the different paradigms and recognizing that significant differences may be a result of epistemological suppositions (Creamer, 2003; Toma, 1999). In

addition, a shared commitment to a critical interdisciplinary issue or paradigm may assist in partnering unlikely participants in a collaborative effort (Creamer, 2003). It is this shared commitment that leads to the ultimate goal of increased knowledge, skills, and values about a critical interdisciplinary issue and provides a foundation for strategic planning.

The emergent turf battles are often a result of an inability to define the purpose of the collaborative, prioritize goals, and resolve problems (Alkema et al., 2003). These battles are expected when agencies couple together in a collaborative venture and are necessary to achieve the goals of the new collaborative because they allow participation guidelines to be set (Corrigan, 2000). On the other hand, there are other barriers to the stakeholder arrangement, such as not including participants in all phases of the process (Corrigan, 2000; Gardner, 1992), specialized instead of generalized professionals (Corrigan, 2000; Farrow & Joe, 1992), divergence regarding the importance of near and long-term goals (Chase & Cahn, 1992; Corrigan, 2000), differences in organizational structure (Case & Cahn, 1992; Corrigan, 2000), differences regarding the need to become involved in the initiative (Corrigan, 2000), and the sovereignty of the participants being challenged through open information sharing (Bruner, 1991; Corrigan, 2000).

In regards to agency development through interprofessional collaboration, Walsh et al. (1999) identify many barriers to collaboration, both conceptual (e.g., understanding of development, professionalism, and status) and practical (e.g., structural constraints, professional cultures, and professional preparation). There is preliminary evidence that supports the efficacy of interprofessional collaboration (Walsh et al., 1999). As stated earlier, however, Walsh et al. also note that the argument "it works" (Petrie, 1992) is not a valid enough basis to commence nationwide collaboration initiatives (Walsh et al., 1999).

Governance and organizational ownership of a collaborative effort also appear to present a barrier to effective collaboration (Corrigan, 2000). Farmakopoulou (2002) briefly discusses a power/resource dependency framework for collaborative efforts that states that organizations are sometimes forced into arrangements that they would not normally have entered. This leads to limited and poor quality collaborative efforts within a political arena involving legal, administrative, and social constraints to open collaboration (Farmakopoulou, 2002). These constraints lead to significant communication barriers with outside agencies and a strong desire to achieve a leadership position within the collaborative effort, as opposed to a partnered relationship.

When an individual agency is perceived as owning an interagency partnership (through exclusive funding rights or decision-making ability), then other agencies are likely to participate in name only (Corrigan, 2000; Gardner, 1992). This single leadership organizational structure will further reduce the ability to gain funding from outside sources due to the reduced decision-making ability of those agencies expected to provide funding (Corrigan, 2000; Gardner, 1992).

Finally, collaborative initiatives require systemic sharing of information and resources (Corrigan, 2000). With offenders who have a mental illness, however, client treatment confidentiality may pose a significant barrier to collaboration (Corrigan, 2000; Gardner, 1992). The resistance to sharing information and resources is furthered by the divergent paradigms of the criminal justice and mental health agencies (Braxton & Hargen; 1996, Creamer, 2003). Greenberg and Levy (1992) suggest

applying a need-to-know doctrine in regards to access to information with rigid information handling guidelines in place; however, the problem with information sharing may not lie simply with the reluctance to do so but also within incompatible data collection and storage techniques (Corrigan, 2000; Gardner, 1992) and the verbiage associated with the different professions. This presents an initial problem for collaboration between mental health and criminal justice systems because of the communication barrier. As illustrated through the developmental theories, however, the more agencies work together, the more knowledge they acquire, which helps to alleviate the communication problem because partners are now given insight into the workings and terminology of other collaborative partners.

Concluding Thoughts on Collaboration

Thus, the literature collectively suggests that the term *collaboration* is often synonymous with community cooperation involving collective learning to solve community problems and the empowerment of stakeholders (Leonard & Leonard, 2001; Little, 1982), which may be adopted to increase agency productivity (Leithwood, 1992; Leonard & Leonard, 2001). This process (a cooperative) involves a consensual commitment from stakeholders with a shared responsibility in decisionmaking for a limited time (Mizrahi & Rosenthal, 2001). The cooperative is facilitated through the use of voluntary (Friend & Cook, 2000) face-to-face meetings with all stakeholders (Falk & Allebeck, 2002) that allows for open communication without negative repercussions (Leonard & Leonard, 2001; Short & Greer, 1997). Additionally, there must be a commitment to sharing power among stakeholders (Mankoe, 1996; Leonard & Leonard, 2001), and equal liability for outcomes (Friend & Cook, 2000).

There appears to be half-hearted efforts in implementing collaborative strategies, however, (Walsh et al., 1999), which may be due to a vague understanding of the purpose of collaboration (Petrie, 1992) or the lack of a theoretical foundation for interprofessional collaboration (Walsh et al., 1999). This minimal effort is also attributed to the common occurrence of one stakeholder dominating the others within most collaborations (Abramson & Mizrahi, 1996; Allen-Meares & Moroz, 1989; Biaggio & Bittner, 1990; Reppucci & Crosby, 1993; Staley, 1991; Tharinger et al., 1996; Theil & Robinson, 1997; Walsh et al., 1999; Weil, 1982), which happens when participants are thrust into a cooperative that they would not have normally entered (Farmakopoulou, 2002). The deficiencies in empirical literature in both the criminal justice and mental health fields regarding the purposes and goals of interprofessional collaboration have led to a series of half-hearted efforts to work with outside agencies.

As a result of a history of half-hearted efforts, there are calls to increase the knowledge of what interprofessional collaboration truly is and what it should look like. An increase in knowledge about collaboration involves uncovering professional values about collaboration and the ways these values affect the collaborative process (Leonard & Leonard, 2001). Knowledge of how practitioners value collaboration and information sharing would give a clearer picture of what collaboration should look like, but measuring this is difficult due to the divergent research paradigms among stakeholders (Brundrett, 1998; Corrigan, 2000; Creamer, 2003; Johnston & Hedeman, 1994; Jordan, 1999; Leonard, 1999a, 1999b; Leonard & Leonard, 2001). The existence of loose coupling within and among stakeholders adds to the confusion of information sharing (Hagan, Hewitt, & Alwin, 1979), and turf battles confound the

purpose of the collaborative exchange, goal prioritization, and problem resolution (Alkema et al., 2003).

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Police Departments as Collaborators in Multi-Agency Initiatives

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The devastation caused by Hurricane Katrina and other public health threats posed by emerging diseases add to the demands on emergency responders and tax already stretched resources. These incidents and issues, individually and collectively, suggest that political leaders and public safety officials must think differently and explore alternative models to prevent, respond to and mitigate a crisis.

–Bradley & Lyman, 2006, p. 24

Introduction

The war on terrorism requires the cooperation and coordination of not one but many different agencies. Throughout the years, there has been much discussion about the need for and importance of multi-agency cooperation (Cerulli, Conner, & Weisman, 2004; Rohe, Adams, & Arcury, 2001). The tragic events of September 11, 2001, demonstrated that the government is relatively weak if information is not shared or carefully coordinated. Concomitantly, our agencies are stronger when we share/exchange information and expertise. Similarly, traditional policing can benefit from interagency collaboration.

This article explores and describes collaborations between law enforcement, the community, and public health agencies. We explore how collaborations can be positively achieved in the theoretical and practical sense. Collaborative efforts between law enforcement and their interactions with the community are demonstrated through the presentation of representative case studies. The positive impact of successful collaborations between police, public health agencies, disaster preparedness entities, and community initiatives are paramount. The importance of successful collaborations is underscored when one considers that public health and law enforcement agencies have essentially similar missions: to protect the health, safety, and welfare of the public. Today, these two agencies face joint challenges in more accurately coordinating operational activities to prevent, detect, and respond to many scenarios, ranging from crime, domestic violence, terrorism, and other potential emergencies (or disasters).

In all, this article illustrates areas of successful partnerships and points toward possibilities for other cities. It is hoped that as a result of themes and cases identified in the literature that policies can be developed or strengthened that will impact individual agency budgets, the sharing of agency resources, and the mental satisfaction among citizens who are impacted directly and indirectly (e.g., reducing taxes).

Background

Twenty-five years ago, the terms *violence* and *prevention* were rarely used in the same sentence. Today, there is near universal discussion about “violence prevention” in almost every major city. This new phraseology, namely, “violence prevention” is used interchangeably among public health agencies and police departments. In the mid-1980s, Prothrow-Stith (1991) expressing concerns about a rise in violence and increased fatalities (mostly correlating with easy accessibility of firearms and ammunition) drove an even stronger partnership between public health and law enforcement. She argued that the solution to violent crime was to make it a public health issue. In other words, the responses to acts of violence should transcend criminal justice. She called for police to work with mental health agencies. She suggested that emergency physicians treating victims of gun violence be required or encouraged to refer victims or survivors to public and/or mental health agencies. She identifies a little boy from Detroit who put it this way: “There are no more fights in Detroit . . . it is just guns now” (p. 28). Prothrow-Stith (1991) quotes law enforcement officers who have said that easy availability of hand guns have rewritten the script and that sand lot fights have become increasingly a thing of the past (p. 28). The point to be made here is that *violence* (like drunken driving, smoking, exercise, and diet) is a public health problem that requires integration efforts with law enforcement.

What follows, then, is a look at major themes to appear in the literature as they relate to collaborations or interagency cooperation.

Major Themes and Case Studies

A review of the literature reveals several themes and trends emerging in the area of collaboration between law enforcement and public health agencies. We identify two major trends appearing in the empirical literature: (1) collaborations with public health agencies and (2) community initiatives that include emergency/disaster preparedness.

According to Hall et al. (2004), one of the earliest documented collaborations between public health and police work can be linked to an investigation of unsolved homicides in Atlanta between 1997 and 1981 (p. 53). In this instance, the Atlanta Police Department collaborated with representatives from the Centers for Disease Control and Prevention (CDC) to identify factors that increased the risk of kids becoming the victims of homicide. The CDC study confirmed the conventional wisdom—that children who are alone and largely unsupervised by their parents are at much greater risk for victimization. The finding (documented by the CDC) had a profound impact upon police practices and resulted in widespread educational campaigns by police and public health agencies throughout metropolitan Atlanta.

In a similar collaboration, the Los Angeles Police Department (LAPD) contracted with the CDC to help address concerns about high mortality rates associated with use of choke holds by LAPD officers, especially on black suspects. The study conducted by the CDC and the Los Angeles Police Department found that persons with sickle cell anemia (almost exclusively black suspects) who were under the influence of illegal drugs were at greater risk of death if a control hold was applied. The collaboration between the CDC and the LAPD resulted in the department’s

decision to abandon the use of control holds as a restraint technique. It can also be said that the CDC finding also informed the public and surrounding police departments—who also changed their practices.

Consistent with the theme about violence as a public health problem, the city of Baltimore devised and implemented a strategy to abate high rates of gun-related homicides. Data revealed that firearm homicide among African Americans was the leading cause of death among young people in Baltimore (Lewin et al., 2005, p. 762). The public health department, in collaboration with the Baltimore Police Department and the John Hopkins Center for Gun Policy and Research developed the Youth Ammunition Initiative. One assumption underlying the formation of the initiative was that if youth did not have access to ammunition, the guns already in their possession could not be used to commit acts of violence. In 2002, the Center for Gun Policy and Research advised the public health department in Baltimore that the same authority it had to prevent restaurants from selling tainted food could also be used to prevent the illegal sale of ammunition. The Center's research revealed that many companies were illegally selling ammunition to individuals under the age of 20. The Center's research also found that the city did not adequately regulate neighborhood hardware stores and other store fronts from selling ammunition. More importantly, the Center's research points toward collaborations between the Baltimore Police Department and the local public health agency. Specifically, the police department and the local public health agency worked together to implement ammunition stings. In all, the sting operations resulted in the closing of many businesses. After which, public health agencies established the terms under which the businesses could reopen (Lewin et al., 2005). One impact of the new practice was a reduction in the number of eligible sales outlets for firearms and ammunition by approximately 46%, plus stronger or improved business practices for those outlets that remained open for business. The effect on the homicide rate has not been determined, but the Baltimore initiative should serve as a model for other cities seeking local/grassroots strategies to address gun violence (Lewin et al., 2005, p. 764).

The following case studies examine other forms of police agency collaborations that extend beyond public health. The first describes the relationship between a police department, businesses, and private security.

In May 2003, the Minneapolis Police Department developed a downtown security collaborative with community businesses and private security officers. The guiding force behind this collaborative was a recognized need for the city to reduce crime and make downtown safer for citizens. There was a recognized need for the Minneapolis Police Department to work more closely with private security firms, especially during the arrest stage of shoplifters. Suffice to say, the collaborative required that the Minneapolis Police monitor the radio transmissions of private security companies in downtown Minneapolis. The collaborative also required initiatives, ranging from public police training of private security officers on incident report writing and suspect detention (including the complexities of citizen's arrest) to weekly meetings of the collaborative to share and exchange crime fighting information and strategies. As a result of the collaborative, preliminary research has revealed a sharp decline in both property and personal crimes (see Gerold, 2006).

Another example of collaborations between police, businesses, and the community can be found in city of Cincinnati, where there is a long history of mistrust between

the police and the minority community. This case study identifies civil unrest that has slowed commercial development and created fear among those who work and live in Cincinnati. It all began with the rioting that occurred in 2001 and subsequent involvement of community leaders and police departments to explore ways to spur economic development and abate public fear of crime, especially in the areas hardest hit by the riots. The combined efforts of police, businesses, and the community resulted in a coalition referred to as Cincinnati Action Now (CAN). The coalition involves religious, business, and civic volunteers; the media; and other stakeholders from the community (see Lemmie, 2003). In addition to the development of CAN, the city of Cincinnati requested that the U.S. Department of Justice (DOJ) review the police department's use-of-force policy. The action by the DOJ was requested because the use of force by the city had been largely responsible for the riot (Lemmie, 2003). The intervention of DOJ resulted in a memorandum of agreement, identifying the changes to be made by the Cincinnati Police Department.

The collaborative known as CAN also had to develop responses to allegations of racial profiling. From these concerns emerged a collaborative agreement that resulted in a multiple year plan to reduce suspicion between the community and the police and explore ways to encourage economic redevelopment. Taken together, this case study illustrates that collaborations between the police department, the federal government, and the private sector can be implemented. The outcome of this collaboration is still a work in progress, but there is tough-minded optimism.

In this case, we also examine linkages between the New Haven Police Department and mental health agencies, where there is concern that youth who have been exposed to violence are profoundly traumatized. This concern has translated into a unique partnership referred to as the Child Development Community Policing (CDCP) Program (Murphy, Rosenheck, Berkowitz, & Marans, 2005). This program was developed jointly by the Yale Child Study Center and the New Haven Police Department in 1991. It represents an interesting collaboration between law enforcement and mental health professionals on behalf of children and families exposed to violence. The CDCP Program consists of five related components. First, clinicians and officers become program fellows through participation in a 32-hour training program focused on applied child development and trauma. Second, clinicians receive 24 hours of classroom police training to familiarize them with the concepts of community policing, arrest, use of force, and rules of evidence. Third, officers and clinicians meet on a weekly basis to review cases and develop joint response plans. The final two components involve more meetings to fine-tune implementation strategies for both police and clinicians (Murphy et al., 2005). In all, the program revolves around the identification of children who have been traumatized and referred to mental health agencies. A five-year review of the program yields mixed results, but the existence of such a program reveals a need for an even greater interface between police and mental health agencies (e.g., Murphy et al., 2005).

Similarly, the escalation of violence among youths and the concomitant high rate of offending among juveniles in New Orleans (prior to Hurricane Katrina) resulted in development of collaboration. Specifically, the New Orleans Police Department (NOPD) and local mental health agencies founded a collaborative referred to as the Violence Intervention Program (VIP). The Department of Psychiatry at Louisiana State University also partnered with the NOPD. The first stage of the partnership

was to identify needs and respond with sensitivity to the mental health needs of children exposed to violence. In the VIP program, mental health professionals help to educate police officers in New Orleans on how best to respond to the scene (Osofsky et al., 2004, p. 597). New Orleans police officers learned about approaches that extend beyond ordinary policing measures. They (NOPD) also learned about the critical importance of touch and also how beneficial words of encouragement or support can be to juveniles who have been traumatized by a crime. Police officers were also responsible for distributing mental health resource cards with information about services available to children and their families. The VIP program relied upon a systems approach to violence prevention, working at a variety of levels: increased awareness, education, training, referrals, and services to decrease children's exposure to violence and help children and families who are exposed to violence (Osofsky et al., 2004). Preliminary reviews (prior to Katrina) revealed that many community leaders responded very favorably to the NOPD initiative (Osofsky et al., 2004). In all, the VIP model has been identified as a model program for police/mental health collaborations designed to raise awareness and provide essential services to traumatized children.

Taken together, these themes and case studies represent potential and positive benefits of collaborations. Most notable is the apparent increasing number of collaborations between law enforcement and public health and mental health agencies.

Concluding Remarks

Cooperation between police agencies and public health entities can result in many positive results; the research generated and shared among police and other agencies can result in primary and secondary forms of prevention. Prevention and response strategies can be implemented with collaboration from a number of agencies in both public and private sectors. The quality of these positive collaborations points toward the importance of viewing crime as a public health problem. A second outcome of such collaborations (identified above) highlight the importance of the interface between law enforcement and mental health agencies. As authors, we are hopeful that some of these themes and case studies can be developed and implemented in other cities throughout the country.

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Not Seeing the Wood for the Trees: Mistaking Tactics for Strategy in Crime Reduction Initiatives

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Introduction

This article examines reasons for the underachievement of a crime reduction strategy involving local partnerships that was introduced into England and Wales by the incoming New Labour government shortly after winning power in 1997. This was one of the new administration's most welcomed crime reduction measures. The 1998 Crime and Disorder Act required local police and councils to set up Crime and Disorder Reduction Partnerships (CDRPs). They were required to be in place in 1999. They were intended to be coalitions of senior managers from the following entities:

- Local authorities¹
- Local police
- Health authorities (Primary care trusts)
- Probation
- Fire service
- And other relevant statutory, voluntary, and commercial bodies

The underlying principle in establishing CDRPs was that the criminal justice system can exercise little direct control over many of the main "drivers" of crime and that other parts of the local state are better placed to do so. For example, local planning, housing, and regeneration departments can steer the development of land use and housing mix in specific high-crime areas. Health authorities can tackle problems associated with substance misuse and are also well placed to take action against some forms of violent crime, such as domestic abuse. Local education authorities and youth services and leisure departments have an obvious role to play in preventing youth crime through their policies for handling misbehaviour in schools (e.g., truancy). The Crime and Disorder Act requires CDRPs to pursue a cyclical triennial process involving the auditing problems of crime and disorder, the validation of the results through consultation, and the construction and implementation of a strategy for tackling the problems.

Many, including myself, felt that the introduction of CDRPs would turn out to be a landmark in crime reduction policy. It promised to bring substantial new resources and energy to crime control. Seven years on, there is a widespread sense that CDRPs have failed to live up to their promise.² This article includes some evidence in support of this pessimistic view, but essentially, I have offered a judgement on this issue. Others will have reached different judgements, and those who feel that I have sold CDRPs short will find little value in the rest of the article. Its main purpose is not to

document CDRPs' underperformance but to offer an explanation for it, and some may feel that there is no underperformance to explain.

The article is written from the viewpoint of someone who has spent several years offering encouragement and support from the sidelines to local and central government efforts to reduce crime through partnership working. I was involved in the preparation of government guidance for CDRPs (Hough & Tilley, 1998) and in the training of CDRP staff when the measure was introduced. I was a member of an inner London CDRP for several years and currently provide research-based advice to one of the ten regional government teams responsible for CDRP performance management. With colleagues, I have evaluated many crime reduction projects that were initiated by CDRPs. I offer these biographical details not just to establish my credentials but to indicate that I really wanted the initiative to work and have tried, where I can, to make them work. In other words, I have reached somewhat pessimistic conclusions about the achievements of CDRPs from a starting point of prejudice in favour of them.

There is a long and growing literature on working partnerships both within the field of crime reduction and elsewhere (e.g., Crawford & Jones, 1995; Gilling, 1994; Hughes, 1996; Liddle & Gelsthorpe, 1994a, 1994b; Pearson, Blagg, Smith, Sampson, & Stubbs, 1992; Tilley, 1992). There is a consensus that it is hard to do well. Obstacles include the following:

- Mismatches between partner organisations' values and working cultures
- The resultant mutual suspicion and distrust
- Difficulties in persuading people within one organisation to undertake work whose short-term benefits accrue only to their partner organisations
- The greater priority given to organisations' core functions over partnership work
- The competing demands of other partnerships³
- Rapid staff turnover at senior management level
- Limited capacity in analysing problems effectively and identifying solutions
- Lack of project management skills

All of these factors have affected crime reduction partnerships, and I do not wish to underplay their importance. What I want to do in this article is to highlight a further factor, which to date has attracted insufficient attention. This relates to the way in which current approaches to public sector reform in Britain tend to oversimplify crime reduction issues with two important consequences:

1. Crime reduction issues are cast in terms that privilege a narrow range of tactical solutions, while ignoring various crucial strategic approaches.
2. This narrowing of potential solutions discourages the engagement of those agencies that lie beyond the perimeter of the criminal justice system.

The argument that I propose to develop is not intended to be an exhaustive explanation of CDRPs' underperformance. It is intended as an additional explanation to those listed above; however, it is of particular importance right now because as I shall discuss at the end of the article, the response of central government to CDRPs' underperformance has been to increase the intensity of focus of their performance management systems, which are in fact part of the problem and not the solution.

The lessons that can be learned from the British experience with CDRPs will be more appropriate for some countries than for others. Despite its three tiers of government, Britain has a relatively centralised political system. The *central* tier is by far the most important. Although there is a *regional* tier of government, in England at least, which largely serves as the delivery arm of central government policy.⁴ It lacks political representation and has little autonomy. Historically, the lower tier of *local* government has been important, with political representation and the power to raise taxes. Over time, however, local government has become increasingly dependent on central government grants, and this financial dependence has progressively eroded the importance of the local tier. Countries with federal systems may not recognise the “new governance” that characterises British political administration, with centralised performance management. On the other hand, the broader lessons about the risks of target-setting by higher tiers of government for lower ones may have general applicability.

CDRPs’ Performance – A Balance Sheet

Any assessment of CDRPs needs to take a long view and, in particular, needs to remember the almost total breakdown of relationships that had occurred in the 1980s in Britain between many urban local authorities and local police.⁵ There have been considerable improvements since 1998. New structures are in place, and new relationships have been built between the police, probation, and local authority departments. An optimist would—probably wrongly—also point to the significant falls in crime that have occurred since then and attribute them to new partnership work.

On the other hand, gloomier commentators would draw attention to the widespread implementation failure in partnership work, the pervasive experience of CDRPs as “talking shops,” the limited analytic purchase displayed in crime audits, and the way in which crime reduction strategies tend to dress up pre-existing programmes of single-agency work as partnership work. There have also been some consistent absences from the partnership table; the most notable absentees are health authorities, staff from local authority planning departments and regeneration departments, and even local education authorities. Probation staff have played a significant part in some CDRPs and a marginal part in others.

These weaknesses in partnership structures are part of the explanation for the high rate of implementation failure among CDRP-led projects. There is no shortage of examples. By way of illustration, I shall present some findings from an evaluation my unit undertook of 20 burglary projects in southern England between 1999 and 2002. The following table describes how well the 20 CDRPs implemented the burglary reduction programme for which each of them had been funded. Each programme had several elements, often led by different agencies within the partnership.

Levels of Implementation in 20 SDPs in Southern England and Wales

SDP	Number Planned	Completed	Partially Completed	Total Attempted
Phase 1-18*	5	1	1	2
Phase 1-1	5	2	2	4
Phase 1-11	9	3	6	9
Phase 1-20	8	3	0	3
Phase 1-6	6	1	2	3
Phase 1-16	7	3	4	7
Phase 1-12	5	4	1	5
<i>Force A</i>	45	17	16	33
Phase 1-2	6	3	3	6
Phase 1-13	7	4	1	5
<i>Force B</i>	13	7	4	11
Phase 1-10	12	2	4	6
Phase 1-17	7	7	0	7
Phase 1-4	1	1	0	1
Phase 1-9	5	2	1	3
Phase 1-19	4	4	0	4
Phase 1-5	1	0	1	1
Phase 1-8	9	2	3	5
Phase 1-14	10	4	6	10
<i>Force C</i>	49	22	15	37
Phase 1-3	5	4	1	5
Phase 1-15	3	2	1	3
<i>Force D</i>	8	6	2	8
Phase 1-7	7	0	0	0
<i>Force E</i>	7	0	0	0
Total	122	52	37	89

It can be seen that well under half of the total number of programme components were fully implemented as part of the 20 programmes. Bearing in mind that these were highly visible “flagship” projects exposed to scrutiny through a national evaluation, the level of implementation failure is striking. The reasons for this are discussed in detail elsewhere (Hough, Hedderman, & Hamilton-Smith, 2005). For our purposes, however, the table illustrates that CDRPs clearly find it difficult to deliver on some projects.

I do not propose to further document the extent of CDRPs’ underperformance. Clearly, there are complex questions to be answered: Were expectations overinflated? Did people underestimate the time needed for new structures to bed in? I hope that I have said enough to establish that there *has been* a degree of underperformance and that this needs explaining. I now propose to trace the way in which the “modernisation” agenda has contributed to this underperformance.

Modernisation

Over the last 25 years, Conservative and Labour governments in Britain have shared a “modernisation” agenda for public services. From 1979 onward, the Conservative government aimed to get more value for the money out of the public sector, through a mixture of “modern” management methods and downward pressure

on budgets. The favoured solutions included budgetary cuts, applying private sector management methods to the public sector, and increasing choice over the providers of these services.

Many aspects of this approach were retained—indeed developed and extended—by New Labour from 1997 onward. Reform of public services is now a key Government priority, as reflected by the establishment of the Prime Minister's Delivery Unit and the Office of Public Services Reform. As with the previous Conservative administration, their basic approach has been to secure greater accountability through performance management regimes that rely on quantitative performance indicators and target-setting. The concept of competition as a lever on performance has also been retained, though the language of privatisation and "market testing" has now been replaced by that of "contestability."⁶

This new form of public sector governance—government at a distance—emerged in the late 20th century in many developed countries. Under some administrations, there was a strong ideological commitment to paring down the public sector, which can be traced to neoliberal political philosophies about the virtues of small government. Others have judged pragmatically that the best way to drive up public sector performance is for central government to set broad objectives and for local agencies to have the freedom to choose how best they should set about achieving the nationally set objectives. In other words, there is tight central control over the *ends* to be pursued by public services but local control over the *means* by which the ends are achieved. A metaphor often deployed and enjoyed by central government politicians and administrators in Britain—but appreciated less by their local government counterparts—is that the centre takes responsibility for steering but leaves rowing to local agencies. This model of governance is often supported by reference to private sector organisations whose success is built on radically decentralised decisionmaking to local managers, within a central framework of simple performance targets.⁷

Stated in these terms, the new governance has plenty to capture the imaginations not only of central government but also those entrepreneurial local providers to whom "earned autonomy" is attractive.⁸ As I shall argue, however, in politically sensitive policy areas such as law and order, central government finds it hard in practice to set coherent targets. It also finds it hard to risk loosening its control over local delivery. The promise of localism in principle tends to be negated by forms of centralised micromanagement in practice: the centre not only "steers" policy but succumbs to the temptation of "rowing," in the hope of speeding things on a little and securing some visible and electorally important successes. There are obvious tensions between a centralised system of target setting and the local problem-solving model, which is embedded in the statutory requirements of CDRPs to audit their local crime problems and tailor their responses accordingly—a point to which I shall return.

The new governance emerged not by accident but in response to real problems in conventional post-war public administration. As the size of both the central and local state grew in the second half of the 20th century, monolithic public service bureaucracies in many industrialised countries grew into powerful, self-serving bodies that could define the terms of their own success. Not surprisingly, some developed inflexibilities both in their management and their workforces. These problems began to emerge at the same time as new technologies that promised to solve them. The new style of governance was made possible by considerable

advances in information technology, without which quantitative performance management from “the centre” would be impossible, even as an aspiration.

If the key feature of the modernisation agenda is the centralised definition of ends and the decentralisation of decisions about means, various further features emerge as a consequence. The linking of funding to performance is an important one, providing the incentive to agencies to achieve targets—or a disincentive to miss them. A corollary of this is the splitting of monolithic bureaucracies into purchasers and providers in order to allow greater incentivisation within the agency. This simplifies the introduction of competition or contestability, both between and within public, voluntary, and private sectors, through competitive bidding for “challenge funds.”

These features of modernisation relate to the nature of funding. Modernisation’s logic also points inevitably to a particular emphasis on processes of *prioritisation*. It is hard to quarrel with the basic principle that organisations should identify their key priorities and focus their energies on them. The risk is that systematic and focussed action against *misidentified* or *poorly identified* priorities can have worse consequences than poorly marshalled and ineptly implemented action against well-specified priorities.⁹

To anticipate arguments that I shall develop later in the article, there are features of “law and order” politics that tend to produce oversimplified or mis-specified priorities. The factors that lead people to treat each other badly are complex; political and media debate cannot handle this complexity and thus uses an oversimplified discourse about crime. The modernisation agenda feeds on this simplified discourse to develop and impose inappropriate targets on the public services that it seeks to improve. Senior managers at the local level understand their organisations well and are well aware of this reductionist process. Of particular importance in explaining the lack of engagement of key CDRP partners from outside the criminal justice system, crime problems (and solutions) become framed in ways that are largely irrelevant for all except the police.

Reductionist Knowledge Management

Those pursuing the modernisation agenda tend to be skeptical about the capacity of local agencies to do their jobs properly. Poor local performance is thought to be a consequence more of incompetence than of resource shortages.¹⁰ The solution is for the steerers to point the rowers in the right direction, tell them where to focus their efforts, and give them the right tools (or right oars) to do the job. (The tool kit metaphor is pervasive in the crime-reduction world and indicative of a systematic misjudgement about the complexity of the enterprise: plumbers have tool kits; social engineers do not.) In the case of crime reduction, the task of identifying what works and filling appropriate tool kits with this knowledge has fallen to Home Office research teams.

Just as it is hard to argue with the overarching principles of priority-setting, it would be hard to take issue with the principle that implementation of any form of social policy should be firmly grounded on evidence about effectiveness. There are important questions about the admissibility of different sorts of evidence, however, and some approaches to knowledge management risk skewing social policy. I shall argue that criminal policy is currently exposed to exactly this risk.

Over the last five years, however, there has been increasing enthusiasm within government in Britain, including the Home Office, for forms of systematic research reviews associated with the Cochrane collaboration in the field of healthcare and with the Campbell Collaboration in criminal policy.¹¹ These systematic reviews exclude all studies that fail to reach a level of methodological quality—the threshold being set individually for each review. For example, the Maryland Scale of Scientific Methods is often used as a filtering device.¹² One of the most influential international reviews of effective practice in criminal justice, conducted by Sherman and colleagues (1997) adopted systematic review principles, identifying the following:

- What is known to work
- What is promising
- What does not work
- What is not known

For the purposes of the review, “known to work” meant “established as effective by at least two high-quality evaluations.”¹³ In fields of study that lend themselves readily to evaluation through randomised controlled trials (RCTs) or to other forms of tightly designed quantitative evaluation, the Campbell/Cochrane approach is clearly appropriate. We can reasonably expect our doctors to base their prescribing decisions on evidence that is filtered to remove all studies of poor quality. This is because pharmaceutical evaluations are relatively straightforward: there is usually little implementation failure—in that people in drug trials tend to take their medicine as required—and clearly measurable outcomes. Also important is the fact that pharmaceutical interventions are not usually dependent for their effectiveness on the social meaning that the recipients attach to them (though there are obviously placebo effects). Evaluating strategies for crime reduction usually tend to be more complex, and they are especially challenging when they address various forms of social crime prevention.

As general rule, simple interventions that target large numbers of people or neighbourhoods in the pursuit of a single, easily measured, objective can be readily evaluated to a high standard. More complex interventions with multiple objectives are much harder to evaluate. The more aggressively that modernizers pursue the Campbell/Cochrane approach, the less they will encourage these more complex forms of crime reduction. To put this another way, the tool kits offered by central government to CDRPs will be filled piecemeal with pieces of tactical knowledge but will have little to offer by way of strategic knowledge.

Examples of what I mean by strategic knowledge are as follows:

- What principles should be followed in securing the legitimacy of local agencies in the eyes of their publics?
- What are effective principles for reducing social exclusion and promoting civil renewal?
- What principles should one follow in dividing resources between primary and secondary prevention?

Research can provide answers to these questions, but this is rarely done exclusively or even largely through tightly controlled evaluations. It makes more sense to think in terms of research cumulatively constructing and testing principles—or middle-range theories—about crime reduction.

The Perverse Consequences of the Modernization Agenda

Let us now turn to an examination of some of the unintended consequences of the modernization agenda on the operation of CDRPs and the way in which a deficient approach to knowledge management has compounded these consequences. In essence the argument is as follows:

- Order maintenance is a highly complex process.
- The populist nature of debate about crime, however, precludes recognition of this complexity.
- This results in a performance management system based on “common-sense” notions of crime control.
- These common-sense notions are reinforced by the central government’s approach to knowledge management, which offers tools consistent with this common sense understanding of crime control.
- Precisely those preventive options that CDRPs could effectively champion are relegated to the sidelines.
- Thus, key partners fail to engage with, or disengage from, CDRPs.

Complexity

The criminal law, and its enforcement, is a tool to achieve the maintenance of order, and it does so in ways that have important institutional characteristics. Two sorts of institutional features are worth emphasising. First, criminal justice systems work well only when they can command institutional legitimacy. For the institutions of justice, the building blocks of legitimacy are as follows:

- Fair procedures (or procedural justice)
- Fair outcomes (or outcome justice)
- Helpfulness and concern for victims and offenders
- Civil and even-handed treatment

The factors that corrode legitimacy are, of course, the obverse of these: lack of respect for those passing through the system, arbitrariness, unfairness, high-handedness, rudeness, and corruption.

The second institutional feature worth emphasising is the criminal justice system’s capacity to communicate social meaning—to symbolise characteristics of the state and the level and nature of security that it offers (Loader & Walker, 2001; Manning, 1977). Precisely what is symbolised, and how this is done, will vary from country to country and over different historical periods, but any analysis of social control that ignores this symbolic function will be a very partial one. Any theory about order maintenance that takes a narrowly instrumental view about controlling criminal behaviour will mislead.

The modernisation project is ill-equipped to handle complexity of this sort. It is not that any competent politician or civil servant would deny that the system displays these forms of complexity. It is just that they are on the one hand trapped by the pressures of the here and now to get some form of performance management system in place,¹⁴ and on the other hand, they are progressively locked into a simplified and populist discourse about law and order, to which we shall now turn.

Pressures to Populism

The increasingly populist nature of law-and-order politics (Beckett, 1997; Roberts & Hough, 2002; Roberts, Stalans, Indermaur, & Hough, 2003) is another feature that subverts scientific rationalism when it is applied to policing. There are several possible renditions of this process.¹⁵ The first is that in an era of mass-media communication, the electoral system serves to select politicians whose understanding of complex social issues is about as subtle as the coverage of these issues in tabloid newspapers. This can and does occur,¹⁶ but to date, it remains the exception rather than the rule in British politics.

The second is that politicians exploit the possibilities offered by the mass media to frame policy issues in ways that suit their political agenda (Beckett, 1997). In other words, politicians lead the mass media to present policy issues in particular ways.¹⁷ The third is that the media exerts such power in the politics of late-modern societies that politicians have little alternative except to engage publicly with complex social issues in media-defined terms.

In a complex world, all three of these interpretations of populist processes carry some force. In particular, politicians can exercise a degree of control over the way that the mass-media presents events and issues—and vice versa. The end product is that—whether by design or constraint—politicians simplify the policy issues with which they grapple, both in their public statements and—as a consequence—in the performance management systems that they construct.

Performance Management Based on Common-Sense Notions of Crime Control

The upshot of these pressures is that the performance management systems to which the criminal justice system is exposed are based on simple—and I would argue simplistic—notions of crime control. Those responsible for the system may recognise the oversimplification and regard it as representing a provisional holding position, which may be improved in the passage of time, but this does not alter the fact that complexity is being ignored. The present system of performance management . . .

- Overemphasises crime control as a primary police function in contrast to order maintenance.
- Overemphasises deterrent threat as the main lever for securing compliance with the law.
- Overclaims on central government capacity to control crime.
- Overpromises on crime control targets.
- Overclaims on target achievements.

Criminal justice elites—chief constables, senior judges, and other senior staff in the criminal justice system—are in a position to challenge political representations of crime and disorder problems but rarely do so. In reality, they often tend to judge it to be in their organisational interests to acquiesce to the political rhetoric about crime fighting. Politicians control purse strings and can exercise powerful patronage. Leaving this aside, statements by senior criminal justice figures about the complexity of their task will appear self-serving and will resonate less well with the public than ones that stress the urgency and importance of tackling crime.

Another feature of the criminal justice performance management systems is that they focus on crime *events* than on *perpetrators*.¹⁸ This is partly a reflection of the available statistics. We know how many burglaries are recorded by the police in the country, or in a police force, or in any BCU, for example, but it is much harder to say how many active burglars are known to the authorities. It is also likely in practice, however, that targets requiring CDRPs to reduce the number of crime events will impel CDRPs to crime-specific approaches that ignore options such as long-term offender-based prevention, which are not offence-specific. This has important consequences for engaging in CDRP work for those agencies such as education and health authorities, whose orientation is towards the processing of *people* rather than *events*.

The Government Approach to Knowledge Management

These pressures on CDRPs to pursue a particular range of offence-specific tactics are amplified by the nature of the tool kits provided for them by the central government. I suggested above that some forms of prevention are more amenable to evaluation than others and that our knowledge is soundest about some types of offender-based secondary prevention (e.g., cognitive behavioural programmes for offenders) and some types of place-based primary prevention (e.g., crime-specific situational prevention measures). It hard to demonstrate that the content of the Home Office tool kits artificially narrows the range of preventive options considered by CDRPs. The likelihood, however, is that it does so.

Marginalized Preventive Options

The upshot of the combined impact of the modernization agenda and the government's approach to knowledge management is a narrowing of the range of preventive options considered by CDRPs. Crime reduction issues are cast in terms that favour subsets of tactical preventive options associated with specific categories of crime, while ignoring various broader strategic approaches that on the one hand are unlikely to contribute to target-hitting in the short term and on the other hand are very difficult to evaluate.

This process of marginalisation reveals itself in the absence of discussion in CDRPs, or in the regional government departments with an interest in their work, of various key issues:

- Issues of broad policing *style* are totally ignored.
- *Sensitive* issues such as the use of police stop-and-search tactics are avoided.
- Issues about *confidence* in local agencies and the *legitimacy* of local agencies are ignored.
- Issues to do with primary prevention (e.g., SureStart programmes) are considered in other local arenas.
- Local authority plans for *regeneration* and economic *redevelopment* are rarely scrutinised for their criminogenic or preventive capacity.
- This is especially true of plans to stimulate the *late-night economy* in large cities.

Disengaging Partners

This artificial narrowing of preventive options discourages the engagement of agencies in CDRP business. Senior managers in health and education or in regeneration or planning departments will, of course, notice that the government modernization agenda has had the effect of oversimplifying crime problems and solutions and of framing them in a way that minimizes any role for their own agency.

It also seems likely that these partners will disengage from CDRPs if the key strategic issues for their colleagues in criminal justice agencies are ruled “out of bounds.” One might expect a local partnership that was genuinely committed to maximizing compliance with the law to collectively assess, as a matter of priority, how “the Law” in their area was perceived by its citizens. If issues about police legitimacy and confidence in the police are sidestepped by CDRPs, the other partners will realise—with greater or lesser clarity—that the real issues in crime control are being avoided.

A further important factor behind partners’ disengagement is to be found not in the *content* of targets but in the *control* of the process. It will be remembered that CDRPs are statutorily bound to a triennial problem-solving process, where they audit crime problems, identify priority problems, and develop a strategy to address these problems. This presupposes that they control the targets for local crime control. The reality now is that the content of their performance management systems have been increasingly determined by central government. This process of centralisation removes much of the rationale of the CDRPs’ statutory obligations.

The Government’s Solution to Underperforming CDRPs

The government solution to CDRPs’ perceived underperformance has been to construct an increasingly elaborate performance management system for CDRPs. This runs uncomfortably in parallel with the Police Performance Assessment Framework (PPAF) system to which the police are exposed. Crime reduction targets now have been negotiated between CDRP members and regional government officials within a framework set by central government. The aim is that in aggregate, CDRPs’ targets will sum to the 15% reduction to which the Home Office is committed over the coming three years. The strategy would be a high-risk one—if it were not for the fact that the underlying trend in crime is still a downward one.¹⁹

There are several unresolved issues surrounding the new system. The regional government officials have no statutory powers to impose targets on CDRPs and no powers to impose sanctions on “failing” CDRPs. Neither CDRPs nor regional officials really have any idea of what is driving crime trends downward, and what level of investment is needed to guarantee that targets are met. There is also no clarity about the division of responsibility between CDRPs and local police BCUs for hitting the targets that they broadly share.²⁰ The system has the qualities of an elaborate form of shadow-boxing. The most likely consequences of the system are as follows:

- CDRPs will continue to be constrained by an over-simplified model of order maintenance.
- Formal strategies will remain focussed on achieving crime-specific targets.
- Issues of real strategic importance will be ignored.

- Cynicism within CDRPs will grow, as will distrust of regional and central government officials.
- Disengagement of “peripheral” partners will grow.

Alternative Approaches

As it begins a third term of office, it seems unlikely that the government will turn its back on its preferred means of public sector reform. The safest prediction is that it will retain or extend its system of accountability to central government through centrally or regionally set targets. Assuming it does so, there are things that could be done to improve the coherence of the system as it impacts CDRPs. Perhaps the first step is to ensure that the system has some legislative coherence. There is no point in pretending that CDRPs are somehow accountable to regional and central government when in statute they are not.

The precise shape of this legislative accountability depends on the extent to which a centralised system is favoured. There is a strong argument for more decentralised performance management systems, which abandon centrally set targets that specify a given percentage reduction in crime. Targets of this sort have little integrity, partly because recorded crime statistics are an unreliable measure of crime and partly because we have very little knowledge about the means of driving local crime down or of the resources needed to do this. The measurement problems inherent in the current PSA1 target (15% reduction in crime over three years) is likely to become clear when the recorded crime trend for BCS comparator crimes is shown to be at odds with the British Crime Survey trend itself.²¹

The government’s recent strategy on prolific and priority offenders might present an opportunity to take a new approach to performance targets that could at the same time engage—or reengage—missing CDRP partners.²² This strategy is premised on the assumptions that a small minority of offenders account for a large amount of crime; these offenders typically come from problem families living in areas of intense social deprivation. They and their families are likely to be known not only to the police but to all the partner agencies—the probation service, social services, health services, education welfare officers, and so on. Partnership work using “people-based” strategies is the obvious way of tackling this particularly difficult and disadvantaged group.

The more that local and central government share a vision of CDRPs as partnerships designed to tackle the small number of persistent offenders coming from very troubled families, the more likely it is that the “people-processing” agencies that currently refuse to engage in CDRP work might see the logic in doing so. Targets relating to work with these groups could be designed in such a way that they complemented, rather than competed with, the targets set for these agencies by *other* government departments.

A More Radical Option

By way of conclusion, it is worth sketching a more radical option—though it is questionable whether in the short term New Labour would ever risk this degree of decentralisation in a policy area that is highly politicised.

In some areas of policy, particularly health and education, there is a groundswell of opinion that the unintended consequences of the modernisation strategy are

outweighing the gains. To flog the metaphor to death, the central government steerers have overestimated their navigational capacity and keep on directing their rowers onto unforeseen rocks. There are calls from the two main opposition political parties to abandon national targets altogether, which are actually consistent with New Labour's ambitions for localism and civil renewal.

One can envisage a system of performance management for CDRPs in which they are required by statute not only to prepare three-year strategies but to set targets for themselves within their strategy. In other words, central government would establish a performance management framework for CDRPs, whose precise targets would be populated at the local level. Regional and central government might have a responsibility to ensure that CDRPs complied with this process and might have reserve powers to intervene when partnerships were demonstrably failing. Normally, however, CDRPs would be accountable for their performance to local politicians rather than national ones.

The advantages of such a system would become clearer with the passage of time. If responsibility for crime control were seen to be a genuinely local responsibility, we might on the one hand avoid the perversity of penal populism that dog our current justice system, and on the other, we might begin to see some truly innovative solutions that were properly tailored to local problems.

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Endnotes

- ¹ Usually at district or borough level – an administrative unit whose population is rarely under 100,000 and rarely larger than 500,000. There are nearly 400 CDRPs in England and Wales.
- ² This view was already emerging in 2002. The Audit Commission (2002) concluded that CDRPs had yet to demonstrate any significant impact.

- ³ Senior managers in local agencies are now required to engage in a wide range of partnerships; key ones for crime reduction in addition to the CDRP are the overarching Local Strategic Partnership and the Drug Action Team, which is often configured as a subgroup of the CDRP.
- ⁴ The Welsh Assembly is a significant tier of government for Wales, even if England and Wales share a national legislature. Unlike the Welsh Assembly, the Scotland Parliament has devolved legislative powers, and Scotland has a separate criminal justice system. The partnership provisions of the Crime and Disorder Act of 1998 do not apply to Scotland.
- ⁵ For example many local authorities in London boroughs set up Police Monitoring Units which pursued an aggressively oppositional approach to police reform.
- ⁶ See for example the Carter Review of the correctional services in England and Wales (Carter, 2003).
- ⁷ For example, some companies let local managers have extensive freedom over their operations—provided that they meet a single target specified in terms of growth of profits.
- ⁸ The idea of earned autonomy is best exemplified in the system whereby British hospitals can achieve foundation status if they achieve a given level of performance.
- ⁹ Good illustrations of this—on a grand scale—can be found in the “war against terror,” in which American and British initiatives seem consistently more likely to amplify grass-roots ideological hostility to Western values than to calm it. There are interesting parallels between the “war on terrorism” and the “war on crime.” In both cases, politicians get locked into an oversimplified discourse about priority problems, which impels them to firm and decisive—but not necessarily effective—intervention.
- ¹⁰ This is not surprising, given the preoccupation with securing better value for money. Though underinvestment can be a major source of financial waste, the mind-set of modernisers is that public services generally fail to make good enough use of the resources they already have.
- ¹¹ See www.cochrane.org for details of the Cochrane Collaboration and www.aic.gov.au/campbellcj for details of the Campbell Collaboration.
- ¹² The Maryland Scale assigns evaluative studies into one of five categories according to the form of experimental control that is used to help to attribute causality. The highest score is reserved for studies that use randomised controlled trial methods. Systematic reviews usually exclude all studies that fall into the lowest two categories, and some include only the top, or the top two, categories.
- ¹³ Sherman et al. (1997) define programmes that work as follows: “These are programs that we are reasonably certain of preventing crime or reducing risk factors for crime in the kinds of social contexts in which they have been evaluated, and for which the findings should be generalizable to similar settings in other places and times. Programs coded as ‘working’ by this definition must have at least two

Level 3 evaluations with statistical significance tests showing effectiveness and the preponderance of all available evidence supporting the same conclusion.”

- ¹⁴ An important process here is the triennial Comprehensive Spending Review, for which the Treasury requires spending departments to offer evidence in support of their plans and quantitative performance indicators by which to judge success. The pressure on spending departments to sign up to an incoherent set of targets in exchange for budgets is overwhelming.
- ¹⁵ A full explanation of the pressures to populism are well beyond the scope of this article, but it would need to take account of the shrinking capacity of the sovereign state in late-modern industrialised societies and that paradoxical response to this process that involves reaffirmation by the state of its crime control capabilities (Garland, 2001; Young, 1999).
- ¹⁶ The “One Nation” party in Australia under Pauline Hanson’s leadership is a possible example.
- ¹⁷ Beckett’s thesis is that the U.S. political rhetoric about criminals as outsiders was politically led and served to support a separate policy agenda of paring down public expenditure on social security and welfare programmes.
- ¹⁸ Currently, the key target for local police areas and for their CDRPs (PSA1) is to reduce the number of crimes in a specified group of crime categories by at least 15% over the coming three years. Some agencies, notably the prison and probation services, are subject to a range of offender-related targets, of course.
- ¹⁹ The British Crime Survey shows that most categories of crime in England and Wales have been falling since the mid-1990s.
- ²⁰ In London, CDRPs and the corresponding police command units share the same PSA1 targets. Elsewhere targets are similar but not necessarily the same.
- ²¹ The 15% reduction is only for those categories of recorded crime that can also be measured by the British Crime Survey.
- ²² The Home Office launched a Prolific and Other Priority Offenders Strategy in July 2004 (see www.crimereduction.gov.uk/ppo).

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Reductions in Funding for Community-Orientated Policing (COPS): A Possible Lag-Effect in Crime Rates

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The research and remarks for this article were developed in part by both coauthors for a recent presentation by Chief Hagler before the United States Senate Democratic Policy Committee Hearing on "An Oversight Hearing on Reduced Federal Funding for Law Enforcement and the Rise in Violent Crime." This hearing was held on July 10, 2006, and chaired by Senator Byron L. Dorgan, Chairman of the Democratic Policy Committee.

Introduction

Recently, a Senate Democratic Policy Committee hearing took place in Washington, DC, to discuss issues of crime rates and federal funding for the criminal justice system. The purpose of the oversight hearing was to gather testimony from distinguished members of the law enforcement community, who have witnessed the consequences of the Bush administration's cut of federal funding for local law enforcement programs, including the Community-orientated Policing Program (COPS) and Byrne Memorial Grant programs since 2003.¹ Concern was raised as to whether the impact of these cuts might have in some way contributed to recently increasing crime rates. One of the police administrators called to testify was Chief Gary Hagler, who heads the Flint (Michigan) Police Department.

For those not particularly familiar with the city of Flint, it is historically noted as the birthplace of the American automobile industry. General Motors (GM) was founded there in 1908 as a holding company for Buick, controlled by William C. Durant, which acquired Oldsmobile that same year. By 1955, General Motors would become the largest corporation in the United States and the first to make over \$1 billion per year.² During this productive era, Flint flourished economically as the automobile industry grew and prospered throughout the 20th century. Pressures from the successful entry of the Japanese car models and other foreign market competitors during the latter part of the 20th century, however, had severely weakened the market place of General Motors, and thus, reduced the number of production-related jobs in Flint. More recently, slumping sales, as well as a pension and benefit fund crisis have resulted in the restructuring of General Motors, as they look for cost saving measures. With the continued rise in gas prices in a sluggish post-9/11 economy, coupled with a sequence of 12 controversial interest rate hikes by the Federal Reserve, the city of Flint is facing a compounded problem of dealing with both the retraction of General Motors and the United States economy. The effect upon the city's population is very devastating and has led to a population decline from a peak of 196,940 citizens in 1960 to a present-day census of 118,551 people. Currently, the city of Flint has a poverty rate of 26.4%.³ The number of homicides increased from 39 in 2004 to 48 in 2005 in the face of a continued declining population base.⁴ These factors have led to a dismal socioeconomic environment. As a result, Flint

was recently named as the second most dangerous city in the United States in an evaluation by Morgan Quitno Press, among 208 cities with populations between 100,000 and 499,999 inhabitants.

Flint does not stand alone with respect to rising crime rates, however. In fact, FBI data indicates that in 2005, violent crime in the Midwest grew by 5.7%, with murders increasing by 5.8 %. This percentage increase outpaced the Northeast, South, and West regions of the country (see Table 1). More specifically, practitioners and scholars should question whether this recent increase in violent crime is due in part to the decreased funding for local level law enforcement as the executive branch of the federal government shifts more monies toward Homeland Security. Are these recent increases in violent crime by chance, or are some metropolitan cities in the Midwest region experiencing a lag effect of crime following the drastic reductions to the funding of their community-orientated policing programs? The term *lag effect* is described as a situation in which one (leading) variable is correlated with the values of another (lagging) variable at later times.⁵ For example, an economist might identify the time delay between the beginnings of a government policy to create new jobs to the point unemployment decreases as the economy improves months later. Just as it takes time for policies to change economic conditions, the authors of this article are concerned that the elimination of COPS funding will adversely affect future efforts to reduce violent crimes.

Table 1
Percentage Change by Geographic Region

Region	Violent Crime	Murder	Forcible Rape	Robbery	Aggravated Assault
Total	+2.5	+4.8	-1.9	+4.5	+1.9
Northeast	+1.4	+5.2	-2.3	+3.2	+0.5
Midwest	+5.7	+5.8	-1.6	+8.5	+5.3
South	+1.8	+5.3	-2.8	+4.8	+0.9
West	+1.9	+3.2	-0.8	+2.3	+2.0

Source: FBI Uniform Crime Report, Preliminary Annual Report, 2005

Similarly, this article examines a potential lag effect as the recent rise in violent crime rates in Flint, Michigan, has come at a time when the department faced significant decreases in funding from COPS. Comparing the year 2000 to 2005, the city of Flint experienced an increase in the total number of violent crimes from 1,828 to 2,347. Similarly, homicides rose during this same time frame from 36 to 48 deaths. During this period, data indicates that COPS funding decreased from a peak of \$1,807,391 in 2000 to an eventual level of no funding for additional officers in 2005. This same year marked a continued increase in violent crime following years of decreased COPS funding as shown in Table 2.

Table 2
Crime Reported by Flint (Michigan) Police Department and COPS Funding

Year	Population	Violent Crime Total	Number of Homicides	COPS Funding
2000	124,943	1,828	36	\$1,807,397
2001	125,601	2,012	41	\$673,774
2002	126,351	1,711	30	\$591,816
2003	122,121	1,484	28	\$394,579
2004	120,681	2,324	39	\$141,111
2005	118,551	2,347	48	\$0

Source: Bureau of Justice Statistics, Crimes reported by Flint (Michigan) Police Department and the Flint Police Department COPS funding data sheet

Rethinking the Elimination of COPS Funding for Local Law Enforcement: An Appeal for Federal Support

As the Bush Administration redirects monies from COPS, local level law enforcement faces a potentially grave situation. The authors believe that it is extremely important that local law enforcement efforts be supported in-part by federal grants, especially in larger metropolitan cities where crime rates are hedging slightly higher following over a decade of decline. Before examining the recent increase in the violent crime index, let us first look at what has arguably influenced this previous period of declining crime. Certainly, there is no single factor that can explain the overall drop in crime since 1991. This historically momentous decline in crime is attributed to not one, but rather a multitude of coexisting variables.

One such factor has been the aging population of the United States. According to Conklin (1995), “Just as an increasingly youthful population can be expected to have rising crime rates, so too should an increasingly older population have declining rates” (p. 110). This trend is labeled by some criminologists as the age-desistence phenomenon. This theory suggests that as people grow older, they have less propensity to commit crime. Hence, the “graying” of the American population has been one reason of the sustained period of falling crime rates. Schmallegger (2006) suggests that the most significant factor to declining crime might have been economic and demographic factors. He cited not only the aging population as a variable affecting crime rates but also the fact that economic expansion led to a 36% decrease in unemployment throughout the 1990s. Yet another explanation to the low crime rates is the movement toward determinate sentencing and the elimination of parole boards by many of our nation’s states. More specifically, legislative acts such as “truth-in-sentencing” have targeted recidivists in violent crime categories for longer prison sentences. This type of legislation is also an aspect that has helped reduce crime, as stiffer prison sentences are keeping these offenders off the streets for longer periods of time.

Although some scholars debate the effectiveness of President Clinton’s COPS funding as playing a role in reducing crime, some believe the deployment of these additional officers upon our nation’s streets helped increase detection and apprehension of criminals, especially through directed patrol. This increased presence was made possible through the COPS program. It is extremely important to note the finding of a scholarly study that analyzed the effectiveness of COPS grants in reducing crime.

Zhao, Scheider, & Thurman (2002), through a multivariate analysis, determined that the COPS hiring and innovated grants programs correlated to a reduction in crimes for cities with populations over 10,000. These researchers found that for every dollar of innovative grant funding spent per resident, there was a decline of 12 violent crimes for every 100,000 residents. The success of COPS hiring and innovative programs served to build upon the success of community policing.

Walker (2002) described the three most common targets for reform through community policing: (1) community partnerships, (2) organizational change, and (3) problem solving. The focus of this article is to advocate the first reform, "community partnerships," which was one of the variables that served to reduce the violent crime index throughout the 1990s. In order to be successful crime-fighters, today's police departments must view the citizen as a coproducer of police services. Citizens can provide the police with invaluable information to solve crimes. Be they paid informants, snooping neighbors, or just ordinary people concerned with the quality-of-life in their neighborhood, no one can disagree that the concept of community policing has opened the door of communication between police and citizen. Lyman (2005) noted that crime prevention differs from peacekeeping and law enforcement in the sense that it is proactive rather than reactive. Arguably, a lack of funding for local law enforcement could jeopardize the improved atmosphere of communication between citizens and police that has helped solve crime and target potential criminal environments. The authors firmly believe that community partnerships that were built with COPS funding throughout the 1990s can assist in developing intelligence information in our nation's proactive battle against terrorism. Homeland Security and COPS should not be viewed as separate entities, but rather as having the potential to serve as collaborating bodies in gathering intelligence at the street (local) level in the war against terrorism.

Turning attention back to the recent rise in violent crime, it is important to view this trend as one with potential growth, given a decrease in COPS funding. A recent FBI press release dated June 12, 2006, states, "... cities with populations from 100,000 to 249,999 had the greatest increase in the number of murders, up 12.5 %."⁶ Furthermore, the FBI went on to note that the violent crime index itself experienced the steepest increase in the Midwest region at 5.7%, with a 12.5% increase in murder.⁷ Consequently, as recent FBI data shows an increase in violent crime, the time has come to strengthen the call for federal support of community policing and directed patrols.

COPS should be considered a potentially vital element in preventing and deterring terrorist acts in the 21st century. Possibly some of the critics of community policing and COPS funding have not had first hand experience with the violence and death found upon the streets of some of our most crime ridden cities. Hence, a call for renewed funding to assist those urban areas facing potentially rising crime rates only makes sense. Crime must be likened to a cancer; if not treated and contained, it will spread and cause more harm to the individual. Arguably, the recent turnabout in rising crime rates in certain central cities could trigger a displacement of crime throughout surrounding suburban areas and thus lead to a greater fear of crime among residents. More importantly, rising crime rates in the face of understaffed police operations can only serve to provide potential terrorists with a more camouflaged environment within which to hide.

The COPS program that became a hallmark program for the Clinton Administration has unfortunately become a bipartisanship battleground. The time has come to call attention to the rising crime rates in specific central cities and to recognize the power that funding has in affecting a reduction in crime. Our nation now faces a real and daily threat of terrorism, as well as early signs that the violent crime index is edging up in many metropolitan cities. Now is not the time to hand-cuff the very people (local level law enforcement) that must face both of these current challenges. Directed patrol in the city of Flint has proven to be a wise allocation of both funding and manpower. An example of such success is found in the Crime Area Target Team.

Effectiveness of Directed Patrol: The Flint Police Department Crime Area Target Team

The Flint Police Department Crime Area Target Team (CATT) was implemented to serve as a problem-orientated policing team, a crime deterrence element, and a community organizing team. CATT was designed to be simultaneously a problem-oriented policing team, crime prevention team, community organizing team, and a juvenile crime suppression team. The team's mission is to assist neighborhoods in reducing conditions that create crime and disorder in a substantive and permanent manner. One of CATT's primary resources of information is from members of the community to assist in reducing crime. The team's street operations concentrate primarily on the reduction of illegal narcotics and firearms. Additionally, the CATT unit establishes open communications with various neighborhoods through Weed and Seed, Project Safe Neighborhood, and neighborhood block clubs, as well as local community church groups. The Flint Police Department is striving to utilize the resources available to combat crime in the most efficient manner.

The CATT unit is comprised of approximately 18 sworn police officers and three police supervisors. This assigned allotment of manpower requires an effective tactical response to address a significant and complex crime problem. Given the size of this directed patrol operation, the enforcement efforts of the CATT unit have been nothing short of astounding. Lieutenant Alan R. McLeod advises that between January 2005 and May 2006, the CATT team has made 2,513 felony arrests, made 3,051 misdemeanor arrests, recovered \$208,371 of illegal narcotics, seized \$173,953 in cash as forfeiture, and recovered 210 illegal firearms (personal communication, June 13, 2006). Keep in mind that the current overcrowding conditions at the county jail have led to a policy wherein individuals with outstanding warrants for nonviolent offenses are not arrested during field contacts. Numerous suspects, therefore, are routinely released by CATT unit officers based upon the county jail's overcrowding issue. These suspects would otherwise increase the arrest statistics for this unit. These numbers are even more astonishing given the limited size of manpower for this unit, coupled with the use of vacation days, sick days, court time, and other occupational situations that reduce the total time this unit has available for its crime reduction task. One must question how much higher the violent crime index and murder total might be without the courageous efforts of these three teams of six officers each. Arguably, the return of federal funding to expand the manpower in such highly effective crime reduction units might serve to reduce the overall violent crime rate, thus saving lives.

Conclusion

For well over a decade, the reporting of crime data has indicated a continued pattern of decreasing crime rates in the United States. Criminologists have offered various explanations including such factors as low unemployment, an aging population, long-term sentencing of recidivists, and even the increased number of officers on the streets. Debatably, no one single reason can solely explain this unprecedented drop in the nation's crime rates. In fact, the United States Justice Department reported that in 2002 both violent and property crimes had dipped to their lowest levels in 30 years and dropped by more than 50% in the past decade.⁸ Crime trends can be likened to a roll-a-coaster ride, however, in the fact that rates go both up and down over extended periods of time. Recently, the preliminary annual crime report from the Federal Bureau of Investigations (FBI) suggests that a recent growth in the violent crime rate took place during the year 2005. One must question whether these decreasing crime rates are about to experience a trend reversal following an extraordinary period of decline. This exposition has explored the potential lag effect between decreased COPS funding and the recent crime rate increases in Flint, Michigan.

Current terrorism prevention efforts by local level law enforcement personnel have strained municipal police budgets; however, given the current state of many municipal budgets, coupled with recent increased inflation of energy and gas prices, it is apparent that local taxpayers will face greater burdens in financing adequate police services in the 21st century. Thus, extra enforcement units such as directed patrols will become even more difficult to fund without federal support. The city of Flint is not a stand alone or isolated case. A focus of further research on the possible lag effect of rising crime rates throughout the Midwest as a possible correlation to decreased COPS funding should become a research priority. Directed patrol cannot solve the underlying social and economical problems that create crime-prone environments; however, additional funding to place more officers in exceptionally high crime hot-spots in Flint has shown promise in saving human life and reducing potential violent crime. Hence, a call for renewed funding to assist those central city areas that are facing a complexity of socioeconomic factors is paramount in combating the recent rise in violent crimes. The financial inability of some central cities to implement crime reduction programs without the assistance of federal funding might arguably detract from the ability of a police department to involve citizens in efforts to weed out drug dealers, crack houses, and abandoned vehicles and address other quality-of-life issues. Arguably, a lack of funding for local law enforcement jeopardizes the improved atmosphere of communication. Again, Homeland Security and COPS should not be viewed as separate entities but rather as potential collaborating bodies for gathering intelligence at the street (local) level in the war against terrorism. Flint, like other major cities facing budget constraints, may be at a saturation point when being asked to do more with fewer resources. Ideally, federal appropriations will one day be returned to local level law enforcement to fund the efforts of directed patrol, such as the CATT unit, which has proven to be highly effective in the fight against crime.

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Zero Tolerance Policy in the Athens Metropolitan Subway: A Theoretical Approach and Case Study

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Zero tolerance policy is the policy resulting from the notion that no action or conduct that violates the laws or regulations is too small, too minor, or too insignificant to deal with. Zero tolerance policy has been widely celebrated in the past but has also given rise to a variety of disputes and debates regarding its uses and its application. The most famous example of zero tolerance policy is that of New York under the leadership of Mayor Rudolph Guliani.

Introduction

Zero tolerance policy is based on the “broken windows” theory by James Q. Wilson and George L. Kelling. Wilson and Kelling, in 1982, in their article, “Broken Windows: The Police and Neighborhood Safety,” suggested that “. . . at the community level, disorder and crime are usually inextricably linked, in a kind of developmental sequence” (Wilson & Kelling, 1982, p. 4). In simpler terms, disorder—if it goes unanswered—will inevitably lead to more serious offenses and eventually crime.

In the same article, the authors argue that there is another way to target crime and that is by elevating the level of public order in certain areas. This happens by addressing the fear of being bothered by disorderly people, which is often combined with the fear of falling victim to other forms of crime, as well. It is often true that citizens are unable to distinguish the fear of falling victim to crimes from the fear of being bothered by disorderly people, such as panhandlers, drunks, addicts, loiterers, prostitutes, and so on. Their feeling of security, therefore, increases by minimizing their fear of these types of disruptions.

Philip Zimbardo, a Stanford psychologist, reported in 1969 on some experiments that actually verify some of the principles articulated under the broken windows theory. More particularly, Dr. Zimbardo arranged to have an automobile (with the license plates removed) left on a street in the Bronx and a similar automobile left in Palo Alto, California. The car in the Bronx was attacked by vandals within an hour of being left, while the car in Palo Alto remained untouched for more than a week. Then, Dr. Zimbardo crashed one of the car windows himself. Soon, the car was totally broken down by various passersby (Wilson & Kelling, 1982).

The above experiment indicates a variety of issues. First, the car left in Palo Alto remained untouched due to the fact that the whole neighborhood enjoyed a sense of order and security; therefore, people were paying more respect to others’ property even though they could not identify the owner. On the other hand, the car left in the Bronx was attacked almost immediately, due to the fact that this neighborhood was a typical example of social decay and disorder. The most interesting fact, however, is that even people in Palo Alto engaged in vandalisms of the car once one of the

windows was broken, indicating that the car was indeed left unattended and no one really cared about whether it was broken or not.

The above proves that “. . . vandalism can occur anywhere once communal barriers—the sense of mutual regard and the obligations of civility—are lowered by actions that seem to signal that “no one cares” (Wilson & Kelling, 1982, p. 4). According to Wilson and Kelling, the “. . . essence of the police role in maintaining order is to reinforce the informal control mechanisms of the community itself” (Wilson & Kelling, 1982, p. 9).

In essence, the broken windows theory claims that if minor acts that may not be criminal but are indications of disorder remain unanswered or go unnoticed, soon other similar acts will follow, and these acts will eventually escalate to criminal activity. If, for example, a window is broken in a building and is left broken, then passersby or even residents will assume that no one cares and that no one takes care of things. As Henry G. Cisneros states, evidence of decay (such as accumulated trash, deteriorating buildings, broken windows, etc.) may stay for a reasonably long period of time. People living or working in this area feel more vulnerable and begin to withdraw, refraining from assuming responsibility or initiating counter action. They become less willing to intervene to maintain public order. Sensing this, teens and other possible offenders become bolder and escalate their harassment and vandalism. This atmosphere then attracts offenders from outside the area, further escalating criminal activity (Cisneros, 1995).

The point at which disorderly behavior turns to criminal behavior is one of the weakest points in the broken window theory. To cover for this, the broken window theory has incorporated into its body a notion from the business sector, the “Tipping Point” first introduced by Malcolm Gladwell (2002). Gladwell’s book introduces the idea of epidemics as an explanation for social phenomena such as fashion trends, political trends, and more. Gladwell suggests that “. . . social epidemics like the sudden popularity of a local restaurant or a dramatic decrease in crime for a city, are usually caused by little things or occurrences that build up until they reach the “tipping point.” Basically, the tipping point suggests that even social phenomena are based on a “critical mass” idea. For example, after a certain number of people engage in an act, it ceases to be an act of individual people and is transformed to a fashion trend. In the same sense, crime may become contagious by perpetuating itself through tolerance.

Analysis and Discussion

As a consequence of the broken window theory, zero tolerance policy emerged. Zero tolerance policy is a “strict approach to law enforcement” (“Zero Tolerance,” n.d.). As the name indicates, zero tolerance policies allow for no levels of tolerance of or compromise for violations of the law or regulation in question. Punishment under zero tolerance policies is unwaveringly severe. The precise origin of the term is not very clear, but as a conception, it can be traced back to New York City and more particularly New York’s Mayor Rudolph Guliani. Zero tolerance policy is based on the link between disorder and crime that can be summarized as follows: visible signs of decay, public disinterest, respectable members of the community leave, loss of the community’s ability to maintain social order through exercising social control, decline (“What Is Zero Tolerance?”, 1998).

From the above, it follows that it is easier to target the earlier stages before decline occurs and crime emerges. To do that, one must target even minor misdemeanors and pursue them with the same vigor as serious crimes. Zero tolerance—as applied in New York—“. . . suggests tackling low-level disorder and incivilities, albeit through a narrow, aggressive, and uncompromising law enforcement approach” (Libertarian Alliance, 2001, p. 2).

Zero tolerance policy, although heavily associated with policing, has an application in all social institutions. Schools, organizations, police departments, and other forms of institutions, may choose to engage in zero tolerance practices, in order to minimize disruption and consequent problems. In all fields, except policing, zero tolerance is applied in order to eliminate problems that stem from the violation of rules and regulations, while in policing, zero tolerance policy aims at stopping the progression of disorder towards crime.

Zero tolerance, in order to be successful, needs to have feedback and support from the local communities. That is why, most police departments usually combine zero tolerance policy with a community policing approach. As George Patak states, “Zero tolerance means that we as a community come together and refuse to tolerate ANY use of alcohol, tobacco, or other drugs by under-age youth. That means we support the police officer or deputy who gives a ticket to a 17-year-old for possession of alcohol instead of just asking him to dump the beer and go home quietly. . . . it means we agree not to support businesses that deliberately market tobacco products to teens” (Patak).

Zero tolerance policy is also heavily based on the signaling theory of communication (Price, 1997). Zero tolerance policy works in two modes. The one is that of the actual people who receive a punishment due to their violation of rules or regulations (although many people consider zero tolerance to be harsh, it is mainly just firm) and the other is the function of giving out a message to the rest of the community that such a behavior is unacceptable under the particular setting (Kleiman, 2003).

In my opinion, the second function is even more important than the first. Communications science has come to suggest that all social integration is achieved through the dissemination of messages (Price, 1997) and the compliance or denial towards them. As a result, messages have the power to spread at extremely high speed and also have the ability to convey not only meanings but also dictate them. Propaganda is just an example of the above when messages are not only communicated to the public, but they are also dictated to them, forcing them to comply through conscious or unconscious cognitive processes.

Messages and signals have the ability to convey other meanings in addition to their profound meaning; they also convey latent meanings of social origin and interpretation. For example, the act of firmly punishing all violators of this policy gives out the profound message that these people were punished for violating the rules but also gives out the latent general meaning that this type of behavior is unacceptable in the specific context, which may be a corporation, a school, a foundation, a company, a means of public transport, etc.

And this brings us to the next point, which is that of context. Zero tolerance policy is pertinent to specific rules, regulations, and laws that apply in a specific place at

a specific time. For example, rules may change from company to company or from institution to institution. The zero tolerance policy is relevant to how the organization treats the violations rather than to the violations themselves. For example, many people argue against zero tolerance policy, basing their opposition on the application of zero tolerance in schools for example. They say that students have been expelled from schools for as much as giving each other lemon drops! This, assuming it's accurate, is not an issue of how you punish the violation of a rule, but it is rather an issue of how you define the violation and how you formulate your rules—not how you apply them. Therefore, the reasonable concern over such unfair or unjustified punishments is not an issue of zero tolerance policy but an issue of definitions.

Zero tolerance policy operates at the contextual level; therefore, defining the context and being able to take under consideration the particularities of each case into consideration is essential in establishing a successful zero tolerance policy that will assist society, maintain its integrity and cohesion, and perpetuate its values of avoiding decline and decay. Time and space are the two main attributes of context. These two incorporate all others such as history, background, demographics, culture, and more.

In order to examine zero tolerance policy in the Athens Metro, one must define the context in which zero tolerance policy is applied. The context includes small scale elements (microanalysis), such as company mission statement, company organizations and structure, corporate culture, quality management, leadership and more. It also includes larger scale elements (macroanalysis), such as history, culture, social values, and legal framework.

In the following sections, we will proceed to examine the Athens Metro system and how zero tolerance policy has been applied to it.

The Athens Metro began its operation in the January 28, 2000, and its design and construction was one of the most ambitious plans ever undertaken in the field of mass transport in Greece. Currently, the Athens Metro, a \$2.5 billion project, comprises 1,200 staff, 24 stations, 25 kilometers of single bore tunnel, 4 stations with 20.5 kilometers open line serving the eastern suburbs of Athens and the Eleftherios Venizelos International Airport, two rolling stock depots, providing a daily 20-hour urban railway service to 600,000 passengers. It serves a resident population catchments area of over 4.5 million persons as well as millions of annual tourists. Surveys have shown that an increasing amount of residents and visitors tend to prefer the Metro system over other means, due to the fact that it is safe, clean, fast, efficient, and relatively cheap.

In the year 2002, the company that operated the Metro established the Security and Control Department within Attiko Metro Operation Company (AMOC) to help enhance security, fare inspection, and counteract fare evasion. This department currently has 150 people, organized in a hierarchy that consists of several positions. Department personnel are authorized by the proper company and ministry authorities to enforce two laws of the Greek state that refer to two distinct issues. Law 2669 regulates fare evasion and constitutes the penalties and the procedure applied to those who fail to produce a valid and proper ticket when asked to do so by authorized personnel during fare inspection. Security and control officers will issue a citation 60 times the ticket value the passenger was expected to produce.

At this point, it is important to mention that the Athens Metro is an open system (honor system), which means that there are no physical barriers to deter those who wish to travel without a ticket. Therefore, ticket inspection and ticketing violators is a very important aspect of everyday operations and a valuable source of company revenues.

The second law that security and control personnel have to enforce is the law 3082 that regulates issues of commercial transport. Under this law, you are forbidden to carry in the Metro system any objects that may pose a threat to other passengers' safety or to the company's personnel and facilities. These items include chemicals, poisonous substances, explosives, drugs, weapons, and more. It also forbids people to carry large items that may create problems during an emergency, such as bicycles, large cartons, etc. This law also prohibits the consumption of beverages, alcoholic drinks, and all kinds of food within the Metro system and allows for the security and control officer to issue fines for the above violations that can reach up to \$3,500. Security and control officers also have the authority to eject any violators from the Metro system.

The above apply exclusively to the Metro system, and it is very interesting to examine the context in which the Metro operates and Security and Control Department personnel are asked to carry out their duties.

As we have previously mentioned, the Athens Metro is a very young means of public transport in Greece. Older means include buses, trolleys (electrical buses), and surface trains. In all of these means, people are free to consume food or drinks and are allowed to carry whatever they like. The ticket inspection processes are rarely carried out. This has given the message to the public that there is no one responsible for regulating these means and that whenever you are inside one, anything goes. As a result, most of these vehicles are dirty, broken, neglected, and usually packed with dozens of people who may or may not possess a valid ticket.

When compared to the above, the Metro is an oasis of cleanliness and order—but how is the order maintained? Why is it that after five years of operation, the trains are impeccable, the stations clean and orderly, and the personnel polite and eager to assist passengers and visitors?

The answer lies in zero tolerance policy. The Metro, and the Security and Control Department in particular, have issued a zero tolerance policy based on the broken windows theory examined previously. According to this principle, all minor damages are immediately restored, same as graffiti inside or outside the trains, and any other damage that may stem from normal wear or intentional damage. As a result, the trains and stations look like they are brand new. What is more, surveillance cameras and plenty of personnel make sure that passengers know that there are people around who care and monitor the situation and are ready to intervene if they see any rules and regulations violations.

Our personnel operates under a zero tolerance policy, which states that all violations of laws, rules, and regulations are to be prosecuted and handled accordingly in a firm and consistent way. We were surprised to observe that people were eager to comply with this policy, and indeed, we had very few incidents in which passengers were fined for breaking laws or violating rules.

The reasons for the above may be traced back to the signaling theory we have examined before. The Metro trains and stations are clean and orderly. This immediately gives out the message that there are people looking after the trains and stations. What is more, the lack of garbage or litter signifies that dropping litter or garbage is not common practice in the Metro, which in terms of latent content states that this is not acceptable behavior.

What is more, passengers themselves are very content to be traveling within trains that are clean and visiting stations that are orderly and properly staffed to deal with their questions and problems. They are, therefore, willing to promote this by abiding by the rules and regulations that apply in the system even though these rules may not apply to other means. In passengers' minds, the cleanliness and order are a result of these rules, and they come to believe that by abiding by the rules, they are perpetuating the nice situation they find when they visit the Metro. People realize that the poor condition of the other means of transport is indeed a very high price to pay for the more "lenient" and "relaxed" atmosphere they enjoy when they travel by other means. They realize that when you are allowed to eat or drink in the system, then you are more prone to throw garbage down especially if you already observe garbage piling up. To further the argument, people were originally very reluctant (not to say hostile) to the idea that cameras would be installed in the Metro stations; soon though, they realized that the cameras were not there to spy on them. Instead, they are a powerful deterrence tool for those who wished to engage in vandalism or other minor criminal activity.

Passengers, nowadays, are willingly complying with the rules and regulations we have set for two reasons. First, zero tolerance policy has made it clear that there is no way you can violate rules, laws, and regulations and get away with it because Metro personnel is there, and it is their job to make sure that violators are caught and fined. In addition, they realize that the zero tolerance policy amounts to better conditions for their everyday travel.

Surveys have shown that people perceive the Metro to be the safest means of public transport, and they feel safe and confident riding in it even in night hours or during times with little traffic. During the five years of operation, we never had a single felony, and pick pocketing is as low as one incident per 400,000, including lost items, which are counted as stolen in all cases in which the passenger is unsure of whether the item was stolen or lost.

Table 1. Passengers / Theft Incidents for the Year 2004 – 2005

Year	Month	Passengers/ Thefts	Total	Year	Month	Passengers/ Thefts	Total
2004	January	Passengers	6,431,113	2005	January	Passengers	6,714,077
2004	January	Thefts	26	2005	January	Thefts	21
2004	February	Passengers	6,201,600	2005	February	Passengers	6,744,707
2004	February	Thefts	26	2005	February	Thefts	24
2004	March	Passengers	6,806,459	2005	March	Passengers	7,239,225
2004	March	Thefts	31	2005	March	Thefts	25
2004	April	Passengers	6,257,845	2005	April	Passengers	7,015,219
2004	April	Thefts	56	2005	April	Thefts	23
2004	May	Passengers	6,515,022	2005	May	Passengers	6,387,250
2004	May	Thefts	35	2005	May	Thefts	21
2004	June	Passengers	6,449,228	2005	June	Passengers	6,342,418
2004	June	Thefts	23	2005	June	Thefts	23
2004	July	Passengers	5,746,291	2005	July	Passengers	5,746,551
2004	July	Thefts	31	2005	July	Thefts	17
2004	August	Passengers	6,002,154	2005	August	Passengers	4,165,631
2004	August	Thefts	63	2005	August	Thefts	22
2004	September	Passengers	7,102,027	2005	September	Passengers	6,523,230
2004	September	Thefts	34	2005	September	Thefts	16
2004	October	Passengers	7,557,707	2005	October	Passengers	7,317,045
2004	October	Thefts	30	2005	October	Thefts	20
2004	November	Passengers	7,397,163	2005	November	Passengers	7,454,305
2004	November	Thefts	27	2005	November	Thefts	24
2004	December	Passengers	8,169,452	2005	December	Passengers	7,525,163
2004	December	Thefts	38	2005	December	Thefts	22

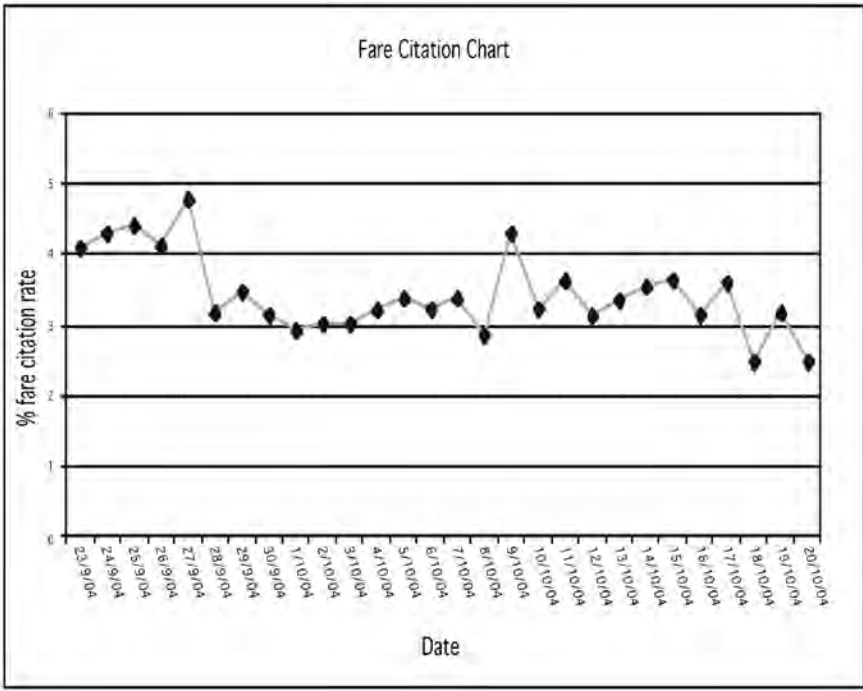
Source: S & C Department Monthly Reports, 2004 - 2005

Zero tolerance policy is also applied to the issue of fare evasion. There are firm policies in place that are not the product of corporate decisionmaking alone but are also regulated by law. As a result, when applying ticketing inspection, Security and Control Department officers are not only safeguarding the company's best interests but are also enforcing a law of the Greek state. We try to make this point clear to our passengers through a variety of means, such as posters and leaflets, that inform them about the specific law and its components and also inform them about what their obligations as passengers are.

Ticket issuers and all the personnel working within the Metro system are able to provide information and guidance to passengers, and in cases in which they are not able to do so, they refer the passengers to the proper authority where they receive the necessary information regarding rules, tickets, timetables, etc.

Due to our vigilance and zero tolerance policy regarding fare evasion, we have very low rates of fare evasion incidents, almost half the rate of closed systems (where physical barriers are used to stop nonpaying customers from entering the transportation system). Table 2 provides an idea of the fare evasion rates as these were monitored for a 20-day period from September 29 up to October 20.

Table 2. Security and Control Department, Monthly Report, 2004



The successful application of zero tolerance policy in the Athens Metro as previously exhibited, is not only the result of hard work and dedication on the part of the employees or commitment in the higher management levels; it is also the result of particular characteristics, inherent in the system, that enable us to successfully employ zero tolerance policy with optimum efficiency and remarkable results.

The Metro is a system that spreads throughout a wide range of locations, but it is a unified system. Although, for example, one station may be here and the other may be kilometers away, they are part of the same system, and the same rules apply everywhere—the stations, trains, platforms, and any other Metro facility. This promotes cohesion both for the passengers and the employees.

In addition, the Metro system can be defined as the sum of all Metro facilities and equipment (infrastructure and vehicles), and it is easier to control than, let's say, a city. Surveillance and monitoring, therefore, are easier to maintain, while the vehicles of the system security and control personnel may move efficiently from one end of the system to the other within less than one hour. People entering our system become aware of the security and control personnel through the specific uniforms, and their interaction with all company personnel promotes both safety and confidence that the system is monitored and cared for.

In addition, the Metro system has another advantage that facilitates the application of zero tolerance policy, that of time.

The time element is crucial to the successful application of zero tolerance policy; limited exposure to the zero tolerance policy in terms of time makes it easier for people to comply. For example, passengers traveling on the Metro average a 20-minute stay within the system. For them, it is easier to comply for 20 minutes or half an hour to the specific rules of the system without feeling deprived or oppressed. If we attempted to issue similar rules and apply them to long distance rail systems, we were bound to face a much heavier opposition. It is easier to refrain from smoking or eating for a half hour than four or five hours.

Time and space are, therefore, crucial to applying zero tolerance policy in the most effective way while minimizing the potential downfalls of such a policy or practice.

Opponents of zero tolerance policy usually base their opposition on the main argument that zero tolerance is either harsh or irrational, allowing for no discretion and flexibility. The above could not be further from the truth. In reality, these arguments are based on misconceptions rather than actual facts. More specifically, people often accuse zero tolerance policy of being harsh. The issue of being harsh or lenient is not an issue of application, but it is an issue of setting our rules and regulations and arranging the proper punishments for each. Zero tolerance does not constitute punishment; it is an attitude towards punishment that states that each violator should receive the assigned punishment; even the mother company's president received a citation for failing to produce a ticket, an incident that was widely covered by the press and the TV in national range.

The issue of assigning proper punishment is an issue of legislation or regulation and not merely an issue of application. If a law states that fare evasion should be punished by a \$30,000 fine and this law is accurately carried out through zero tolerance to each and every violator that falls under the specific law, then it is not zero tolerance to blame for the irrationality of punishment, but it is the legislator or legislative body who issued and voted for such a law.

Zero tolerance policy is also often described as inflexible. Flexibility once more is an issue of legislative nature and regulation setting rather than one of application. The law must provide the context through which discretion may be applied as well as define the extent to which discretion may reach. The law should determine the various "levels of severity" for each violation and provide just punishment for each. Then, after this has been set, the zero tolerance policy should be enforced to make sure that the law is carried out as it should be in each and every single case in which violation occurs.

Conclusion

In conclusion, zero tolerance policy can be said to be a very valuable tool in maintaining order by dealing with incidents of rule and law violations in a firm and—most of all—consistent way. We, in the Athens Metro, are very proud to be using zero tolerance policy, especially since we used it from the very beginning, not as a reactive technique but rather as a proactive tool to minimize violations and rule breaking.

In this effort, we were very successful, as the recent Olympic Games demonstrated. Visitors with little or no previous experience with the Athens Metro were eager to comply with our rules and regulations and showed great amounts of respect for Athens Metro trains and facilities. In order to accomplish that, we had teams of uniform officers patrolling all the trains from the airport (main entrance of foreign visitors to Athens); as a result, passengers realized early enough that the system was monitored and patrolled. Moreover, people felt more safe and reassured that there were people to turn to in case something went wrong or they simply needed guidance and information. The fact that the officers (as all officers of the Security and Control Department) were uniformed helped to establish and maintain identity as figures of authority and expertise who were commanding yet nonintimidating (since Security and Control Department officers are not armed).

Due to the above, most visitors felt the Metro was not only useful and efficient but also very beautiful, clean, and orderly. Many compared it to their own cities Metros and concluded that the Athens Metro was by far more clean and safe. This can be attributed to our zero tolerance policy, which allows us to create an environment that is unfavorable towards acts that violate rules and regulations. Our proactive approach, through advocating and applying zero tolerance, has allowed us to target problems even before they arise, eliminating them before they get out of hand.

Unfortunately, older means of public transport in Greece lacked the opportunity and the knowledge to apply such a technique from the very beginning and are therefore, in a far more difficult situation. Vandalism, petty crimes, and pick pocketing are part of the everyday routine for most of the other means of public transport in Greece, rendering them unsafe and less reliable.

Zero tolerance, however, may work for them, too. In order to apply zero tolerance, at this point, we must apply the broken windows theory first. As a first step, we might suggest that all damages are restored as soon as possible and that all efforts are made to maintain a clean and orderly environment, even if that means that for some period of time, we may need to double the personnel responsible for the above tasks. After all, it is far easier to maintain cleanliness and order—once you have established them—than it is to establish them in the first place. Passengers, therefore, will be less prone to throw rubbish on the ground or create minor damage if they see that there is no other damage or rubbish around.

After a specific situation has been established that facilitates the desirable outcome in terms of appearances and operation, then we must proceed to make the rules known to the public and our personnel. That task is not easy. Even company personnel may react badly if they suddenly feel that there are new rules and regulations being imposed on them (in contrast to the “at ease” attitude they had before). Passengers may also find it hard to comply with rules and regulations because they have had no previous experience with them. Good communication is essential at this point. Passengers and personnel must slowly come to terms with the new situation by gradually introducing rules and regulations or applying older rules and regulations that were not strictly enforced in the past. Leaflets, announcements, and seminars for the personnel are all great tools to introduce change and a whole new mentality and attitude.

At the same time, as information is made available about rules and regulations, we must also introduce measures to make sure that the rules and regulations are upheld. This may require that we train some of our personnel to exercise some form of control over passengers and authorize them to uphold the rules and regulations we have set. We need to make sure we have the legislative context that will allow us to issue some form of “punishment” for those who violate the rules, which may range from monetary fines to imprisonment, according to the severity of the violation (Hester & Eglin, 1992).

When all of the above have been arranged, zero tolerance policy will start to be applied by exercising control and issuing firm and consistent punishment. Consistency is the core element of the zero tolerance policy and is essential in maintaining a policy that will not only be effective but also just.

Although a certain degree of public uneasiness is to be expected, the long-term effects will be beneficial both for the public and the companies. After the policy has been set in place, it is imperative that the authorities do not let it fade away. Keeping a close eye and abiding by the principles of the broken window theory and zero tolerance policy will enable the company to maintain the good results it has acquired and will also help create a public conscience and consensus regarding the rules and regulations applied. After all, after a certain period of time, rules and regulations become part of everyday practice and start to be disseminated as social norms rather than specific pieces of information.

Society has its own way to perpetuate norms and values as well as practices. Zero tolerance merely helps to establish a context in which social forces will operate to perpetuate the goals we have set, provided they are fair, rational, and beneficial to the public and the social order. Zero tolerance is the starting point at which we set the guidelines. If we are successful, these guidelines become part of social reality and after a while, they become incorporated into the public that abides by them out of habit or social compliance rather than out of fear of punishment.

Society is almost like children; you may have to punish them severely and consistently for putting their fingers in the electrical sockets, until they become aware that your actions do not stem from cruelty or oppression but are necessary in order to maintain their health. As time goes by, and children grow, they come to realize that if you put your fingers in the socket, you will become electrocuted and suffer pain. Soon after that, they will stop their attempts, not because of fear of punishment but as a result of rational thinking. Zero tolerance is the means we use until we can elevate our societies to a point at which rationality and reason will make any form of punishment obsolete. History teaches us, that we are in the beginning of this road, rather than at the end. During the long road ahead, zero tolerance policy will prove itself a valuable tool.

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Building Positional Empathy Between Scholars Who Conduct Research and Law Enforcement Executives Who Use It

Part I

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The Vanishing Practitioner-Professor Link

In an earlier article on the questionable relevance of academic research, published in *Public Administration Review* (see Bolton & Stolcis, 2003), we discussed the lack of congruence between administrative practice and contemporary scholarship. We traced the causes of this problem to the conflicting and ambiguous goals and expectations of research and offered five strategies for narrowing the divide between the academy and the agency. To renew our efforts at building positional empathy, in this article, we offer a few relatively uncomplicated reasons for including the criminal justice manager perspective in scholarly publications. In essence, we offer herein rationales for why the practitioner voice ought not be limited exclusively to applied or professional journals. We believe that one of the best ways to integrate this perspective in social science research is to encourage interested professionals to seek adjunct teaching opportunities and partner with university scholars on research projects of mutual interest.

To further this goal, we also acknowledge the compelling need to articulate the acamedician's perspective because so few practitioners have a realistic understanding of what scholars actually do. Building positional empathy is impossible without a candid conversation about the challenges scholars routinely face; we address that aspect of this dilemma in a companion article, titled "Building Positional Empathy Between Scholars Who Conduct Research and Law Enforcement Executives Who Use It - Part II." That said, attempting to cover perspectives from both camps in these few pages is impossible; therefore, to reiterate, for purposes of this discussion, we will limit our focus mainly to an array of alternative roles practitioners can play in ever-evolving areas of academic research and, to a lesser extent, college teaching.

Transpraxis I: Traversing Borders as Pathways to Professional Relevance

After attending many conferences, such as those sponsored by the American Society for Criminology (ASC), the Academy of Criminal Justice Sciences, and the American Society of Public Administration (ASPA), we've observed that whether we're talking small group workshops or large plenary sessions, once a topic under discussion gets the least bit heated or contentious when academics *and* practitioners are present, a miasma may develop, compromising any attempt at meaningful dialogue. As opposed to the animated give and take one might anticipate, our experience has

been that participants tend to become reticent, and audience interaction diminishes as attendees quietly slip into ego or position-defensive roles. Once this happens, two outcomes are assured: (1) disciplinary and personal self-interests will be safeguarded and (2) alas, nothing of real substance will emerge from the session. This is a tragic waste of time—but not one we view as completely hopeless.

As bleak as this portrayal sounds, positive strides can be made if individuals are willing to forego turf-protecting behaviors and focus instead on issues and problems (Fisher & Ury, 1991). Stated differently, positional defensiveness (as opposed to empathy) blocks receptivity to idea sharing, thereby weakening conversations that otherwise might be beneficial to discovering solutions to problems of mutual concern.

For this reason, we find *transpraxis*, the term Arrigo, Milovanic, and Schehr (2005) use to describe “the ambulant and conditional vision of what could be” especially promising (p. 41). To us, *transpraxis* has a revitalizing ring to it, but only if traditional boundaries are made more traversable. Indeed, these authors insist that the pursuit of *transpraxis* is impossible unless there is a willingness among participants to cross borders by “the deliberate displacement of established parameters of meaning, forms of consciousness, sites of knowledge, and loci of truth.” Essentially, in this context, conventional boundaries are transgressed, resisted, debunked, and decentered (p. 41). In this regard, theory and practice are seen not as separate, but each is embedded within and “already exists in the other” (p. 138).

Regrettably, we’ve concluded that although potentially valuable contributions to extant literature can come from men and women actually occupying diverse positions in government, their contributions are destined to remain on the periphery and never at center stage in the larger literary forums of their professions. The nonacademic aspirant hoping to see her or his ideas in an esteemed administration journal may be dissuaded by what could be construed as a stark message: your views really don’t matter very much.

If this is a fair estimation of the sentiments of editors and scholars, it is as destructive as it is disheartening. Few would dispute that practitioners bring authenticity to their respective roles as students in graduate classrooms. Their experiences allow them to contribute depth, insight, and relevant perspectives to scholarly discussions in many ways that nonpractitioners cannot. Furthermore, they serve in positions most other students covet.

Most students aspire to be practitioners, not scholars, and if they are already working in government, they aspire to be better and more skilled practitioners. Limiting their opportunities to publish and thereby share their collective practice-related observations only to nonacademic journals is shortsighted and divisive.

This issue is not endemic only to the public services. Recent writers in business administration have criticized the unshakable faith educational leaders have placed in the “scientific model,” mistakenly revering it as the quintessential approach for teaching MBA program graduates analytical tools they’ll need to survive once employed in the business world. Business and public administration are not alone; criticism is surfacing regarding medical school curricula because many basic courses are being taught by instructors who have never been practicing physicians (Rajan, 2006).

While scientific models have played a major role in the development of knowledge in the physical and social sciences, we believe that continued adherence to these models—to the exclusion of other forms of “knowing”—will seriously hamper the ability of professionals to forge the tough decision-making skills they’ll need in order to cope with mercurial natural and social forces in the future.

Bennis and O’Toole (2005) recently made this point when they excoriated leaders of MBA programs in the *Harvard Business Review* for throwing plenty of experience-lacking “dissertation holders” at students as a way of producing scholar-clones who may be exemplary at using sophisticated quantitative models to test elaborate, esoteric hypotheses, but hopelessly inept at finding solutions to the messy, complex problems managers typically tackle (p. 101). They further asserted that by being overly focused on scientific research, MBA program leaders adhering to inflexible models anchored in linear reasoning not only miss an opportunity to produce enlightened managers with analytical abilities *and* pragmatic problem-solving skills, they run the risk of witnessing continued declines in program enrollments as well. Criminal justice practitioners can empathize with Bennis and O’Toole, who underscored one of the major problems: “Today it is possible to find tenured business professors of management who have never set foot in a real business, except as customers” (p. 101).

Transpraxis II: Academic/Practitioner Scholarship as the Research Model of the Future

As scholars and practitioners, we believe that tangible results produced by scholarly research are the clearest indicators of achievement in higher education. This goal, however, will remain elusive as long as scholarly publication without practitioner input remains the gold standard for promotion or tenure. In addition, we have discussed the differences in operational perspectives between the agency and the academy: theoretical versus pragmatic, data-supported versus logical, scientific methodology versus case studies and common sense, academic-oriented versus practitioner-oriented journals, and tenure versus organizational effectiveness (Bolton & Stolcis, 2003). We also view the motivations driving these differences as potentially complementary, not necessarily as selfish or contradictory.

We now expand our lens to explore reasons for why the time-worn adage “publish or perish” as a requirement for tenure still can serve a vital function in universities. To accomplish this, we briefly discuss the pressure to produce publishable work as an artifact of the academy as an institutional culture. We begin by suggesting that while many college recruiters energetically sell the reputations of their faculty as exemplary teachers, an altogether different picture may exist internally, with professors themselves regarding publication in refereed journals as the sine qua non of academic success. This criterion is so important that award of tenure is nearly impossible without it. And we support the premise that mere scholarship by itself will not suffice; without neutral review, one is alone in her or his own conviction of excellence. Therefore, one’s research must be exposed to the critical scrutiny of anonymous peers—rarely a pleasant experience (Goldsmith, Komlos, & Gold, 2001)—but one most scholars accept.

In addition, criminal justice executives who are unfamiliar with academe may find it useful to understand that while priorities may differ depending upon whether a specific college defines its mission primarily as a “teaching” or “research” institution, if after several years on the tenure-track an assistant professor’s portfolio does not

show evidence of substantial scholarly publication, not to mention the promise of sustainable productivity, tenure likely will be denied, and the candidate will be expected to find employment elsewhere (Goldsmith et al., 2001).

This may seem like a drastic measure. Plausible explanations exist, however, for why success with scholastic work is crucial to the academic persona. For example, Henry Rosovsky (1990), former Dean of Arts and Sciences at Harvard University, asserts that teaching alone does not consummate the university faculty identity. In his opinion, without scholarship, you may have a teacher, and perhaps a quite excellent one, but not a university professor.

In part, we agree but caution again that we embrace Bennis and O'Toole's wariness of accomplished scholars who master "statistical and methodological wizardry that (without practical relevance) can blind, rather than illuminate" (p. 99). Some of these professors may be exceptional at fact collecting and do remarkably well in catering narrowly to the interests of their peers but ignore altogether those nonacademic readers who might make better use of their findings. Part of the problem, Quelch (2005) observes, is that too many deans hire faculty who devote their energies to writing to impress each other, and by engaging in research that "has no relevance to or impact on practicing managers" (p. B-19). Or, we would add, on the highly educated law enforcement executive of the future.

James Axtell (1999) meaningfully acknowledges in *The Pleasures of Academe: A Celebration and Defense of Higher Education* that confusion about what academics actually do is so widespread, even college graduates have only a vague notion about their professors' work habits. Nevertheless, he lists several sound reasons for why professors should publish. We find several of his insights valuable and suggest they can be made even more compelling if we expand our lenses to bring into focus possibilities for improving practice (pp. 52-67):

- Advances in knowledge account for one-third of the gross national product, and most of that knowledge is the product of research conducted by professors.

Expanded Lens: This noteworthy achievement promises to become even more impressive when added emphasis is given to improving the activities of practitioners in the field.

- Scholarly work is the surest proof of intellectual distinction.

Expanded Lens: While the bar for intellectual distinction is set at publication in scholarly journals, we believe it can be distinguished even more so if the criteria include scholarly works that effectively addresses practice issues. Moreover, we feel many top-tier professional journals are equally selective and rigorous in their editor/peer review processes. We also know many managers without doctorates who are quite capable of meeting standards set by academic journals.

- Peer review is the only reliable and justifiable way to evaluate the activities of the professoriate.

Expanded Lens: In terms of meeting the needs of the entire field, peer review as an evaluation tool for scholars must include practitioners-reviewers if it is to be seen as credible.

- Professors are duty-bound to advance and not merely preserve and recycle existing information.

Expanded Lens: An intellectual renaissance will occur when it is clearly demonstrated that the *practice* of law enforcement is being more than marginally informed by scholarship. Scholars will be seen as producers of useable information and gain a broader measure of respectability in the law enforcement community.

- Research is a belief in the possibility of progress.

Expanded Lens: Professors will have a better chance of impacting the progress of government at all levels when they design research projects intended to further develop the skills of public employees and help them to better serve their communities.

- Habitual scholarship helps prevent burnout.

Expanded Lens: Success in seeing one's intellectual efforts put to use in mechanisms of managerial practice can be extremely rewarding, inspiring even more productivity.

- Scholarship invests teaching with direct and convincing authority based on first-hand discovery of knowledge shared in the classroom.

Expanded Lens: Publishing one's research and ideas, particularly after they've been subjected to both peer review *and* real-world administrative scrutiny, can have a profound impact on the instructor's credibility among those students currently serving as or aspiring to become law enforcement managers and practitioners.

- Habitual scholarship is certainly needed for advanced (i.e., graduate) courses.

Expanded Lens: Whether the emphasis is placed on academic or professional scholarship, active engagement with research and writing is necessary for professors teaching advanced courses in administration.

- Professors who struggle with their own writing are better able to help students with their writing.

Expanded Lens: "Absorbedness" is the practice of delving down within oneself to play with ideas and then engaging in frequent revision in order to produce a piece of publishable writing. Absorbedness is endemic to all authors; hence, concrete suggestions that can improve writing used in academic research, professional documents, and public agency reports can help students with their own uncertainties.

- A well-conceived, well-written work typically reaches, and therefore, teaches more students.

Expanded Lens: As the practitioner "voice" gains more credibility in scholastic publications, and as professors assign readings from both academic and

professional journals, students will be exposed to the best ideas from the entire domain of law enforcement.

- “Rate-Busting” scholars tend to be “Rate-Busting” teachers as well.

Expanded Lens: Good things result when one wants to influence future generations of public-spirited individuals. It doesn’t matter whether one’s passion is teaching or research or both. These individuals invariably produce useable research, and professors who balance energies between teaching and research generally are further stimulated by both.

Axtell’s (1999) analysis of the role scholarship plays in colleges is informative but can be made even more instructive if one realizes that to be of substantive value to criminal justice—arguably a rudderless discipline adrift in the throes of multiple crises—research must be conveyed to individuals most likely to put findings to good use. Without direction, supplied internally and by the academy, managers risk exacerbating complex, messy, and sometimes dangerous situations requiring thoughtful deliberation and careful assessment of potential consequences.

In ending this section, we hope we touched on a few obstacles preventing the harmonious sharing of ideas between scholars and professionals. We believe that progress should first be made on what we perceive as the pivotal question: How can scholars address the needs of the academic and practitioner communities while continuing to produce credible scholarly research? We feel one way is to hear from scholars with past experiences as practitioners.

Transpraxis III: Useful Strategies “Gatekeepers” can Use to Integrate Practice with Scholarship

Arrigo, Milovanovic, and Schehr (2005) use Hardt’s (1993) discussion of the autonomy and equality of theory and practice in a way we feel is uniquely relevant to law enforcement and criminal justice: “. . . there is no synthesis of theory and practice, no priority of one over the other. As such, the mind, as connected to theory, and the body, as connected to practice, contribute in their own way, to actual activity” (p. 137). Hence, we offer a few suggestions for editors interested in increasing practitioner submissions to their journals; we follow with suggestions for professional associations; and then we close this section by floating a few ideas deans and department chairs may wish to consider in order to increase exposure of faculty to the practice of management.

Suggestions for Journal Editors

If not already doing so, consider . . .

- Re-evaluating the importance attached to academic research. We agree with Streib, Slotkin, and Rivera (2001) that although there is room in scholastic journals for articles that will interest only academics, we should also give thought to how researchers can better serve the needs of practitioners.
- Establishing a standard, when appropriate, that articles accepted for publication include a section titled “Implications for Practice.” This section would begin to

address the need for authors to recognize the relevance of their research to practice and practitioners. This needn't be a lengthy section but should attempt to gird scholarly work to practice. If there is a lack of fit, then this raises the "So What?" question, or at least challenges assumptions about the generalizability of findings.

- Encouraging more written input from practitioners about what they believe are important research items. We start with three: (1) cutback management, (2) recruitment and retention, and (3) mastering IT technology. There are many, many more. We strongly encourage editors to actively seek practitioner input on those that have yet to be raised.
- Taking another look at submission requirements and editorial practices to ensure that manuscripts written by practitioners will not be unilaterally eliminated by editors using academic versus professional filters before forwarding papers to peer reviewers. Some of whom, we again stress, should be practitioners.
- Devoting some journal pages as a forum for an ongoing exchange between scholars and practitioners in an effort to bridge the "Great Divide." Seeking input on promising "Best Linkages" may help. We suspect that somewhere some agencies and universities are doing this with a fair degree of success.
- Facilitating an honest and straightforward exchange about the reasons and causes of this rift. In 2003, we touched on five areas of tension and focused on the ambiguity of academic research. We believe that there are a number of reasons similarly associated with agency life.
- Modifying author submission policies by encouraging writers to "speak to managers in a familiar language and discuss a wide variety of topics relevant to their professional needs" (Streib et al., 2001, p. 520).
- Using a "Calls for Papers" approach to invite more input on the importance of positional empathy. How well do practitioners understand the demands of the academy? How familiar are scholars with the demands of contemporary organizational life? How can this knowledge gap be narrowed?

Suggestions for Academic/Professional Associations

If not already doing so, consider . . .

- Surveying practitioner members to solicit their opinions regarding academic journals. This could include asking . . .
 - How relevant do you find the content of published articles?
 - What can be done to make them more relevant?
 - To what extent do you utilize information contained in the articles?
 - To what extent do you encourage colleagues or subordinates to read specific articles?
 - What improvements would you suggest?
 - In your opinion, how well represented are practitioners in the field on journal editorial boards?

- How do *you* explain the dismal rejection rate among criminology/criminal justice journals?
- Rolling out a large-scale discussion about the lack of practitioner input. Has the rapidly shifting, potentially volatile landscape we described in 2003 changed? If so, how? If not, why not?
- Surveying practitioner members to identify research they feel is needed that would support practice.
- Setting and announcing a high priority on futures-based collaborative research with practitioners and academics viewed as coresearchers (Ospina & Dodge 2005).
- Seeking input on how to dismantle the traditional asymmetrical “fixed division of labor” in research (Ospina & Dodge, 2005, p. 416). The objective here is to create trust-building cross-cultural strategies that set the stage for practitioners interested in conducting research to be viewed not as mere consumers of knowledge but active, informed, sophisticated partners with academics in the production of research.
- Surveying practitioners and scholars for suggestions on how to minimize positional posturing (“turf”) protection at conferences and in professional literature. Despite the fact that professors and academics inhabit different worlds, progress is impossible as long as we remain narrowly focused on issues of personal and professional self interest.
- Sponsoring focus groups or commencing a study using methods similar to those applied in the Delphi Technique to identify and empanel leading luminaries in academe and criminal justice administration. The purpose would be to glean from their combined expertise and wisdom major factors they believe will contribute to the unique problems American criminal justice administration will face in the ensuing decades of this century.

Suggestions for Deans and Academic Chairs

If not already doing so, consider . . .

- Periodically including “practice-relevant” agendas for program/departmental meetings to ensure that some discussion is given to this topic. There are many benefits and a few drawbacks to establishing closer alliances with the practice community; put them on the table for discussion. Internal and external guests with specialized professional expertise can enrich these conversations.
- Inviting input on the traditional three-prong teaching, university service, and scholarship criteria for tenure and promotion to include an equally weighted fourth prong for criminology professors: contribution to practice.
- Reviewing program/department mission statements to determine that convincing language is in place clearly describing the intended connection between instruction, research, and practice.

- Conducting periodic focus groups with masters and doctoral students specifically to determine whether instruction is helping them see the practical relevance of what is being taught. To obtain a better “read” on whether this is being done, contact alumni for their assistance in designing questions.
- Reviewing goals, objectives, and rubrics used for strategic planning, institutional effectiveness, and program assessment and evaluation to ensure the existence of language clarifying how graduate instruction and research are specifically geared to improving the practice of public safety.
- Examining syllabi in theory courses to ensure that course objectives are present describing how students must be able to demonstrate application of theoretical concepts to practice. In instances in which this is not happening, ask instructors to provide rationales for leaving it out.
- Creating capstone courses that would be team taught by practitioners and scholars, or by scholars and scholars with extensive field experience (Quelch, 2005). With the support of faculty mentors teaching these courses, exemplary projects completed by students conceivably could be showcased for presentation at national/regional conferences and/or for journal publication.
- Inviting practitioners to be a “professor for a day,” holding office hours to meet with students and faculty (Peterson-Kramer, Johnson, Crain, & Miller, 2005, p. 78).
- Encouraging faculty to engage in collaborative scholarship with practitioners and coauthoring articles for academic and professional journals.
- Eliciting practitioner input in writing instructional management cases, to be analyzed and discussed in class jointly with a full-time faculty member.
- Arranging relaxed social gatherings between academics and practitioners in order to facilitate informal storytelling and insights into the explicit and implicit aspects of each other’s worlds (Ospina & Dodge, 2005).
- Revising faculty hiring policies to require possession of a terminal degree plus a minimum of five years of experience in the field.
- Revising admission policies for doctoral programs to require a minimum of three years of experience in the field.
- Revisiting faculty development policies to determine the feasibility of finding ways through funding, sabbaticals, release time, etc., to support professors lacking management experience to gain personal exposure to up-close decisionmaking in government agencies. The ideal would be to locate agencies where experience-deficient faculty can become intimately acquainted with various aspects of the real-world “ownership” of one’s decisions.
- Identifying incentives—reduced tuition among them—to encourage senior practitioners to pursue advanced academic study.

- Reviewing existing lesson plans for research methods courses to ensure that statistical techniques and other quantitative approaches utilize clear examples of their applicability to practical problem solving.
- Reviewing existing lesson plans for criminal justice research courses to ensure that instructors are not privileging models based on positivism, and, in fact, are increasing exposure to interpretive approaches such as case studies narrative and collaborative inquiry.
- Inviting practitioners to participate in projects designed to package stories and anecdotes from management and leadership that would appeal to students and practitioner audiences (Ospina & Dodge, 2005).
- Surveying alumni to gather input on identifying aspects of their graduate education they found deficient or especially helpful in their professional careers. Seek their suggestions on ways they feel graduate and doctoral programs could further improve the performance of graduates in public service.
- Creating a professional advisory board or council consisting of successful managers from myriad sectors of criminal justice. Engage them and your faculty in identifying ways the quality of education your students receive can be enhanced.
- Encouraging practitioner involvement in student events; conversely, ask practitioners to volunteer to have occasional field trips scheduled to their offices (Peterson-Kramer et al., 2005, p. 78).
- Seeking practitioner input and contributions to marketing and fundraising campaigns.
- Having candid discussions with peers concerning the benefits and drawbacks to having the current and future direction of your school, department, or program under the leadership of a professional educator who has not served as a criminal justice professional.
- Offering to step up to the plate and have your department lead the way as a university model for bridging the theory-practice gap.

Transpraxis IV: Fusing Collaborative Visions for Managing Tomorrow's Crises

We've hinted in this article that a promising future for criminal justice awaits but only if our lens is expanded to include practitioner input without compromising the need for quality scholarship and methodological rigor. Positive outcomes likely will emerge for both scholars and law enforcement managers if this goal is pursued with candor and vigor. We use transpraxis—the hope of a revitalized future—as the organizing theme throughout this article.

Relatedly, we state now, as we did in 2003, that while neither of us is comfortable playing the role of alarmist, we are distressed by what appears to be a lack of genuine effort to increase collaboration between scholars and practitioners. Viable links

between theory and practice simply are not happening. Moreover, we believe that unless efforts are made to shore them, the chaotic aftermaths of recent untoward events law enforcement and public managers have faced will continue, and likely with consequences even more dire.

We close with a question Wilkerson (1999) raised seven years ago, “if science and practice have coexisted in this manner for this long, why change now?” (pp. 612-613). And we answer that our global society has recently undergone such a dramatic transformation, finding ways to keep lines of communication between the academy and agency open are no longer optional. Similarly, we also stress that while these conversational channels should have vibrancy, relevancy, and buy-in from practitioners, we also acknowledge, as we did in the previous study, that devoted professors deft at linking theory to practice will continue to play the leading role in helping inform, shape, and guide those of us faced with promoting and safeguarding public interest at all levels. Before the melding of “the best that academia can offer with the knowledge needs of practicing managers” can be achieved (Streib, Slotkin, & Rivera, 2001), however, outdated barriers that discourage practitioners from partnering with academics in the development and dissemination of relevant theory (Bolton & Stolcis, 2003) must be dismantled, and new, collaborative, agenda-free, mutually agreeable alliances forged.

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Building Positional Empathy Between Scholars Who Conduct Research and Law Enforcement Executives Who Use It

Part II

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In his recent work rebuking over one hundred of America's "most dangerous professors," David Horowitz (2006) describes the modern university as . . .

a decentralized unit, consisting of quasi-independent faculties that create their own intellectual standards. . . . The university is also by nature and structure a conformist institution regardless of who controls it. It is hierarchical in organization and the apprenticeship required for admission to its ascending levels of privilege is long in duration and closely observed. The committees that manage its hiring and promotional processes are collegial and secretive, and its ruling establishment is accountable only to itself. (p. 373)

Horowitz's assessment arguably does not represent the views of men and women teaching and conducting research in American universities. Nonetheless, to demystify the academy and provide a glasnost of sorts, we coauthored our companion article, *Building Positional Empathy Between Scholars Who Conduct Research and Law Enforcement Executives Who Use It – Part I*, as an effort to stress the need for gatekeepers to academe to render more clear the relevance of their mission by publishing more articles authored by seasoned practitioners and by welcoming their significant expertise into classroom discussions. We offered strategies that editors, academic deans and chairs, and professional association leaders may wish to consider in order to bring the practitioner voice into all aspects of academic discourse. Finally, we encouraged law enforcement managers aspiring to publish in top-tier journals to partner with university scholars and also to seek opportunities to teach part-time or otherwise become engaged in the educational enterprise of nearby colleges.

To move this effort forward by providing law enforcement executives with glimpses into the inner workings of higher education, herein we attempt to explain why nonacademics misunderstand the institutional cultures found in American universities. In this regard, we believe that it is imperative for the criminal justice manager considering involvement with the academy to not only understand the role faculty independence plays in research and teaching but also to grasp how excessive reliance on market-driven or bureaucratic management models can actually nullify the core values of the American university. Consequently, added attention is given to the unique challenges facing the professoriate, as well as faculty governance, teaching, academic (versus applied) research, rank and tenure, and service to the community and university.

Academic Freedom: Catalyst for Progress or Vanguard of Unpopular Ideas?

Few scholars in history are likely to top Ward Churchill, current professor of ethnic studies at the University of Colorado at Boulder, as a lightning rod for criticism of higher education in America. Many proponents of educational reform believe his case epitomizes much of what is wrong with colleges in general, and university faculty in particular. Initially, the fault-finding centered on tenure and academic freedom protections Ward relied on to defend an endlessly cited essay he'd written in which he likened those killed in the September 11, 2001, attack on the World Trade Center to "little Eichmanns," slain because of the role they played in a greedy capitalist machine fueling hatred of America throughout the world. That charge has now grown to include an investigative panel's more recent findings of plagiarism, falsification, and fabrication of his own research (Smallwood, 2006a), throwing Churchill and his supporters, sympathetic students, and lawyers into a maelstrom of protests to save his job. In addition, questions have surfaced concerning why, given his apparent lack of academic credentials, Churchill was hired in the first place. To make his situation even more untenable, recommendations of the university's five-member committee charged with investigating Churchill are not only inconclusive, members are split over how to punish him. Notwithstanding the tenuous nature of these conflicts, at the time of this writing, the university has begun the process to fire Churchill. He promises to appeal and to sue (Smallwood, 2006b).

While public curiosity about the Churchill debacle is understandable, we use it here simply to illustrate how opinions, attitudes, and perceptions about the academy can be formed by those rare cases in which a professor takes an unpopular position on a subject, which results in the expression of unfavorable feelings toward scholars. Fortunately, the catalysts triggering these controversies usually are ephemeral, disappearing as quickly as they appeared. In extreme instances, however, they can signal the start of a challenge to the existing worldview of the academy. Lest the confusion deepen further, thereby toxically influencing American criminal justice, it is essential to partially deconstruct colleges and universities as institutional cultures. We feel partial deconstruction is the appropriate term because although it is "neither a method nor even an operation," or for that matter "neither an analysis nor a critique" (Farmer, 1995, p. 178), it does provide a degree of reflexivity in language that may help practitioners understand that while the efforts of academics serve many worthwhile purposes, their actions can spark criticism because the motivations, initiatives, and meanings driving university research and teaching often are poorly understood outside the academy.

Axtell (1999) brings some clarity to the issue by asserting that "the long established social function of higher education, particularly in North America, is to advance knowledge as well as to sift and recycle the accumulated wisdom of the ages in transmitting it to new generations" (p. 17). Of necessity, pursuing these goals is impossible without circumspection and intellectual trial and error, approaches that can incur suspicion because scholars tend to work in monastic seclusion, relying mainly on their own judgments regarding what to teach and research. Consequently, it is inevitable that the Ward Churchills of academe periodically will unleash provocative ideas that trigger hostile public reaction. When this occurs, condemnations of the professoriate can flow from critics and be treated by the media as if they are factual. At the heart of these suppositions is the image of professors

as individuals comfortably ensconced in luxurious settings, immune from the consequences of their actions, accountable only to themselves.

This is especially true of persons who've not been to college. In instances of those persons who have, attitudes may be shaped by exposure only to fleeting moments spent with professors in lecture halls and classrooms. Even among educated law enforcement executives, a minority see professors as an unusually pampered group, actively engaged in exploitation of their positions as good deals because (see Axtell 1999; Goldsmith, Komlos, & Gold, 2001; Rosovsky 1990) . . .

- University campuses are pleasant places and made more so by agreeable atmospheres of friendliness and collegiality.
- Teaching and research are not that difficult to do and can be easily accomplished in a few hours each week, leaving ample time for other interests unrelated to educating students.
- Evaluation, assessment, and scrutiny of professorial work by superiors are nonexistent.
- Colleges attract ingenuous young people who eagerly immerse themselves in their classes and studies, posing challenging questions and uncritically thriving on ostensible intellectual rewards gained from association with their professors.
- University classrooms and electronic and print media offer professors (at least those inclined to do so) platforms from which they can champion biased beliefs without fear of censure or recrimination.
- Job security accorded tenured professors easily trumps that which is found in other professions.

The criminal justice professional considering teaching should explore the interplay between shared governance and academic tenure. These factors are endemic to all university cultures and determine the extent to which professors can exercise independence in their work.

Faculty Governance: Ostensible Cornerstone of Academic Freedom

Although the operational machinery of most colleges arguably would cease to function without adherence to management practices found in public organizations today, a contemporary American university would not meet its goals if administrators *overly* relied on basic principles of public management. At the heart of this belief lies a stark fact: universities are organized and operated unlike any other tax-funded public institution.

Draper (1906), then president of the University of Illinois, commented as far back as a century ago that when a university begins to mimic the behavior of corporations, it "ceases to be a university," losing its moral compass and jeopardizing efforts to unlock truth and "turn out the greatest men and women" (p. 36). Indeed, knowledge development, historically driven by unfettered searches for truth, can be seriously impaired when management techniques hinder the independence of professors to pursue areas of interest of their own choosing. Therefore, the inquisitive law enforcement executive hoping to understand distinctions between management practices in public administration and those in higher education, minimally should possess some knowledge of faculty governance. Whereas professional authority

and its influence on decisionmaking in the academy bears *some* resemblance to that of corporate and government agencies, faculty participation in governance is different—and at times controversial—since, as Tappan (1961) notes, scholars “are the only workmen who can build up universities” (p. 519).

The powers shared among administration, faculty, and students vary greatly across public and private institutions and generally are influenced by various forms of shared governance that differ greatly from public organizations (Kaplan, 2004). Faculty governance—the term given to the structures and processes universities use to balance organizational control and influence—not only assures faculty involvement in the operation of the university and policy issues but also reinforces their status as researchers and educators (Birnbaum, 2004). Viewed from an analytical perspective, governance refers to the methods and actions by which inclusive university communities—faculty, program/department chairs, deans, vice presidents, presidents—decide matters of strategy and policy collectively (Kaplan, 2004).

Hence, law enforcement executives unacquainted with faculty governance likely will be surprised to discover that collegial relationships grounded in trust and harmony between faculty and administrators are *more* important to the broader university community than hierarchies, outcomes, or specific decisions. When these factors are not present, the underlying suspicion results in strife and discord that are difficult to overcome. In essence then, structural arrangements have little, if any, bearing on relationships. Mechanisms of bureaucratic governance—lines of authority, rules, procedures, and so on—do impact efficiency, but they do very little to improve effectiveness in university settings (Kezar, 2004). Conversely, leadership models that encourage interpersonal dynamics, group processes, motivation, and committee membership are integral features of all progressive educational institutions (see Baldridge, 1982; Birnbaum, 1991; Mortimer & McConnell, 1979; Wheatley, 1996; Yomanda, 1991).

This model of organizational governance and leadership is markedly different from those traditionally found in most public sector organizations. Even the most innovative agencies rely on *some* type of hierarchical modeling, featuring relatively clear lines of authority and accountability and performance expectations that prize efficiency and measurable results. Collegial relationships are framed within the context of mission-driven, goal-oriented organizational performance.

This suggests then that if faculty and administrators collaborate in a give-and-take atmosphere of negotiation and compromise, then governance is much more effective and agreeable to all stakeholders (Kezar, 2004). When this is not the case, some academics will vent, speaking their minds with unbridled candor in open governance forums, such as faculty councils or senates. Not surprisingly, in a study of university governance, Kaplan (2004) found only a small relationship between decisionmaking and structural issues. “Structures of governance do not appear to account, in a significant way, for the variance in outcomes among institutions of higher education” (p. 31). In other words, unlike public sector agencies, structures are not the heart of collegiate organizations. Processes, people, and relationships are (Wheatley, 1996).

Conversely, the informed criminal justice practitioner also should realize that faculty governance periodically is the object of harsh criticism (see Birnbaum, 2004; Kaplan, 2004; Kezar, 2004). Among management models, shared governance is sometimes seen as a dinosaur: hopelessly sluggish, arcane in its traditions and methods, and unresponsive to the economic needs of a rapidly changing modern world (Kaplan, 2004). In fact, a Rand Corporation study (1998) indicated that faculty governance was wholly ineffective and inefficient. Furthermore, skeptics of faculty governance castigate it as a system that restricts institutional agility, especially when thwarted in its goals by empowered obstructionist faculty. To this end, Wicke (1963) asserts that faculty governance is “far too important to be left entirely in the hands of professors . . . the enterprise requires the participation of both” (p. 65), supporting the contention of advocates for reform who argue that faculty no longer can remain isolated from the rest of society, as the accepted notion of the ivory tower once implied (Del Favero, 2003).

In closing this section, given the volatile nature of our social world, questions regarding whether the professoriate can remain cloistered and sheltered from the vicissitudes of everyday life remains problematic. The trade off between having institutions of higher education being responsive to the challenges of the outside world, as opposed to remaining as Jurassic Parks of leadership modeling is one likely never to be decided. To be sure, while some universities are moving quickly to stay current with changes occurring in corporate America, others are resolute in not forfeiting their primary missions in order to comply with needs driven purely by society’s manifest interests.

Nisbet (1971, as cited in Birnbaum, 2004) has argued, . . .

What in a civilized society, could possibly be wrong with, or stagnant, archaic, or antiquarian about, the vision of an enclave in the social order whose principal purpose is working creatively and critically with ideas through scholarship and teaching? Is not man’s highest evolutionary trait thus far precisely his capacity for dealing with ideas: learnedly, imaginatively, and critically? Is there any more promising hallmark for a civilized society than its willingness to support a class of persons whose principal business is to think, arrive at knowledge, and to induct others in this principal business? (p. 20)

Despite our efforts to bring clarity to these issues, some practitioners may continue to find the concept of faculty governance perplexing and hopelessly antiquated. Returning to our Ward Churchill example, academic tenure and its oft-touted protections may provide further illumination.

Tenure as Ancillary Guarantor of Academic Freedom

Faculty governance combined with academic tenure serve as principle guarantors of academic freedom (Kaplan, 2004; Rosovsky, 1990) because they ensure the right of professors to explore, act upon, and espouse unpopular ideas without fear of retribution by anyone. Also, an award of tenure putatively suggests that the university’s ability to evaluate the research and teaching activities of each faculty member comes to an end at a certain point (Goldsmith et al., 2001). Thus, it is at least partially true that a major virtue of the tenured academic life is the absence of bosses (Rosovsky, 1990). It is also reasonable to assume that most academics,

unlike bureaucrats, seldom consider promotion in rank as important as a positive tenure review.

Needless to say, this type of employment security is virtually unheard of in the world of criminal justice—particularly during times of economic decline, tight job markets, and increased public scrutiny. Indeed for most of us, the prospect of lifelong employment, near-automatic annual salary increases, and the security and freedom to teach and research what one chooses, with minimal supervisory oversight, is Utopian in its appeal.

That said, it should be noted that although forms of job security differ among various professions, tenure is distinct in its requirements for attainment, and for the protections it guarantees. Academic tenure (pivotal word *academic*) is a privilege reserved exclusively for the professoriate, those scholars who have demonstrated competence in research, teaching, and service over a lengthy probationary period. For this reason, university presidents, vice presidents, and deans, acting in those capacities, cannot have it (Rosovsky, 1990).

The tenure clock starts ticking the instant the newly hired professor signs a contract with the university. Unique to the academy, the tenure track is a source of immense anxiety for the untenured professor who is keenly aware that “publish or perish” and “up or out” are not meaningless clichés but part of enforceable personnel policies requiring the tenure-track candidate to seek employment elsewhere if tenure expectations are not met. Tenure standards differ depending on whether a university’s primary mission is teaching or research. All schools expect classroom teaching to meet at least minimum standards. Research universities typically are not as demanding of teaching excellence; conversely, teaching colleges demand less in research production but set high standards for teaching performance.

Tenure expectations occasionally differ: At the conclusion of the fifth year on the tenure track, elite research universities may require one or more books (scholarly, not text), plus several articles in top-tier academic journals, while teaching colleges may set the tenure bar at publication in reputable but not necessarily premier, peer-reviewed journals. In part, tenure expectations and the rigors of the process itself explain why a recent study conducted at Pennsylvania State University indicates that about half of the professors on the tenure track at several research universities left without earning tenure (Wilson, 2006, p. A-10).

Though rejected tenure applicants usually are given a year to find another position, the blow to one’s ego and self-esteem is crushing. As Henry Rosovsky (1990) former dean of Arts and Sciences at Harvard notes “these so-called ‘junior faculty’ all hold the PhD or similar advanced degrees. They are mostly in their 30s, and frequently are internationally recognized authorities in their subjects” (p. 170). After dealing with a median time of eight years of graduate study (Axtell, 1999), setbacks in dissertation completions (e.g., illness, family issues, fickle committee members, lack of sufficient research funding, data sites that have vanished), plus another five or more years on the tenure track, it is understandable that the denial of tenure can be an extremely stressful event.

To summarize this section, despite occasional controversies sparked by individuals such as Ward Churchill, tenure is coveted by academics throughout the world

precisely because it protects them from internal and external political attack. Universities are sensitive to clamorings for the dismissal of controversial professors voiced by politicians, community members, media, parents, and board of trustee members. Nonetheless, though sometimes justified in their urgings, they seldom prevail. For once in possession of it, stripping a professor of tenure is nearly impossible (Rosovsky, 1990). The circumstances under which tenured professors can be fired are carefully spelled out by university policies, which often correspond to the 1940 Statement of Principles of Academic Freedom and Tenure by the American Association of University Professors (AAUP, 1940):

- Bonafide financial crisis (pivotal word “bonafide”)
- Elimination of an academic program
- Serious moral lapse (e.g., crimes of moral turpitude)
- Physical or mental incapacity

Coming full circle, although tenured professors generally are impervious to threats of job loss under these circumstances, each year, a fraction are fired. Termination of these individuals, however, is a rare event, requiring adherence to rigid dictums of due process, including hearings before faculty and governing boards. Moreover, these cases can later be brought to the courts as alleged breaches of contracts and/or property rights.

Tribulations of University Teaching

There is much to extol about the virtues of college teaching, and thousands of men and women derive great pleasure from it. When synergy exists and interactions between educators and students are vibrant, classrooms can be rewarding arenas of excitement and boundless idea sharing, with teacher and pupil impacting each other in satisfyingly lasting ways. Texts, treatises, articles, and essays abound on pedagogy in higher education. Books extolling course preparation, sparking enthusiasm and mastery of subject, developing genuine interest in students, and building professorial willingness to struggle aloud with perplexing problems are also abundant in educational literature (see Goldsmith et al., 2001; Jensen & D’Adamo, 1999; Richardson, 1997). Moreover, what makes college teaching even more tempting to practicing law enforcement executives is that these experienced men and women are ideally positioned to help students make critical connections between what they are reading and current practices in the field. Moreover, practicing professionals often are active role models for students, especially when they stay intellectually as engaged and alive as they hope their students will be (Axtell, 1999).

As much as we wish it were so, unfortunately these ideals are not always realized. When motivated, well-meaning practitioners enter the academy without a realistic understanding of what they are undertaking, they may be disillusioned and left with no sense of personal accomplishment, especially after expending more energy than their students and sensing no reward for their efforts.

As opposed to research, which may be the most intriguing aspect of university life, teaching is the least understood, partly because being a professor is an “ideal pursued rather than an activity simply performed” (Markie, 1994, as cited in Axtell, 1999, p. 26), rendering the latter more difficult to judge. In other words, whereas external benchmarks (i.e., work accepted for publication in journals, grants, the frequency with which one’s

work is cited by other researchers, requests received for work presented at conferences) can serve as indicators of research productivity, external measures of teaching are more limited (Goldsmith et al., 2001) and centered on student impressions and perceptions, rather than objective assessments.

Regrettably, whether this bleak picture likely will improve is uncertain. With the exception of departments geared to prepare professors of education, few graduate schools give students the skills they'll need in the classroom. This seriously hinders the much-needed cooperation faculty and students must develop if they are to succeed as a community of learners.

In addition, regardless of the subjects they teach, university instructors must stay current within constantly evolving changes in the literature, technologies, laws, and methodologies affecting their fields. To be effective, they also must be versatile enough with their pedagogical skills and educational techniques to successfully address the introductory needs of incoming freshmen, as well as the conceptual breadth and expert depth in specialty areas advanced graduate students require. As opposed to undergraduate instruction, practicing criminal justice executives teaching in graduate schools likely will find the work to be intellectually more stimulating, particularly when students are actively involved in analysis of cases drawn from the field. As expected, however, mentoring graduate students requires more personal commitment: though fewer students enroll in them, teaching graduate courses is significantly more time consuming and labor intensive. Other factors managers ought to consider before seeking teaching positions include the following:

- While there are some similarities, workplace training and university teaching differ in significant respects.

The astute criminal justice manager should recognize that while the communication skills as a good trainer are valuable to technical fields and organizational leadership, the scope of the instruction is more limited than that typically found in higher education. Surveys (Academe, 2005) indicate that despite requirements to conduct research, nearly all professors view their primary obligation to be good teachers. Accordingly, though occasional overlap exists between the specialized information delivered in training seminars and university classes, the critical reasoning and analytical processes are different with regard to how new knowledge is created and shared. Similar to trainers' lesson plans, professors list goals and objectives on syllabi, but they do so ever-mindful that in higher education, there is no endpoint. With knowledge-building, there is more reliance on heuristics; interpretations of literature, open-ended searches; informed observations; and analyses of carefully conducted, peer-reviewed studies.

- If done correctly, practitioners may find that no matter how many times a course is taught, preparation for it will always be in a continual state of renewal, varying according to subject, content, level of instruction, and evolving changes in the discipline.

Teaching at the university level is both art and science, requiring that materials intended to be used reflect the current state of the discipline, as well as new or emerging approaches, theories, and methodologies. This requires a great deal of time and hard work. Even for award-winning teachers, finding ways to engage

and nourish students in probing the depths of a discipline effectively is a constant challenge. As previously noted, upper level undergraduate, graduate, and doctoral courses require more preparation time than those taken by undergraduates.

- Most students will perform well in college; unfortunately, however, the caliber of others can be mediocre or poor.

For several years, articles have been appearing in education periodicals criticizing the lack of academic preparation of incoming undergraduate students. These complaints are being reinforced by professors who believe high school programs are failing to teach their students basic reading, writing, math, and analytical skills in order to function at a minimal level in college. This situation is exacerbated by accusations of rampant grade inflation, an issue of seemingly endless controversy in the academy.

- Grading papers and research projects are challenging tasks, made even more so at the graduate and doctoral levels, often consuming entire weekends of a professor's time.

Except when computerized scoring of exams are used (usually at the lower undergraduate levels), grading papers can take up as much time as course preparation and teaching, particularly with the precise, "fine tooth" (Axtell, 1999, p. 13) word-by-word editing of student essays and research projects.

- Catering to student volition plays a major role in sustaining communities of adult learners.

Unlike most training sessions, which may involve required participation and typically are of short duration, a semester lasts 15 weeks, meeting one to three times during the week, or for long weekend sessions. If students become bored and lose interest, multiple options are available to them: they may tune the instructor out, ignore assignments or turn them in late, drop the course, fail to attend, arrive late, doze, pass notes, and so on. This all may occur before rating the instructor poorly on the course evaluation. To minimize these occurrences, Axtell (1999) recommends that professors must not only show their students the extent and depths of their disciplines, they must do so in a way that "nourishes their attention and respect, if not enthusiasm for the subject" (p. 9).

Integrating Applied with Academic Research

Research and teaching complement each other in significant ways. According to Axtell (1999), good scholars share with teachers five attributes: "enthusiasm, authority, rigor, honesty, and humility" (p. 18). It is also fair to say that most academics feel that without sustained interest in research, teaching—no matter how well performed—does not meet minimum standards for continued employment in the academy (Academe, 2005). This coincides with the belief that quality and quantity of publications are important because knowledge is not an individual's private possession or an artifact of his or her ego but part of the larger informational fabric of society (Goldsmith et al., 2001).

Though seemingly tedious and time-consuming at times for students, research seldom is drudgery for scholars. Perusing academic journals, conducting online searches, and browsing library shelves are activities highly valued by professors. In fact, scholarship is such an integral part of what professors do, 84% indicated in a survey (Axtell, 1999) that they are engaged in scholarly work they eventually expect to publish (p. 42). Beyond the value of discovering new knowledge, research indirectly enhances teaching by keeping professors abreast of emerging state-of-the-discipline information. Moreover, a tangential reward is the realization that when finally published, a professor's research will reach many more students than she or he likely will encounter in the classroom. Meaningfully, law enforcement executives with advanced degrees have already been initiated to the rigors of scholarship through apprenticeships at graduate schools, and those who choose to teach can serve as active models of the life of learning when they stay intellectually engaged and alive as they hope their students will be.

With or without an advanced degree, however, the law enforcement executive aspiring to conduct research and later have the results published, should have a fundamental understanding of the differences between academic and applied research. Knowledge of these differences can play a major role in decisionmaking about the question(s) the researcher intends to investigate. In addition, awareness of the vastly different objectives of academic and applied research can help practitioners understand research findings reported in academic journals.

Also called "basic" or "pure" research, the objective of academic research, whether by criminologists, political scientists, or psychologists is to try to find answers to theoretical questions within their respective fields. In contrast, the objective of applied social research, such as that conducted in criminal justice agencies, is to use data so that decisions can be made (Rubin 1983, as cited in Neuman, 2006). Because academic researchers focus on fundamental knowledge about the social world by building and later affirming or rejecting theories and hypotheses, they are the primary initiators of new scientific ideas, which are critically and usually blindly accepted or rejected by members of the scientific community. Most, but not all members, have completed advanced courses in theory and methodology and have earned a PhD, which ostensibly signifies that he or she is capable of conducting independent research.

Not surprisingly then, major breakthroughs and significant advances in knowledge-building usually comes from academic research (Neuman, 2006). Unfortunately, however, academic researchers occasionally generate criticism from criminal justice practitioners not only because the questions they pose seem impractical and not relevant, but also because the nature of their work is painstakingly slow, with unanticipated obstacles and setbacks, and outcomes that may seem esoteric, convoluted, and unclear.

On the other hand, applied research is typically done in organizations that may be affiliated with the government or the neighboring community and often focus on specific problems or concerns. Police officers or civilians assigned to a staff research and planning unit, for example, are more likely to commit their time to needs assessments, cost-benefit analysis, crime and accidents trends, drunk driving, and predatory gang activity than building and testing theories or hypotheses, particularly in large scale studies that may take years to complete. Hence, unlike academic

research, which may ultimately be published in scholarly journals, applied research generally is made available to a small number of stakeholders or practitioners, and usually will not enter the public domain. Though there are different forms of applied research, such as action research and social impact research, by far the most the most popular in criminal justice agencies is evaluation research, which is designed to determine whether existing or new programs are working as intended. As indicated in the table below, the primary consumers of applied research are other practitioners, police and corrections executives, safety and crime prevention organizations, groups, lawyers, judges, and probation officials. See the table below for comparisons between academic and applied research.

Academic and Applied Research Compared

Aspect	Academic	Applied
Primary Audience	Scientific community (other researchers)	Practitioners, participants, or supervisors (nonresearchers)
Evaluators	Researcher peers	Practitioners, supervisors
Autonomy of Researcher	Very high	Low-moderate
Highest Priority	Verified truth	Relevance
Purpose	Create new knowledge	Resolve a practical problem
Success Indicated by . . .	Publication and impact on knowledge/scientists	Direct application to address a specific concern/problem

Source: Neuman (2006)

Having described the above differences, our position is that the academic/applied research dichotomy is too simplistic because it ignores the forms of knowledge created; the disparate audiences that use research findings; and the fact that whether a study is initiated, designed, and controlled by an independent researcher or others who may be nonresearchers (Neuman, 2006, p. 31). Moreover, our view is that by expanding the roles of both scholars and law enforcement executives by partnering one with the other and sharing knowledge when appropriate, better outcomes are possible both for autonomous and sponsored research.

Discussion

Regardless of whether reference is being made to seasoned professionals or scholars, over-reliance on individuals reputed to be subject area authorities can be dangerous to a democratic society. For example, the history of criminal justice has been informed by past experts, who, as we now see, were misinformed. From the proclamations of early criminologists who “proved” that criminal behavior could be linked to physical characteristics to organizational theorists who boasted of having created ideal models for management efficiency, we’ve learned to be skeptical of claims-making, despite the “expert’s” credentials. We concur with Neuman (2006, p. 3) who argues that “relying on authorities has limitations. It is easy to overestimate the expertise of other people. You may assume they are right when they are not. Authorities can speak on fields they know little about; they can be plain wrong.” In fact, an overdependence on experts lets them keep others in the dark, which allows them to strengthen their power and position. This begs the question then, who is an authority? Whom do you believe when different authorities disagree?

If we cannot answer these questions with a degree of certainty, then we lose our ability to intelligently assess their assertions.

In our companion article, we posited that top-tier journals in professional fields such as medicine, law, business, nursing, public administration, and criminal justice are increasingly being taken to task as irrelevant primarily because they privilege the perspective of the scholar over that of the knowledgeable practitioner. Regrettably, however, by ignoring input from practitioners as research partners and not merely subjects of research, the inapplicability of their efforts will continue. To improve communication, we provided practical suggestions for how the practitioner voice can be integrated with that of the scholar to enrich professional literature in the future.

Law enforcement executives desiring to have their works published face serious challenges, particularly in top journals with acceptance rates of less than 5%. An approach we believe has merit is to encourage practitioners and scholars with common interests to share ideas and combine their unique insights and expertise so that their final article, for example, represents not only the results of a theoretical proposition that has been tested; or conversely, the evaluation of the practical outcomes of an implementation strategy of a planned program budgeting effort, but something that would interest readerships from both camps.

For a healthy alliance to develop, we reiterate that the writing/teaching practitioner must have an accurate picture of those factors shaping the academy as an institutional culture. While it is true that universities would be unable to survive without adherence to certain management practices, truth-seeking as a foundation of the educational enterprise is seriously comprised when too much emphasis is given to following models reputed to be successful in governments and corporations. Because faculty governance, tenure, teaching, and research are activities unique to higher education, this article provides a thumbnail sketch of what each entails so that the criminal justice executive or practitioner will have a rudimentary understanding of factors that vitally influence the world of academe.

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HIV Prevention Intervention: A Psychoeducational Group Designed for Incarcerated Women

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Introduction

Among incarcerated women, there has been a significant increase in HIV/AIDS infection. Since 1995, the proportion of incarcerated females with HIV has surpassed that of incarcerated males (Maruschak, 2002, 2004a, 2004b). Combined and separately, the high rates of incarceration and the AIDS epidemic have disproportionately affected African American and Latino communities. Among females, 1.7% of African American females were detained in a prison setting, compared with .7% Hispanic females, and .3% white females (Bureau of Justice Statistics, 2005). Furthermore, while African American and Hispanic women comprise only 25% of all women in the United States, they represent a staggering 83% of AIDS diagnoses reported in 2003 (CDC, 2004). Given the considerable increase of HIV/AIDS among this population, correctional settings provide an important setting for HIV interventions that are designed to reduce risk-related behaviors.

Prior to incarceration, this population enters the system having engaged in risky practices that place them at heightened risk for HIV/AIDS infection. McClelland, Teplin, Abram, and Jacobs (2002) have provided empirical evidence that incarcerated women at greatest risk for HIV/AIDS are more frequently arrested for misdemeanors and nonviolent crimes, such as drug crimes, prostitution, and theft. In 1997, nearly one fourth of the AIDS cases in men and nearly half of the AIDS cases in women consisted of injecting drug users (CDC, 1999). Research suggests that prison inmates who inject drugs while incarcerated are likely to share injection equipment and unlikely to use bleach or other cleaning agents for sterilizing equipment (Krebs & Simmons, 2002). McClelland et al. (2002) further report that women with substance abuse disorders and severe mental illness have the most extreme sexual risk behaviors.

While many inmates have serious mental health concerns, the literature indicates that women inmates have a much higher incidence of mental health problems than male inmates or the general population (Abram, Teplin, & McClelland, 2003). As many as two-thirds of female inmates require mental health services during, or soon after, their initial incarceration (James, Gregory, Jones, & Rundell, 1985). Moreover, prior to incarceration, one in five women inmates had received some form of mental health treatment (Gabel & Johnston, 1995). Hogben and St. Lawrence (2000), in a study of incarcerated women in North Carolina, found almost one-fourth of the women reported mental health symptoms, such as depression, anxiety, and anger within the past month. Over half of the women reported a history of drug use.

Since risky behaviors among incarcerated women may be likely to continue upon release, prison settings as well as post-release programs are in a prime position to reach this at-risk population by offering HIV prevention intervention programs. A continuum of services for HIV/AIDS prevention and treatment has been effectively used in correctional settings, including HIV counseling and testing; behaviorally based prevention interventions; HIV primary care, supportive services, and interventions to prevent HIV-related stigma and discrimination; transitional planning; and community-based case management services at release (Braithwaite, Hammett, & Mayberry, 1996; Dean-Gaitor & Fleming, 1999; Gaiter & Doll, 1996; Hammett, 1998; Hammett, Gaiter, & Crawford, 1998). In the absence of a cure for or vaccine against HIV, prevention programs in prisons are crucial to combating the HIV epidemic (Fauci, 1988; Fineberg, 1988).

Literature Review

Within correctional settings, responsiveness to the mental health needs of the criminal justice population has included educational and preventative programs. Psychoeducational groups, in particular, have been implemented to target a number of rehabilitation concerns among inmates. Abel, McIntire, and Dixon (1994) employed a psychoeducational group approach with inmates who had been incarcerated for offenses related to domestic violence. El-Bassel et al. (1995) evaluated the effectiveness of a group intervention including skill building and social support enhancement geared towards the reduction of the spread of AIDS among 145 drug-abusing female inmates. The study, "confirmed the feasibility of implementing a skill-building intervention for drug-using women in jail" (El-Bassel et al., 1995, p. 131).

Maryland's Prevention Case Management Program (PCM) provides individual or group counseling to inmates nearing release to decrease HIV risk behavior (Bauserman et al., 2003). Proponents of this program assert that its success lies in its effort to tailor their program to each individual's personal level of HIV risk. PCM assesses each inmate's overall level of risk, the specific risk behaviors (including heavy drug use), and the psychological factors that are preventing change in these risk behaviors. Despite each individual's level of risk, the curriculum emphasizes changes in perceived risk, condom attitudes, condom use self-efficacy, self-efficacy to reduce injection drug risk and other substance risk, and behavioral intentions.

Similarly, Kelly, St. Lawrence, Hood, and Brasfield (1989) suggest that an essential component of an effective HIV risk prevention program is an emphasis on supporting the development of both self-management and interpersonal management skills. Self-management skills include personal awareness, problem solving, and coping, which will aid clients in accurately perceiving risks so that they will be motivated to reduce risk behaviors and better able to identify and navigate successfully through high-risk situations. Interpersonal skills enhance the clients' self-management skills by improving their ability to assert themselves to practice safer sex and deal with a partner's opposing reactions.

El-Bassel et al. (1997) designed an intervention that used both cognitive-behavioral and skills-building components to reduce HIV risk among incarcerated women. A social support enhancement model was used, which involved assisting women in the development of the protective behaviors that many of these women had not

had prior to the intervention. The intervention also helped women develop the skills to generate social support in their environment to maintain health-promoting outcomes and protective behaviors.

St. Lawrence et al. (1997) conducted and evaluated two HIV risk reduction interventions with incarcerated women. They compared an intervention based on social cognitive theory to one that was based on gender and power. The intervention based on social cognitive theory emphasized skills building and resulted in better skills in condom application at the six-month post-test. In contrast, the intervention based on the theory of gender and power resulted in a greater commitment to reduce HIV risk-related behaviors. While the generalizability of this result outside of a prison setting is unknown, these results suggest that these intervention components may be effective in reducing HIV risk among incarcerated women.

The research literature suggests that healthy, effective interorganizational collaboration is essential to provide the necessary services to this population (Rapposelli et al., 2002; Klein, O'Connell, Devore, Wright, & Birkland, 2002). The CDC emphasizes the importance of federal coordination of prevention and intervention plans to prevent gaps and duplication in service delivery to this high-risk population (Rapposelli et al., 2002). Community-based organization (CBO) involvement is especially important given that, when released from prison, inmates return to the community in need of service.

The salience of culture in understanding HIV risk behaviors and subsequent attention to these issues in practice has been well documented in HIV prevention literature (Amaro, Ray, & Reed, 2001; Parker, 2001; Wilson & Miller, 2003). HIV prevention efforts being implemented in correctional settings must be mindful of the social and contextual factors that contribute to HIV risk behaviors. A solid understanding of these factors should be the basis on which prevention interventions are tailored for disparate prison populations and should be used to help inmates develop prevention skills and personalized strategies that are specific to their needs, circumstances, and capabilities (Bryan & Ruiz, 2003).

Psychoeducational Group Intervention for Incarcerated Women

The following section will outline an empirically supported psychoeducational group intervention designed by one of the authors for incarcerated women that was found to be effective in reducing depression, anxiety, and trauma and in increasing knowledge about HIV/AIDS among women inmates. In a large southern metropolitan jail, the project was conducted over a two-year period and included 87 women inmates in the treatment group and 54 women on a waiting list comparison group. The group intervention consisted of ten sessions during a five-week period and was conducted with nine different groups with eight to nine women in each group.

Conceptual Framework

The intervention approach utilized in the study is based on previous research by the authors of a psychoeducational group intervention for family members of persons with HIV/AIDS (Pomeroy, Rubin, & Walker, 1996). The psychoeducational approach proved to be very effective in alleviating the emotional turmoil

associated with caring for an infected individual. The authors also examined the effectiveness of a psychoeducational group for heterosexuals with HIV/AIDS and found similar, positive results (Pomeroy, Rubin, Van Laningham, & Walker, 1997). A psychoeducational approach was also utilized to study the effectiveness of an education and support group for incarcerated non-HIV-positive women in the jail system (Pomeroy, Abel, & Kiam, 1998). Preliminary results of this study indicate that the group intervention is effective in alleviating depression, anxiety, and trauma symptoms among these female inmates. Because of the prior success of this intervention with other populations, it was deemed appropriate to modify this approach in order to specifically meet the informational needs and emotional concerns of incarcerated women who are infected or affected by HIV/AIDS and then test its effectiveness with this female target population.

The psychoeducational component of the intervention is based on the assumption that persons coping with HIV/AIDS, a difficult illness to define and understand, need accurate information about the disease. Female inmates in the jail system are a particularly vulnerable population due to the environmental conditions in which they reside. They need to be informed about their ability to increase their chances of preventing the transfer of this illness to significant others in their lives. From a clinical standpoint, however, it was evident that the inmates had other emotional concerns and stressors that needed to be addressed. Because of these pressing emotional issues, providing HIV education alone would not sufficiently change attitudes and beliefs that lead to risk-taking behaviors. In addition, a supportive component, which focused on relevant emotional issues was included in the framework of the group intervention.

The need for support is also an issue that has been well-documented in the literature on coping with a chronic illness (Biegel, Sayles, & Schultz, 1991). Bringing people together in a group can ameliorate the loneliness, isolation, and emotional distress experienced by persons affected by a chronic/terminal illness. Persons infected with HIV/AIDS particularly need this group support due to the high degree of stigma associated with this illness (Pomeroy et al., 1996; Powell-Cope & Brown, 1992). The intervention approach also emphasizes stigma as an important focal point due to the homophobic reactions of society, the fears of contagion, and the lack of knowledge about the disease or cure and the relationship of HIV/AIDS to sexuality.

Whereas the psychoeducational approach provides the structure for the group intervention, the conceptual framework also consists of elements of cognitive-behavioral theory and the task-centered approach (Reid & Epstein, 1972). Cognitive-behavioral techniques have proven to be effective in the reduction of anxiety and depression as well as trauma symptoms. Numerous studies have indicated the efficacy of cognitive-behavioral techniques in individual or group therapy settings (Rehm, 1995). The basic assumption underlying cognitive-behavioral theory is that dysfunctional cognitions make people vulnerable to anxiety and depression and lower self-esteem (Hammen, 1995).

The task component or homework assignments were seen as a way to help clients work on the emotional aspects of their lives between group sessions. While information can be readily assimilated if presented in a coherent manner, making emotional changes can be far more time-consuming and difficult. It is, therefore, important for group participants to spend time working daily on the emotional

issues with which they are confronted, especially given the time-limited nature of the intervention.

Psychoeducational Group Sessions

Each of the psychoeducational group sessions lasted for 90 minutes. The first part of each session lasted approximately 45 minutes and consisted of a presentation or discussion concerning an educational topic related to HIV/AIDS, as well as a discussion of the homework assignment from the previous session. The second part of each session, also 45 minutes, focused on supportive group processes using cognitive-behavioral and task-centered techniques. Some of the topics in the supportive component of the sessions included how to cope with depression and anxiety, reducing stress, the importance of social support, self-esteem, anger management, and coping skills. Although individual inmates discussed their own unique feelings and situations, each of the treatment groups received the same structured intervention.

Session 1. The primary goal of the first session was to introduce the inmates to the group process with the attendant rules for group procedures, initiate a discussion of HIV/AIDS, and provide the inmates with a positive emotional experience in which they were viewed as important individuals with strengths that could be identified. In this manner, the stage is set for the development of group cohesion and commitment to the process.

The first group session began by having inmates introduce themselves and explain why they decided to join the group. Because most of the inmates had never been in a group led by social workers, the group facilitators outlined the structure of the group for the inmates, explained the importance of being on time for the group, and discussed issues of confidentiality among group participants. One of the goals of this session was to provide the group participants with a general overview of HIV/AIDS. Each group member received a handout about HIV/AIDS that contained information about the virus and how it is transmitted. Although the inmates had a basic knowledge about HIV/AIDS, many participants stated that they knew about HIV/AIDS only because of public service announcements on television. Several inmates asked questions concerning myths about the disease. For example, one inmate asked whether you could get HIV/AIDS from toilet seats. Other inmates wanted information about other forms of transmission, such as dirty needles.

A primary goal of this initial session was to establish some rapport among the inmates as well as begin the development of group cohesion. The group facilitator had each inmate talk about four strengths she saw within herself. If an inmate could not think of four assets, the other inmates were allowed to provide her with their insights. This exercise provided group participants with a positive initial group experience as well as common ground on which to build supportive relationships during the group process. After this exercise, the group facilitator had each inmate discuss one feeling that she would like to change by participating in the group process. Several inmates stated they felt very angry; whereas, others felt depressed or hopeless most of the time. At the conclusion of the first session, the group facilitators asked each inmate to take a notebook and a pencil and make a list that filled one page of notebook paper. Each sentence had to start with the words "I am." The exercise was designed to give the participants a sense of their

own identity and self-esteem. The participants were asked to bring the lists back to the next session for discussion.

Sessions 2 and 3. Beginning with the second session, all remaining sessions began with group members discussing their degree of success with the homework assignment from the previous session. For example, at the beginning of the second session, one inmate stated proudly that she was able to fill an entire notebook page with “I am” sentences and that she had never thought about herself in all those different ways.

The educational component of Session 2 involved a presentation and discussion of various opportunistic infections and their accompanying symptoms that are associated with HIV/AIDS. Session 3 dealt with how HIV/AIDS is transmitted, including myths surrounding this issue. For example, one inmate asked whether it was possible to get HIV/AIDS by drinking out of the same glass as someone who was infected. Experts on these topics from a local AIDS organization led the presentations.

The supportive component of Sessions 2 and 3 addressed the emotional issue of depression. Symptoms of depression were discussed, as well as the interrelationship between thoughts, feelings, and actions. The notion of automatic thoughts (i.e., the repertoire of thoughts that we have about ourselves that we frequently repeat) that lead to depressed feelings was also discussed. The homework assignment for Session 2 involved the inmates writing down their automatic thoughts that they experienced when they felt depressed or under pressure. At the conclusion of Session 3, group participants were asked to keep a log of negative thoughts that they had and the feelings that accompanied those thoughts. Finally, they were asked to reframe the negative thoughts to more positive ones and write down the attendant feelings.

Sessions 4 and 5. The educational component for Sessions 4 and 5 focused on healthy versus dysfunctional relationships and safer sex practices. This discussion included information on how HIV can be spread through multiple sex partners, prostitution, and lack of precautionary measures. The group facilitators led these discussions with the participants.

Coping with anxiety was the topic for the supportive component for Sessions 4 and 5. Group participants discussed their fears and anxieties about the criminal justice system and the stressful living conditions in the jail environment. They also discussed their fears about being released from jail and their abilities to get jobs, maintain custody of their children, and support their families. The group facilitators then led the participants through a 30-minute, progressive relaxation exercise to alleviate anxieties. To be effective, progressive relaxation must be practiced two or three times a day. During Session 5, group participants were given a relaxation exercise that they could accomplish in a shorter amount of time when they were feeling tense throughout the day. Homework assignments for Sessions 4 and 5 involved having the participants practice progressive relaxation exercises that they had learned during the session from the group facilitator.

Sessions 6 and 7. The use and abuse of drugs and their relationship to HIV/AIDS were presented as the educational topics for Session 6. The transmission of HIV/AIDS through the use of dirty needles was discussed, and the use of bleaching kits to

prevent the spread of HIV/AIDS was presented. Participants were given information about where they could obtain bleaching kits in the community. Because many of the participants were being held on drug charges, this topic was particularly relevant and brought about a great deal of discussion among participants.

In a supportive component of Sessions 6 and 7, the detrimental effects of anger were discussed. Anger management skills, such as prelearned responses when confronted with an anger-provoking situation, were discussed in detail. Group participants were guided by facilitators through adaptive choices they could make if they were engaged in angry situations. For example, if a group participant was provoked by another inmate, negotiating with the inmate could lead to a more satisfying outcome rather than simply venting her anger. On the other hand, if another inmate was angry at the participant, withdrawing from the situation could be a more successful response than engaging in the confrontation. Homework assignments for Sessions 6 and 7 involved practicing anger management skills that were discussed during those sessions. Specifically, participants were asked to use anger management techniques such as “negotiate,” “withdraw,” or “avoid” when involved in an angry confrontation and then to write down what the situation was and how they handled their anger in the situation.

Sessions 8 and 9. Sessions 8 and 9 were designed to assist group participants in problem-solving skills and goal setting. Group participants were asked to identify a particular problem that they felt they could resolve. They were then guided through a brainstorming exercise to examine possible solutions to the problem. When a realistic solution was found from the list, they were then asked to list the steps they would take to reach the solution. In addition, each inmate was asked to develop a “discharge plan” that delineated goals before and after being released from jail. The homework assignment for Session 8 included making a list of realistic, attainable goals, both short-term while in jail and long-term after being released from jail. These goals were discussed in the following session. The homework assignment for Session 9 involved making a list of strengths and comparing it to the initial list in the first session.

Session 10. The final session focused on termination of the group, the accomplishments of the participants, and moving toward the future. Group participants expressed satisfaction with the group experience and appreciated the fact that the group facilitators cared about their well-being. At the end of Session 10, group participants were given a certificate indicating they had completed the five-week, psychoeducational group intervention.

On two occasions, the group facilitators were not allowed to enter the jail facility because the entire jail population had been placed on “lock down.” All inmates had to be in their locked cells, and all privileges had been suspended; therefore, in reality, the 10 sessions took six weeks to complete.

Results of the Intervention

The intervention was evaluated using a quasi-experimental research design in which 87 women divided into nine groups received the intervention and 52 women were placed on a waiting list and served as a comparison group. The psychoeducational group was effective in reducing depression, anxiety, and trauma among female

inmates infected or affected by HIV/AIDS. It was also effective in increasing the women's knowledge about HIV/AIDS. These findings suggest that therapeutic groups in the correctional system could have a significant and meaningful impact on female inmates. Although women in the study were primarily charged with nonviolent crimes, they had histories of child abuse, substance abuse, prostitution, and domestic violence. Their support systems were generally minimal, unreliable, and dysfunctional. The group leaders' support and the mutual assistance of group members may have been the first time many of these women experienced any real, consistent, and therapeutic help in their lives. The opportunity to discuss crucial issues in their lives in a confidential environment with others who had similar experiences may have played a part in the effectiveness of the intervention.

Group members also appeared to benefit from the information they gained during the group sessions. Most of the female inmates were not knowledgeable about the connection between thoughts, feelings, and behaviors. They also had limited repertoires in terms of coping skills. In addition, group members appeared to benefit from information concerning HIV and AIDS. Many women could not distinguish myth from fact regarding the illness. The group intervention gave these women the opportunity to understand and gain insight about their attitudes and high-risk behaviors (Pomeroy, Kiam, & Abel, 1999).

In addition, due to the effectiveness of this group intervention with female inmates, it was modified and implemented with male inmates in the jail system. The group was also found to be effective with this population (Pomeroy, Green, & Kiam, 2001).

Once a sense of trust and connection was established in the group sessions, group members would often come to sessions angry, frustrated, and emotionally distraught due to difficulties they confronted with correctional staff on a daily basis, such as undue harassment, abuse (e.g., physical, sexual, and emotional), or oppression by controlling correctional officers. While the group facilitators could offer the inmates assistance in dealing with these difficult issues, they were unable to change the environmental conditions or attitudes of these officers. When particularly unethical situations arose, the facilitators informed the jail administration; however, the overall conditions remained the same. The facilitators requested continuous supervision pertaining to these ethical dilemmas in order to know how to best navigate their course through the correctional system.

In addition, the issue of confidentiality among group members who participated in the intervention was of paramount importance. The group facilitator thoroughly explained during the initial interview with the potential group members that confidentiality had to be maintained in order to participate in the group intervention. If a group member violated confidentiality, she was immediately removed from the group sessions. The importance of confidentiality in a corrections environment has serious ramifications. Group members must feel safe to disclose personal information. On the other hand, if group members disclosed information that placed inmates or staff in jeopardy, the group facilitator had to report that information to the administration for security reasons. Limited confidentiality must, therefore, be addressed before conducting a group intervention.

Conclusion

Prison and jail facilities provide a critical opportunity to offer behavioral interventions for risk reduction prior to release back into the community. Providing women who exit correctional facilities with HIV education and the necessary health resources is essential for reducing the risk for spreading the disease. Since incarcerated women are at greater risk for HIV/AIDS, it is essential that HIV/AIDS prevention/intervention is a public health priority.

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Houston's Crime Lab: The Challenge of Restoring Forensic Credibility

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Introduction

The scientific community has propelled forensic examination of biological/serological evidence forward in ways that could only be imagined in the very recent past. Beginning with Dr. Alec Jeffreys' development of DNA profiling in the early 1980s to the current PCR/STR technology discovered by Dr. Peter Gill, genetic profiles can now be produced in days rather than weeks from very small or degraded samples (Emmott, 2004). Current analytical processes have made it possible for minute fragments of human tissue, such as skin cells from fingernail scrapings, dandruff flakes, or trace amounts of body fluids to identify, confirm, or eliminate suspects from a crime scene.

While this new technology holds great promise for the criminal justice system, many law enforcement agencies have struggled to maintain the laboratories, procedures, personnel, and training commensurate with the high standards demanded by the scientific community, the courts, and the public. Several highly regarded agencies, including the FBI (Johnston, 1997), New York Police Department (Forero, 1999), and Texas Department of Public Safety (McVicker, 2004) have come under fire for their forensic laboratories. In perhaps one of the most well publicized failings of a local agency-run crime lab, the Houston Police Department (HPD) has struggled to regain its forensic credibility after its problems were made public in a series of investigative news reports that aired in November 2002.

From the moment of his appointment in March 2004, Houston Police Chief Harold L. Hurtt confronted the daunting task of restoring public and professional confidence in HPD's Crime Lab and scientists (Mack, 2004). In his quest to fashion HPD's Crime Lab into a "first-rate forensic science laboratory that has the full confidence of the citizens of Houston" (Bromwich, 2005a, p. 2), Chief Hurtt adopted a transparent, independent review process designed to restore forensic credibility.

Houston Crime Lab History

On Sunday, October 25, 1925, the *New York Times* announced the opening of the New York Police Department's (NYPD's) Crime Lab for the purpose of expediting "the work of chemically analyzing blood stains on garments, pistols, knives, and other objects in connection with crimes difficult to solve" ("Police to Open," 1925, p. 1). The mission of the NYPD Crime Lab was clear as were its structure and commitment to scientific review. An acting captain was designated as the bureau commander with a team that consisted of "an expert chemist, an assistant chemist, and a squad of patrolmen who have trained in branches of scientific detective work" ("Police to Open," 1925, p. 1). This select group of crime lab personnel continued well-established relationships with scientists from the Health Department and

Medical Examiners' Office while working with an advisory board comprised of NYPD's honorary police surgeon and X-ray expert, a ballistics expert, doctors from Bellevue Hospital and the New York University Medical School, along with heads of the chemistry departments at City College, Columbia University, New York University, and Fordham University ("Police to Open," 1925). As the first of its kind police crime lab in the United States, the NYPD Crime Lab set the stage for other laboratories to come, including the FBI Crime Lab, commissioned in November 1932 (FBI History, n.d.), and the HPD Crime Lab, which opened its doors in 1953 (Bromwich, 2005a).

For the first 30 years, the HPD Crime Lab operated under the same director, Floyd McDonald, and confined its analytical work to four disciplines: (1) toxicology/breath alcohol testing, (2) controlled substances, (3) trace evidence examination, and (4) serology. Consistent with the other contemporary crime laboratories, staff members were primarily generalists who tended to gravitate toward a particular type of discipline (Bromwich, 2005a).

During these early years, all HPD Crime Lab personnel held a Class B police officer commission (also referred to as classified or sworn) with the same pay and benefits enjoyed by their Class A counterparts, who worked in patrol and investigations. As Class B officers, HPD Crime Lab personnel were not eligible for transfer to other divisions and competed for promotion by taking a civil service exam restricted to those within their Class B designation.

During the 1970s and early 1980s, the workload in the HPD Crime Lab steadily increased. As a cost-saving measure, classified positions were frozen in favor of hiring less expensive civilian staff. The change in status, from classified to civilian, for HPD Crime Lab personnel would later be cited as a significant factor in the eventual decline of the unit (Bromwich, 2005a).

In 1994, then Chief of Police Sam Nuchia supported a plan to reverse the civilianization process as a means of increasing pay and benefits. Crime Lab employees appreciated the gesture but opposed the reclassification process, fearing that the physical requirements and change in the promotion process (back to a civil service exam) would be "detrimental" to the laboratory (Bromwich, 2005a, p. 15). Chief Nuchia withdrew his plan, and the Crime Lab remained civilianized.

Following the retirement of the founding HPD Crime Lab Administrator, Floyd McDonald, Peter Christian held the post from 1983 until his death in 1995. Although credited with maintaining good communication with his staff, Mr. Christian suffered from numerous health problems and was generally viewed by his staff as "not as effective in asserting the interests of the Crime Lab with the HPD chain of command" (Bromwich, 2005a, p. 14). In 1995, Mr. Donald Krueger assumed the top administrative post after Mr. Christian's death.

Toward the end of Mr. Christian's tenure through Mr. Krueger's term of office, the Crime Lab experienced a time of serious neglect and mismanagement, resulting in the closing of the lab in December 2002. Although this time period also included the opening of the now infamous DNA Section in early 1991, the mismanagement and lack of attention to personnel, budgetary issues, facilities, training, supervision,

and quality control created a perfect storm of problems that led to the failure of the lab and miscarriages of justice that shook public confidence.

An Initial Investigation

Public awareness of the acute problems associated with the HPD Crime Lab began on November 11, 2002, with a series of investigative news reports on KHOU-Channel 11, a local Houston television station. These television newscasts were the product of a three-month investigation involving outside forensic scientists. These experts severely criticized the forensic analysis of the Crime Lab DNA/Serology Section in several high-profile cases (Bromwich, 2005c).

An outside review of the crime lab was commissioned by the Houston Police Department following these news reports. The Texas Department of Public Safety and Tarrant County Medical Examiner's Office performed an audit of the DNA/Serology Section of the lab over a two-day period. They found "profound deficiencies" in lab operations (Bromwich, 2005b, p. 3). In December 2002, Acting Chief of Police, Timothy Oettmeier closed the DNA/Serology Section of the HPD Crime Lab.

After the revelations, the Houston Police Department, and the Harris County District Attorney's Office, began the tedious process of identifying and reviewing all criminal cases involving DNA analysis performed by the crime lab. HPD commissioned outside DNA laboratories to retest 407 criminal cases involving DNA analysis performed by the lab. Within months of the initiation of retesting, Donald Krueger, head of the HPD Crime Lab, announced his retirement. The City of Houston contracted with the National Forensic Science Technology Center (NFSTC) to manage the lab and continue investigations into its practices. These investigations revealed severe problems with the Toxicology Section of the lab, leading to its closure in October 1993 (Bromwich, 2005c).

As internal investigations continued, the public, Houston City Council, and the news media continued to demand answers of Houston Police Chief Bradford (Khanna, 2003a). Although he publicly denied that the department's troubles were the reason, Chief Bradford entered early retirement in September 2003 (O'Hare, 2003). As media attention concerning the HPD Crime Lab increased, Houston officials decided to hire a new chief of police from outside the department's ranks.

Chief Hurtt and the Stakeholder's Committee

On February 27, 2004, Chief Harold Hurtt was announced as Mayor Bill White's choice to take the helm of the Houston Police Department (O'Hare, 2004). The former Phoenix chief of police was an outsider with impressive credentials. As the elected president of the Major Cities Chiefs Association, he had a national reputation among other top police departments. In an interview with Chief Hurtt, he revealed that he had recently completed an audit of the Phoenix Police Department's Crime Lab and also found problems with supervision of crime lab employees. In conversations with other chiefs, Hurtt found that many cities were facing similar problems; however, he stated that none of these problems were as severe and extensive as those faced by the HPD Crime Lab.

After assuming leadership of the Houston Police Department, Chief Hurtt made the Crime Lab one of his top priorities, noting that the severe credibility issues stemming from that single unit had an effect of tainting many of the good things that HPD officers and investigators were doing. Regaining credibility as a police organization was essential.

Chief Hurtt's first step in managing the problem centered on collecting information so that he could accurately understand the issues and scope of the problems. He also needed to deal effectively with the significant "trust" issues in the community (personal communication, October 5, 2005).

In an effort to reestablish trust, Chief Hurtt constructed a highly "transparent" process that started with the formation of a Stakeholders' Committee and included open communication with the media. The stakeholders consisted of people with personal credibility, some with a background in the criminal justice system and others who represented members of the community who felt harmed by the Crime Lab debacle. The committee included critics and criminal justice professionals drawn from city government and local universities, the National Association for the Advancement of Colored People, the League of United Latin American Citizens, local universities, Justice for All, Parents of Murdered Children, the Medical Examiner's Office, and the Houston Bar Association (Bromwich, 2005b). Importantly, neither the HPD, nor any other government officials are members of the Stakeholders' Committee.

The mission of the Stakeholders' Committee was to ensure that the HPD correct the crime lab problems. They contracted a team of experts led by Michael Bromwich to conduct an independent investigation. Bromwich is a former United States Justice Department employee and led the investigation into the FBI Crime Lab scandal. The team he assembled consists of some of the nation's top experts in forensic science.

Independent Investigation: Phase I

The independent investigation into the HPD Crime Lab consisted of conducting 81 interviews of 61 people, including former and current Crime Lab employees, HPD officers, and others. The investigation also reviewed tens of thousands of relevant documents such as written communications, journals, manuals, reports, and computer files. Finally, extensive case reviews involving several sections of the Crime Lab were conducted. The initial stage of the investigation identified several issues that contributed to the collapse of the HPD Crime Lab, including lack of support by the department and city, ineffective management within the crime lab, lack of quality control and quality assurance, and isolation of the DNA/Serology Section (Bromwich, 2005b).

Lack of Support

The lack of political support for the HPD Crime Lab and its mission first surfaced from correspondence between former Houston Chief of Police Lee Brown and James Bolding, who supervised the Serology Section of the Crime Lab. Mr. Bolding advised Chief Brown of problems that included departures of trained staff, increased paperwork, disgruntled employees, and accusations of incompetence and personal

bias. Documented personal and professional differences between various staff members created poor working relationships and substantial communication problems. Crime Lab staff noted that their designation as civilian employees in a civilian-run unit equated to second-class status and lack of support by a department that placed more value on sworn police officers (Bromwich, 2005b).

Another issue identified in the investigation was lack of funding. Beginning with the DNA Section of the lab in the late 1980s, the HPD relied exclusively upon local, state, and federal grants to support the crime lab function. Salaries of crime lab employees were significantly lower than compensation offered in other labs, making it difficult to hire and retain qualified staff. In fact, there was not a line supervisor over the toxicology section since 1992 and no line supervisor over the DNA section for eight years (Bromwich, 2005b).

Budget and staff support did not keep up with the increasing demands for DNA, toxicology, and controlled substances analysis. Consequently, the DNA Section adopted a practice of only analyzing cases involving known suspects from whom samples were submitted for comparison. There was also a backlog of approximately 19,500 sexual assault kits dating back to 1980s that were unprocessed. Clearly, the DNA Section failed to live up to its promise or mission when staffing and budgetary issues kept DNA analysis, one of the most promising scientific advancements in criminal investigation, from generating leads in crimes that were difficult to solve by other means (Bromwich, 2005b).

In correspondence dated May 9, 1997, former Chief of Police Bradford was told of roof damage that allowed water to enter the Crime Lab (Bromwich, 2005b). In fact, there were reports of approximately 50 different leaks into the Crime Lab work area. In May 2001, tropical storm Allison damaged equipment and evidence from 34 homicide and sexual assault cases (Bromwich, 2005b). Despite repeated calls for assistance, the roof was not repaired until January 2004.

Ineffective Management

Donald Krueger, head of the Crime Lab from 1995 to 2003, provided little oversight of the different crime lab sections. He rarely met with Crime Lab analysts as a group and allowed section managers to run their departments independently. He was so removed from the daily events of the crime lab that he was reportedly shocked by the findings of outside auditors. While Krueger did make regular requests for funding, he failed to make a convincing case to HPD management of the disastrous consequences of unfilled positions, especially the absence of a qualified supervisor of the DNA/Serology Section (Bromwich, 2005b).

Not surprisingly, morale in the lab was low. There was considerable infighting and squabbles within the department that remained unaddressed. Discipline in the case of mistakes was lax or at times ineffectual. Individuals found incompetent in their jobs were reassigned rather than being held accountable (Bromwich, 2005b).

Lack of Quality Control and Quality Assurance

The investigation into the crime lab found that managers and supervisors failed to guarantee that analytical and quality control procedures were up to date and

complete. In fact, investigators found that standard operating procedures for several sections of the lab were “cobbled together” and not periodically reviewed and revised. Quality control audits are critical in forensic labs, yet the HPD Crime Lab halted all lab-wide quality control audits in 1997. An exception to the lack of quality audits occurred in the Controlled Substances Section where four “drylabbing” incidents occurred. Drylabbing “is considered the most egregious form of scientific misconduct that can occur in a forensic laboratory—it involves the actual fabrication of scientific results” (Bromwich, 2005b, p. 31). Two scientists caught engaging in this behavior received written reprimands for the first offense and short suspensions for the second. One scientist was eventually fired, and the other resigned after the public became aware of these incidents.

Some of the cases processed by the DNA/Serology Section involved the mixture of body fluids. Processing these cases involve conducting the DNA analysis and calculating statistics from the results. The head of this section did not have academic background or training in statistics. As a result, auditors found that many of the calculations that had been conducted in these cases were incorrect.

Isolation of the DNA/Serology Section

Investigators found that the DNA/Serology Section of the HPD Crime Lab encountered major problems from its inception. The Crime Lab agreed to participate in a national felon DNA database termed CODIS (Combined Offender DNA Information System) and abide by FBI standards for DNA analysis. The Crime Lab logged only 350 cases into CODIS. As already noted, the DNA/Serology section was without a line supervisor for years. The technical leader left in charge lacked the technical qualifications required by the FBI and had no personal experience conducting DNA analysis. The result was mistake-ridden and poorly documented casework. One requirement of FBI standards involves biannual reviews by outside agencies. These reviews were not conducted until it was too late. The Crime Lab was aware of the necessity of acquiring accreditation but failed to make efforts toward that goal. Outside scrutiny of a crime lab is critical for identifying potential problems. Employees in the DNA/Serology Section of the lab simply did not understand the correct method for analyzing complex cases. As a result, their work contained substantial errors from analysis to testimony in trials. The audits that were eventually conducted led to the closure of this section of the Crime Lab because almost every case reviewed contained serious errors (Bromwich, 2005b).

Independent Investigation: Phase II

In August 2005, Bromwich’s investigative team began the work of reviewing approximately 2,300 cases in all seven sections (Serology, DNA Profiling, Trace Evidence, Controlled Substances, Firearms, Toxicology, and Questioned Documents) of the HPD Crime Lab. Although there were errors in standard operating procedures in several sections of the Crime Lab, the DNA/Serology section is the most troubling to the investigators. In this section, they found major “problems” in 50 serology cases and 43 DNA profiling cases (this represents 32% of all DNA cases that resulted in convictions). These experts define problem as “significant doubts as to the reliability of the work conducted, validity of the analytical results, and the correctness of the analysts’ conclusions (Bromwich, 2006, p. 2). Three of the DNA profiling cases that contained major problems resulted in death penalty sentences.

In fact, the investigators found many cases in which serologists and DNA analysts failed to report *probative* results. Probative results are those that might have helped identify and convict the guilty as well as exonerate the innocent. For instance, HPD Crime Lab analysts often failed to report results of scientific testing that were not consistent with the blood types or DNA profiles of either the victim or a known suspect (Bromwich, 2006).

There were at least two significant potential miscarriages of justice from serology analysis. In the aggravated sexual assault case of Dwight H. Riser, forensic scientist James Bolding altered the results of blood typing work. In trial testimony, he stated that Riser was included in a very small pool of potential semen donors (2.5% of the male population). His original analysis revealed that *no* male semen donor could be eliminated as a potential source of the semen gathered from the victim. For some reason, he appeared to have altered the results. Additionally, trial transcripts revealed that Bolding provided misleading testimony as to the statistical significance of his test results and stated that he received a PhD in biochemistry from the University of Texas when in fact his highest degree is an MS in biology from Texas Southern University. Dwight Riser was convicted in this case and sentenced to 75 years in prison. His conviction had been affirmed on appeal in 1989 (Bromwich, 2006).

In the case of Charles Hodge, forensic scientist Christy Kim eliminated Mr. Hodge as a potential donor to the analyzed blood sample based on his blood type. Despite these results, Kim reported that Mr. Hodge could have been a contributor to the sample. In 1987, Mr. Hodge pleaded to aggravated sexual assault and was sentenced to 35 years in prison (Bromwich, 2006).

Christy Kim also conducted the DNA analysis in the capital murder case of Franklin Dewayne Alix. Ms. Kim's report stated that "no DNA pattern was detected" and that the results were "inconclusive." The examination of the DNA analysis by the team of forensic investigators revealed that there was a clear DNA pattern, and the typing results provided exculpatory evidence in favor of Franklin Alix. In trial testimony, Ms. Kim stated that DNA patterns were consistent with a mixture of blood from the victim, Franklin Alix, and one other person. Outside testing of the same blood samples excluded Alix as a possible source of DNA evidence. Franklin Davis was sentenced to death in 1998, and he remains on death row. Two other death penalty cases in Houston encountered similar DNA testing problems. Christy Kim and James Bolding have continually refused to be interviewed by the investigative team. The HPD and the District Attorney's Office initiated a retesting program in December 2005, examining every case involving DNA evidence that resulted in a conviction (Bromwich, 2006).

Discussion

The serious breaches of scientific protocol and criminal investigation identified in the independent investigation conducted by Bromwich and his team were allowed to go unaddressed because the HPD Crime Lab in general and the DNA Section in particular isolated themselves from the larger scientific community. Citing budgetary woes, training was scaled back and considered nonessential, despite an ever-growing dependence on advanced science by investigators and the courts. Routine proficiency and competency testing was ignored and outside agency oversight disregarded. The failings of the HPD Crime Lab has resulted in

the retesting of 403 convictions in which DNA played a role. The cost in terms of money, manpower, credibility, and above all—justice delay or denied—cannot be estimated, except to say it is profound.

When asked whether the central issue in the HPD Crime Lab problem was one of inadequate funding or training, Chief Hurtt replied that some of the issues stem from budgetary shortfalls, but he believes that what truly generated this whole issue was one of not selecting, maintaining, and listening to those who could best guide and direct a forensic laboratory (personal communication, October 5, 2005). Hurtt explained that most agencies, both small and large, that opened their own crime labs chose a police officer to run their unit. While well-intentioned, these classified administrators did not have the knowledge or experience needed to supervise the scientists and their highly technical work products. Once police organizations realized that they needed scientific experts, civilians were hired, but not supported. Chief Hurtt acknowledged that police agencies expected these “experts” to fix their own problems, but the scientists were often discounted or ignored by upper police management, allowing accountability and leadership to suffer. He added that many of our forensic experts are well-versed in their field but lacking in important management, leadership, and organizational skills.

To address this shortfall, Hurtt has asked the FBI to develop a crime lab management training program to help educate scientists to look at the entire “system” of evidence collection, processing, analysis, preservation, case management, courtroom presentation, and final evidence storage. Hurtt believes that until crime lab scientists incorporate advanced systems management as part of their procedural training, the types of problems that have occurred in Houston and across the nation will continue. According to Hurtt, it is no longer enough to be a good scientist in the field of forensics. Leaders in their field must now be good administrators as well (personal communication, October 5, 2005).

Mr. Bromwich has held true to Chief Hurtt’s philosophy of transparency, issuing scheduled, written progress reports, published on the HPD website. These candid and highly detailed summaries of the actions and inactions of past administrations, dating back to the 1980s have painted a devastating picture of incompetence, mismanagement, and lack of leadership at multiple levels within the HPD. While the cathartic experience may be a necessary step in restoring public confidence, Chief Hurtt admitted that the constant negative publicity has created a number of recruiting challenges for the HPD Crime Lab.

The chief also noted that only those highly confident in their abilities, along with being a bit of a risk taker, would choose to join an organization struggling to regain its credibility. Also, recruiting efforts have been hampered by a relatively small pool of qualified forensic scientists from which to choose and a relatively high level of competition from private laboratories looking to hire from that same limited pool. Chief Hurtt acknowledged that only very special people, like HPD Crime Lab Director Irma Rios and DNA Section Chief Vanessa Nelson, would have taken on this responsibility knowing that they would be under heavy scrutiny but also realizing that they have a unique opportunity to build a new Crime Lab from the ground up (personal communication, October 5, 2005).

The issues of “drylabbing” and quality control created a sense of urgency for Chief Hurtt to fill the vacant supervisory positions, identified as key to establishing and maintaining a series of checks and balances within the lab. He also noted that this was an area in which “money was no object.” The HPD has an obligation to “get it right.” Starting salaries were raised to competitive levels along with the creation of a career ladder for laboratory staff members. These steps were designed to help with the recruiting and retention effort.

Chief Hurtt stated that his commitment to transparency has not only won over previous critics but also allowed him to gain the political support at City Council needed to correct and sustain the Crime Lab function. New equipment has been purchased through grants and a partnership with the District Attorney’s Office. Training and certification standards are now mandatory for all analysts. City Council recognizes that HPD personnel need to be good stewards of the public’s money but also must address key infrastructure problems, like the property room. He has plans to bring a new state-of-the-art evidence facility on line in 2007 or 2008. This new property room will include a new Crime Lab facility and facilities for the HPD Crime Scene Units.

The transparency process has also helped elevate the status of Crime Lab employees among their classified colleagues. The Crime Lab is no longer viewed as a necessary evil. Chief Hurtt noted that police officers seem to have a new appreciation for the forensic scientists and what they bring to the table (King & Snell, 2005).

Regarding the CODIS entries and backlog of sexual assault kits, Chief Hurtt acknowledged that this area continues to be a lingering problem. Private labs can conduct the DNA profiles (currently the HPD has spent over \$1.5 million on outsourced analysis work), but they are not authorized to complete CODIS entries (King & Snell, 2005). In fact, only authorized local law enforcement, the Department of Public Safety (DPS), and the Medical Examiner’s Office are allowed to enter CODIS information. With the other authorized agencies backlogged on their own entries, Chief Hurtt stated that the HPD must address this situation on its own by hiring more people and making the work a priority (personal communication, October 5, 2005).

Since Chief Hurtt took office, he has seen a number of milestones, including all portions of the Crime Lab, except the DNA Section achieving accreditation. He expects the DNA Section to be awarded their accreditation status in January or February 2006. Although meeting these national standards is a major achievement for such a large agency, Chief Hurtt made a point of stressing that HPD’s history requires that the Crime Lab not only meet but exceed the accreditation standards. He expects regular internal and external audits, quality control measures, peer review procedures, and feedback from prosecutors as a means of maintaining the highest level of accuracy and accountability. Those individuals found lacking in competency or engaging in misconduct or ethical breaches will be terminated.

To help prevent miscarriages of justice, Chief Hurtt has formed a partnership with the district attorney’s office to ensure that all post-conviction retests are completed by outside labs. The district attorney has also hired another private lab to verify the findings of the first private lab. Chief Hurtt confirmed that nothing is more devastating to the criminal justice system than the misidentification of a suspect.

He likened it to a doctor removing the wrong arm or leg from a patient. It is not only a person's freedom at stake, but at times, their very lives.

As Chief Hurtt and a number of investigative reporters across the country are learning, the problems with HPD's Crime Lab were extraordinarily serious but perhaps not unique to this one agency. The exact number of miscarriages of justice remains unclear because no official records exist; however, among the remedies cited for eliminating these injustices are improvements in the work and credibility of crime lab technicians (Bohm, 2005). Clearly, Chief Hurtt has embraced this recommendation, but will other police agencies adopt this approach?

In a landmark study conducted by Bedau and Radelet (1987), more than 350 people may have been wrongly convicted of capital crimes with 23 wrongfully executed. No greater injustice is possible than to be executed for a crime that you did not commit. Such is the great fear of the public and criminal justice professionals.

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Preparing Law Enforcement Recruits to Cope with Work-Life Stress

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Law enforcement administrators often have difficulty finding funding and time to invest in stress prevention and intervention beyond critical incident response. Research clearly shows that such an investment pays impressive dividends. Compared to those without, agencies with stress-management programs have officers with higher individual morale and productivity. Such agencies are more efficient and effective, have lower attrition due to early retirement, and have fewer workers' compensation claims related to stress and on-duty accidents. Officers in such departments are less likely to engage in inappropriate behaviors that may endanger the public, lessening the civil liability of the agency. Such investments also improve the general well-being of officers and their families, which feeds back into job performance and agency functioning. Clearly, while any response may be an improvement on no response from the agency, all stress management programs are not created equal. Particularly at the level of academy training, there is a need for an effective and efficient stress management curriculum that is based on evidence and outcome testing.

Professionals have identified several domains of stressors in police work, including those related to the organization or agency, the judicial system, the nature of the job, interactions with the public, and personal life. Many of these stressors overlap or span multiple domains. Furthermore, many stressors are both the cause of perceived distress and the outcome of other stressors in complicated chain reactions.

There are stressors that are related to the organizational character of agencies. A common one is a lack of attention to positive personal and professional development beyond what is mandated, perhaps because many agencies lack funding and staff to allow for such opportunities. Another example is the paramilitary management style common in many law enforcement agencies. Within this atmosphere, officers make critical decisions on the job every day but may feel they lack the support of superiors once those decisions are made. There are often limited opportunities for career evolution, and these are not necessarily tied to performance in a clear way. While it is impossible for management to adequately reward all deserving job performance, officers may feel that criticism notably outweighs positive reinforcement.

Other stressors stem from interactions with the criminal justice system. The realistic constraints of an overworked judicial system often mean case dismissals and plea bargaining. Once a case reaches the courts, defense attorneys search for technicalities to force case dismissal, and officers sometimes accept blame when these dismissals are attributed to law enforcement procedures. Other significant stressors are related to the unpredictable and often unreasonable demands of legal staff for law enforcement participation in prosecutions. Many law enforcement officers are

dismayed by high recidivism rates as they must respond when formerly convicted criminals offend again.

The nature of police work provides a set of complex and often challenging stressors. While personal danger is an obvious characteristic of law enforcement work, police officer activity levels are cyclic in nature. There are long periods of relative quiet and even boredom interspersed with intensely stimulating episodes. Such cycles require constant psychological and physiological adjustment and readjustment and contribute to officer stress levels. Throughout these cycles and on a regular basis, officers are presented with examples of distress and turmoil. They are expected as standard practice to cope with the worst side of human nature, and such exposure can take a toll on personal resilience. Contemporary officers are also challenged to find ways to balance their responsibility to protect the public with the rights and needs of suspects. Often, differences between these are not easily resolved and require excellent problem-solving and decision-making skills. These and many other decisions made on the job have potentially serious consequences. Finally, officers are presented with problems that the public expects them to solve, problems that often are not solvable and have no clear end. Such problems and expectations are associated with increased levels of stress for law enforcement officers.

Law enforcement staff has a volatile relationship with the public compared to many other professions. Officers are in the public eye most of the time and feel subjected to constant scrutiny. While police officers are sometimes presented as heroes, many events that make the news are cast in a highly negative light. At times, the actions of a few officers as represented by the media often influence the public's perception of all officers. This challenging and somewhat unpredictable love-hate relationship is often a source of stress for police officers as well as administrators.

Personal stressors exist for law enforcement officers like everyone else. These include normative stressors such as the transition to parenthood, changes in intimate relationships, and caregiving for adult parents. The challenge is to manage these stressors along with the occupation-specific stressors and unhealthy coping strategies that are common in many law enforcement circles.

The Wellness for Criminal Justice Professionals Program

To explore the most effective methods of stress prevention, a university researcher has partnered with staff at the University of Illinois Police Training Institute (PTI) to create the Wellness for Criminal Justice Professionals (WCJP) program. Curriculum development included an in-depth research literature review as well as a series of focus groups and interviews with law enforcement officers at varying stages of their careers. These data-gathering sessions focused on relevant work and personal stressors and the connections between these. Participants were asked about strategies for maintaining emotional and physical wellness. The data from these sessions proved an invaluable supplement to the reasonably dated research literature. The resulting curriculum is modeled on the National Institute of Justice recommendations for creating stress prevention programs for law enforcement. These experts advocate that stress management education begin at the academy.

Under the auspices of the National Institute of Justice, Peter Finn and Julie Tomz (1996) made a series of content recommendations for a stress management course

which provided a skeleton for the WCJP program. Beginning at the academy, stress must be destigmatized; that is, law enforcement officers need to know that certain reactions to stressors are normal. Officers also must be explicitly taught that experiencing stress is not a sign of weakness. They may need to understand that getting help with coping is not an indicator of suspect character, impending breakdown, or morale fragility. The causes of stress are not always obvious, and law enforcement officers need to understand which sources of stress matter for them. They also benefit from understanding the general symptoms and signs of excessive stress as well as the stress reactions most common for them. Finally, officers can learn effective coping strategies when presented with options that have been proven effective for others.

The WCJP program is based on the World Health Organization's understanding of wellness as not just the absence of illness or problems but rather the outcome of positive lifestyle behaviors and good health habits. The curriculum is designed as two blocks of instruction, each two hours in length. The first block focuses on threats to and strategies for maintaining emotional wellness. The second block addresses components of and strategies for attaining and preserving physical wellness.

The emotional wellness block focuses on identifying the sources of stress described above, both general sources and those most common to law enforcement staff. Students are also taught common outcomes of stress for law enforcement staff, including suicide, alcoholism, health problems, and relationship disruption. These outcomes occur in significantly higher rates among law enforcement than the general population. Recruits learn that while stress is inevitable, they have options in choosing their responses. The curriculum expands the effective research-proven coping strategies for law enforcement officers discussed by Patterson (2003). Finally, this block covers four general strategies for managing roles, such as identifying priorities and protecting those with boundaries and limits. Throughout, recruits are given concrete relevant examples, and they participate in interactive discussion sessions.

The physical wellness unit was created to address challenges to the physical health of law enforcement officers. Curriculum development was informed by the focus groups and existing statistics on elevated incidence among law enforcement staff of problems such as cardiovascular disease, ulcers, headaches, sleep disturbances, and obesity problems. The recruits learn basic research-based information about sleep as well as strategies for maximizing sleep and surviving shift work. WCJP addresses the importance of healthy weight management, emphasizing body composition as the most important indicator of overall health. Recruits learn strategies for integrating physical activity into a busy lifestyle (e.g., combining enjoyable physical activities with socializing or couple time). Finally, basic information about healthy eating is presented with an emphasis on variety, moderation, and making good choices in the context of a fast-paced lifestyle. Throughout this block, motivational issues are stressed along with strategies for creating sustainable wellness habits. As with the emotional wellness block, recruits are provided concrete examples, and they participate in interactive discussion sessions.

Program Evaluation Results

The WCJP program has been delivered to more than 474 cadets at the Police Training Institute. As part of the process evaluation, cadets were asked to indicate the extent to which the program met their expectations. On a 3-point scale in which 1 represented "did not meet," 2 represented "met," and 3 represented "exceeded," cadets rated the program 2.8, indicating its success.

A pre- and post-test design was used to assess preliminary program outcomes. Cadets were asked prior to the program to indicate likely threats to their well-being once engaged in their law enforcement career. They were also asked to indicate strategies they anticipated using to combat those threats. After the program, they were asked these same questions. Qualitative analyses revealed interesting themes. The threats for pretest cadets were generally external to them, out of their control. For example, they mentioned being injured or killed by a suspect and being involved in a motor vehicle accident. The post-test cadets focused more attention on specific threats that they could control and impact. These included unhealthy habits, chosen lifestyle, alcoholism, and being consumed by job pressures. Several of the pretest strategies had an air of early cynicism and resignation to them. The cadets focused on unspecific strategies of vigilance and personal strength. The cadets were both more specific and more empowered at the post-test. There was more variety in their strategies, too.

Directions for the Future

WCJP, as a demonstration program, has met its early goals of giving systematic attention at the law enforcement academy level to emotional and physical stress education and prevention. Process and outcome data attests to the effectiveness of this still evolving curriculum. Future work will involve long-term evaluation of outcomes such as career success (measured, for example, by work absences, disciplinary actions, job longevity, and job satisfaction). The National Institute of Justice also recommends that stress prevention programs for law enforcement continue in the form of inservice periodically throughout the career. Toward this end, we are partnering with Illinois Law Enforcement Training and Standards Board Mobile Team Training Units and law enforcement agencies across Illinois to deliver a modified WCJP curriculum to employed officers at varying stages of their careers. Ongoing evaluations will provide information for continued improvement of the program.

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The Professional Reading Series: An Effective Means of Leadership Development

**Thomas E. Engells, Assistant Chief of Police, The University of Texas at
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One of the central responsibilities of the 21st century police executive—and a critical prerequisite to organizational success—is leadership development. It is vital that we, as law enforcement executives, take an active role in ensuring that our organizations have programs in place that systematically develop leaders so our organizations have leadership in depth and are continuously preparing leaders for the future.

– Joseph Polisar (2004)

A modern law enforcement leader's world is fast-paced, hectic, and frequently awash with data. From the daily onslaught of e-mail to the constant hum of the electronic media, raw data is packaged to get our short-term attention. While we often try to manage too much data, we realize that we are thirsting for information. There is an ongoing need for a durable decision construct, one that can provide structure for the information received so we can make those decisions that support and enhance our agencies and the communities that we serve. Such a decision construct can be built through careful study and thought by the individual police leaders.

As law enforcement leaders, we are expected to have substantial expertise within our chosen field. The public, and to no lesser extent, our colleagues, expect us to possess a fundamental mastery of our chosen discipline—modern policing. To achieve, as well as maintain, such mastery in policing, we must dedicate ourselves to continuous development.

Issue Background

Without reawakening an argument that has been at rest for a few years, the value of a college education for police officers, there is a general consensus that a college education and probably graduate school are strong prerequisites for successful senior command in modern police agencies (IACP, 1999; Stewart, 2006). Although many things may be realized from formal higher education, the most durable achievement may be an effective approach to life-long learning.

While “life-long learning” is a popular rhetorical phrase, especially within academic and educational circles, it may be suspect in the context of policing. Consider the following societal macro-measures cited by Berman (2000):

- The United States ranks 49th in literacy.
- Sixty percent of the U.S. population has never read a book.
- Only 6% of the U.S. population reads a book a year.
- 120 million Americans are illiterate or only read on a fifth grade level.
- Only 31% of American readers between 21 and 35 read the daily newspaper.

As we know, our officers reflect the diversity and experience of the society at large, so a commitment to life-long learning will have to be grafted onto a society that appears not to be a strong candidate for such a feat.

To address ongoing development concerns in policing, some state police officer standards and training commissions have formally adopted continuing education as requirements for the local, county, and state peace officers under their control. Consider the widespread use of continuing education in selected states as outlined in Table 1.

Table 1. Comparison of Continuing Education Requirements Among Selected States

State	Continuing Education Requirements for Peace Officers	Hours
California	Yes (POST participant agencies)	24 hrs. every biennium
Florida	Yes	40 hrs. every 4 years
Illinois	Yes	20 hrs. (Chiefs/Deputy Chiefs) annually
Texas	Yes	40 hrs. every biennium

Continuing education and life-long learning may not be synonymous, however. The classroom, a common setting for continuing education efforts, may not be truly conducive to effective learning for adults, especially for executives and other police leaders. The controversial training/education dichotomy may have some bearing on the actual effectiveness of the methods pursued, for “continuing education” sometimes is just technical training packaged as education (e.g., the recent nationwide trend in providing crisis intervention training to peace officers). An operable definition of life-long learning within the profession of policing could be the continuing interest and participation in the discussion of the issues of significance within the field, as well as the mastery of fundamental core concepts that together form the foundation of modern policing.

While the military and civil police may be alike only in that we both use weapons in our functional role, the historical reality is that from our earliest formation as civil police, we have replicated, mimicked, and sometimes improved upon the means and methods of the military establishment. For generations, the military has prepared their middle-ranking officers for positions of senior command by utilizing command and staff colleges. Today, across the United States, we have several civil police equivalents to the military’s command and staff college concept.

Table 2. Selected Civil Police Command and Staff Colleges and Equivalents

State	School	Duration
California	California Command College	240 hrs.
Florida	Senior Leadership Program	360 hrs.
Georgia	Georgia Command College	280 hrs.
Illinois	Executive Institute	144 hrs.
Texas	Leadership Command College	470 hrs.
Virginia	National Criminal Justice Command College	400 hrs.

These command and staff colleges share a number of critical similarities. The curriculum includes public administration, management, and leadership topics with a capstone paper of some type required before completion. The individual programs often focus on some topics to a greater extent than others, yet each produces graduates who have been exposed to the fundamental concepts needed for managerial success within a modern civil police agency. The quandary faced by both the colleges and the participant agencies is that not all eligible and qualified students can attend the command and staff colleges. While other options may be available to some agencies, including the internationally renowned programs at the Northwestern Traffic Institute and the Southern Police Institute, in the end, some police leaders will not have had an opportunity to attend a formal command-level college prior to assumption of a significant leadership role within a police agency. To help resolve that quandary, as well as initiate ongoing study of the major issues within the field, a professional reading series is proposed for consideration.

The Professional Reading Series

Many opportunities are available to address the need for continuous professional development on an individual leader level. The program outlined below has realized some success at an urban university police department and has potential as an effective tool in the ongoing professional development of current and future leaders within law enforcement agencies.

Effective police leaders stay abreast of the trends and controversies within their profession. Ideally, these leaders are substantively engaged and meaningfully contribute to the discussions as appropriate; however, at minimum, as practitioners, they can monitor and remain informed of the discussion through professional reading.

Implementation

Short book excerpts alternating with full-length articles from open source publications are assigned on a routine basis to subordinate leaders (i.e., lieutenants and captains). Coupled with these readings are a series of relevant questions; by practice, there are no more than four questions posed that require written responses. The readers have 30 calendar days to read the assignment, study the issue, and then submit their written responses.

The program administrator, the designated lead officer who has operational and administrative program responsibilities, carefully considers the written responses. The written comments provided to each respondent are assessed as to the depth and quality of their individual responses. As would be expected, there are no “school solutions”; rather, the thoughtful consideration of the issue and capable articulation of a viewpoint are sought, and detailed feedback is provided to the individual participant. Those evaluative comments are then incorporated into materials considered during the annual performance evaluation.

Initially, the professional readings accompanied a monthly staff meeting agenda. Program administration at that level became burdensome, so in 2004, the professional reading program evolved into a seasonal activity—an assignment at the beginning of each calendar season. The seasonal professional reading series seems to have

more support and cause less of a time management burden to both the readers and program administrator.

As with any endeavor, failure to perform to expectations will occasionally be experienced. A low-stress approach has been found to be most effective in the remediation of failure. Leaders new to the process (professional reading series) will inevitably either be tardy with an initial submission or attempt to answer the questions posed in a perfunctory or less than thoughtful manner. When such failures to perform are encountered, the program administrator dialogs with the participant. During that conversation, the purpose and importance of the program are reviewed, and an opportunity for a second attempt is offered. To date, there have been no occasions when a participant leader has had to be counseled more than once.

The source material for the professional reading is broad and eclectic, for the range of issues facing the law enforcement profession is diverse (see Table 3). Relevant articles from periodicals, law enforcement journals, as well as executive summaries from government reports, including excerpts from dissertations and theses, are eligible for selection. The enduring goal is to find relevant yet interesting work of less than 50 pages that is controversial enough to engage the reader into taking a position in regards to a matter of professional interest.

Table 3. Examples of Professional Reading Series Assignments

Due Date	Reading Assignment
Winter 2004	Wilson (2004) "What Makes a Terrorist"
Spring 2005	Kobolt and Tucker (2004) "The Fourth Era of American Policing: Strategic Management"
Autumn 2005	Behn (2003) "Why Measure Performance?"
Spring 2006	Bratton and Kelling (2006) "There Are No Cracks in the Broken Windows"
Summer 2006	Reinke (1998) "The Essentials of Leadership"

Evaluation

The evaluative criteria was qualitative in design; primarily the reader's responses to the questions posed indicate issue analysis, preparation, and an increased depth of reasoning and skill in argument over time. Additionally, responses were carefully tracked for timeliness. The results have been strongly suggestive of success, for the responses received are timely, varied, and well reasoned. The participants have been supportive of the program, but more importantly, the participants now use a similar technique with their subordinates, often branching out and finding other professional reading materials with which to replicate the exercise and gain the benefits in low-cost leadership development.

Future Prospects

With appropriate budgetary resources, it would be ideal to implement a more robust professional reading effort at the agency level. General Gray, the marine commandant at that time, implemented a professional reading program in 1989 that contributed to the reinvigoration of professional military education. Although that reading list has been subsequently revised, it has created a momentum for thoughtful

study of the art of war and strategy among leaders at all levels within the Marines and has been replicated and expanded upon in other military settings.

Police practitioners and academics, as well as other concerned parties should create a foundation for future leadership excellence by crafting a professional reading list for law enforcement leaders by consensus. This reading list should be more than just a compendium of the textbooks that currently dominate the promotional examination preparatory reading. It should include the important works in our field coupled with the generally accepted standards from political science, sociology, business administration, and public administration. That reading list could be subdivided by rank or role (e.g., assistant chief and detective) and serve as the basis for more extensive on going professional development within the field. A reading list for police officers, attributed to the IACP, is available on Hi-Tech Criminal Justice (www.hitechcj.com), and that list is subdivided into levels based upon functional roles. That reading list (see Table 4) may serve as the starting point for the much-needed discussion on the composition of a professional reading list.

This program also presents an opportunity for active engagement with the community served. A volunteer, college professor, or librarian, may be willing to assume some of the responsibilities of program administration (e.g., material selection and drafting questions); however, the value of this program comes from the dialog on issues of professional concerns within the agency's leadership. The critiques and comments on participants' work must be reserved to a senior commander within the agency, or this program can rapidly decay into a sometime school assignment.

It would be disingenuous not to consider the potential controversy attached to the adoption of such a reading program in a collective bargaining environment. Admittedly, this professional reading program is a work-related assignment. Work time must be scheduled for the leader participants to prepare and complete assignments; however, the time necessary for program participation is not significant and could be generally scheduled into anyone's already busy week. If scheduling flexibility is just not feasible, than agreement could be reached as to how much overtime should be allotted for active participation in the program.

Table 4. The IACP Reading List

Level	Role	Recommended Reading
One	Service Providers	Chrislip, <i>Collaborative Leadership</i> Covey, <i>Principle Centered Leadership</i> DeLattre, <i>Character and Cops</i> Grossman, <i>On Killing</i> Kelley, "How to be a Star at Work" Kidder, "How Good People Make Tough Choices" Maas, <i>Serpico</i> Marvella, <i>In Search of Ethics</i> Shaara, "The Killer Angels"
Two	Small Unit Leaders	Badaracco, "Defining Moments" Hughes, "Leadership" Kouzes, "The Leadership Challenge" Malone, "Small Unit Leadership" Useem, "Leading Up" Waumbaugh, "The Onion Field"
Three	Organizational Leaders	Donnathorne, "The West Point Way of Leadership" Gardner, "On Leadership" Heenan, "Co-Leaders" Myrer, "Once an Eagle" Smith, "Rules & Tools for Leaders" Townsend, "Five Star Leadership"
Four	Executive Leaders	Benfold, "It's Your Ship" Bennis, "Leaders" Bouza, "Police Unbound" Chrislip, "Collaborative Leadership" Collins, "Good to Great" Giuliani, "Leadership" Heenan, "Co-Leaders" Howard, "Terrorism and Counter-Terrorism" Jacques, "Requisite Organization" Johnson, "Meeting the Ethical Challenges of Leadership" Kotter, "Leading Change" McCauley, "Handbook of Leadership Development" Schein, "Organizational Culture and Leadership" Sullivan, "Hope is not a Method" Tichy, "The Cycle of Leadership"

Conclusions

As continuing education and life-long learning are desirable goals in leadership development, we must provide an array of opportunities for interested persons to expand their professional knowledge. A potentially viable means of realizing continuing education is a vigorous professional reading program. The program can consist of brief (less than 50 pages) articles (the Professional Reading Series) or full-length books (the Professional Reading Program). In either format, professional reading is a low-cost but valuable tool in our quest to develop the next generation of police leadership. The program requires effort by both the readers and the program administrator but can contribute to a better-informed group of police leaders.

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Variations in Taser Gun Policies

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Introduction

Five deaths have recently occurred in metropolitan Atlanta after law enforcement officers used the Taser weapon to stun individuals (Ghiradini, 2005). Though those deaths have not been causally or conclusively linked to Taser use, the Taser has become the center of a controversy, and at least one Georgia jurisdiction has suspended its use (Purser, 2004).

The controversy, of course, is not limited to the state of Georgia—indeed, Amnesty International has urged law enforcement agencies to suspend use of the Taser until medical, law enforcement, and legal experts can conduct an independent study about its safety. The group has raised concerns about a pattern of Taser-related deaths that medical examiners have attributed to heart failure/disease, drug overdose, or positional asphyxia (Amnesty International, 2004).

Taser International, Inc. asserts that to date, none of the deaths that have occurred in the United States could be attributed to the Taser. The company indicates that its 50,000-volt gun is a nonlethal weapon. Taser officials have presented studies that prove the weapon lacks the power to cause ventricular fibrillation—a potentially fatal heart condition (such studies are available on Taser International's website at www.taser.com). Other researchers concur that the Taser appears to be incapable of causing fatal heart conditions (e.g., Bozeman & Winslow, 2005). Even in Georgia, the Georgia Chief of Police and International Chief of Police both support continued Taser use, suggesting that the benefits of using the Taser to avoid fatalities outweigh the potential medical concerns (GACP, 2005).

The controversy on potential effects often ignores or downplays the policy context. What policies, if any, do law enforcement agencies employ to control or regulate the use of the Taser by officers? In theory, clear policy specifications regarding Taser use may minimize the potential for misuse. What controls and specifications do various agencies employ? What are the variations in local Taser gun policies?

Such questions were studied by the Government Accountability Office (GAO) in 2005, when it contacted seven law enforcement agencies (in Austin, Ohio, Orange County, Phoenix, San Jose, and Sacramento) that use Tasers. It found that in each agency, none had a separate Taser protocol. Rather, safety procedures for use of the Taser were incorporated in their department's use-of-force policy. Moreover, the GAO found that each agency required training before the Taser could be used. The seven agencies contacted agreed that safety procedures should prohibit the use of the Taser on children and pregnant suspects and near bystanders or flammable liquids. Individuals who are hit in specific body areas with Taser barbs (e.g., neck, face, and eye) should be examined by a physician.

A literature review also identified other potential recommendations for Taser control policies by other agencies (see Table 1), including reporting systems, use-of-force report, inclusion of the Taser in a use-of-force continuum, a medical protocol, deployment strategies, training programs for stun guns, and limitations on which situations are appropriate for Taser gun use.

Table 1. Taser Control Recommended Practices

Reporting system for stun gun and/or firearms use	IACP, 2005; McEwan, 1996; GACP, 2005; Amnesty International, 2004
Annual use-of-force report	McEwan, 1996
Include Taser in use-of-force continuum	Dobrowolski & Moore, 2005
Medical protocol	Dobrowolski & Moore, 2005; IACP, 2005; Amnesty International, 2004
Taser deployment strategies (e.g., recommendation to use certain modes)	IACP, 2005; GACP, 2005; Amnesty International, 2004
Comprehensive training program for stun guns	IACP, 2005
Prohibit use on sensitive populations (e.g., pregnant women)	GACP, 2005; Amnesty International, 2004
Policy regarding electronic weapons	GACP, 2005
Deploy supervisor to scene after electronic weapon use	GACP, 2005
Force training programs and guidelines	Amnesty International, 2004
Taser use limited to situations in which alternative would be use of force	Amnesty International, 2004

What policy variations or practices would a study in the metropolitan Atlanta region find? This article answers that question by studying 11 agencies in the metropolitan Atlanta region. We began by obtaining a copy of the Taser policy of each metropolitan Atlanta law enforcement agency that authorizes use of the weapon. We did not seek to determine the effects of Taser use but merely to obtain information about each agency’s policy and procedures. In an effort to avoid bias related to agency selection, we sent a mass e-mail to representatives of all law enforcement agencies in metropolitan Atlanta to determine whether the agency authorizes Taser use. After two weeks, we followed-up with a telephone call to those agencies that did not respond via e-mail. A copy of each agency’s Taser policy was requested.

Based on the telephone queries, we identified 11 agencies in metropolitan Atlanta that authorize Taser use, including four cities, five counties, and two state agencies, and reviewed their policies.

Description of Taser Gun Policies in Jurisdictions Studied

LaGrange Police Department (LPD)

The LaGrange Police Department (LPD) uses the M-26 and X-26 Taser gun to control potentially dangerous situations and prevent or minimize injury to officers and suspects. The Taser, according to LPD’s “Less than Lethal Weapons” policy, is designed to disrupt a subject’s central nervous system by means of deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual’s voluntary motor responses.

Only those officers who have satisfactorily completed LPD's approved training course are authorized to carry and use the Taser. They train annually on Taser use. Officers are allowed to carry the weapon on his or her person in an approved holster. They carry the Taser fully armed with the safety on in preparation for immediate use if authorized. Each authorized user is issued at least one spare cartridge for backup purposes. Officers are required to carry the replacement cartridges in a manner consistent with training and replace the cartridges consistent with the manufacturer's expiration requirements.

The Taser is a use-of-force option for the LPD. Its use is considered a Level 5 Physical Control technique. The device is not allowed for use in the following circumstances:

- In a punitive or coercive manner
- On a handcuffed/secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion
- On any suspect who does not demonstrate an overt intention to (1) use violence or force against the officer or another person or (2) to flee in order to resist/avoid detention or arrest (in cases in which officers would pursue on foot)
- In any environment where an officer knows that a potentially flammable, volatile propellant gasoline, natural gas, or propane is located)
- In any environment where the subject's fall could reasonably result in death (such as in a swimming pool or on an elevated structure)
- On children appearing to weigh less than 100 pounds, unless the subject is attacking the officer or when deadly force is justified
- On women known to be pregnant unless deadly force is warranted
- In any situation in which the subject or his or her clothing may be contaminated with a combustible liquid, gas, or highly combustible material
- In drive stun mode for pain compliance more than two times, while attempting to take someone into custody (The "drive stun" may be used in a defensive manner more than twice if an officer is being attacked and the suspect is actively assaulting the officer.)

LPD officers are prohibited from using the Taser to subdue subjects in control of a motor vehicle; subjects with known heart problems; subjects with obvious debilitating illnesses; the elderly; and subjects with known neuromuscular disorders such as muscular sclerosis, muscular dystrophy, or epilepsy. The policy requires officers preparing to use the Taser to point it in a safe direction, remove the weapon from the safety position, and then aim center mass of the chest or the legs as a secondary target. The officer is required to announce "Taser" before its impending use. Upon firing the Taser, according to the policy, the officer is required to energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.

The officer is required to handcuff the subject after the first application of Taser when the subject is recovering from incapacitation. The officer is required to talk to the subject and give verbal commands throughout this process. Continued monitoring is also required for signs of medical distress related to use of the Taser; the subject is not to be left alone while in custody of the LPD. Emergency medical services should be summoned immediately if distress is detected.

A physician must remove the Taser dart when it is imbedded in a subject's groin, face, neck, female breast, or male nipple. The affected area is photographed. The policy requires the officer to transport subjects to the medical facility in instances in which the Taser was used on a subject three or more times. When the Taser was used on a subject less than three times, EMS personnel will check the person's vital signs.

LPD officers are required to report Taser use to their supervisor "as soon as practical" (LPD, 2005) after using the device and complete the appropriate response-to-aggression report. Supervisors are required to interview the suspects and witnesses at the scene. Moreover, the supervisor will ensure that photos are taken of the body part into which the darts were imbedded on the suspect. Taser data downloading is the responsibility of the Office of Professional Standards unit of the immediate supervisor charged with reviewing the officer's response to aggression and resistance. The department maintains downloaded Taser data for 2½ years.

Duluth Police Department (DPD)

All Duluth Police Department (DPD) officers must successfully meet Taser training requirements before they are allowed to carry the weapon. It is used as a nonlethal force option to control suicidal, threatening, uncooperative, aggressive, and hostile suspects. The on-duty supervisor or higher authority must authorize use of the Taser.

A Duluth police officer is permitted to use the Taser when the suspect demonstrates an overt intention to use violence or force against the officer or others and/or resists detention or arrest, and other alternatives for controlling the suspect are not reasonable or available to the officer at the time. The officer is also allowed to use the Taser when a lower level of force would be inadequate or unsafe under the prevailing conditions to effect the arrest. Prior to using the Taser, the DPD's Taser policy requires the officer to consider the subject's perceived fighting ability, age, pregnancy status, and any known medical conditions.

In situations in which the officer's life is not in jeopardy, he or she is required to give the subject clear, concise verbal commands to gain compliance. The officer is prohibited from firing at the subject's face. If the initial stun does not gain compliance, additional stuns are authorized. The DPD Taser policy specifically outlines procedures for its use; the policy specifies that use of an electronic control weapon to punish someone is prohibited.

After the person is incapacitated, the officer is urged to restrain the suspect. The DPD policy requires the officer to monitor the subject to determine whether medical treatment is needed. The officer or an emergency medical technician may remove the dart; however, DPD officers are prohibited from the removal of darts in the subject's face.

When the Taser is used, the officer is required to write a use-of-force report describing the circumstances that led to the use of the weapon. In the event the subject struggled with the officer before the Taser was used, the supervisor is required to respond to the scene with an Automated External Defibrillator (AED), in case it is needed

for a medical emergency. Moreover, officers are required to notify EMS personnel immediately.

Atlanta Police Department (APD)

The use of the Taser is restricted to use by the APD Special Weapons and Tactics (SWAT) team. Only trained SWAT officers are authorized to use the Taser. They are required to recertify biennially. When the Taser is used, the officer is required to notify his or her immediate supervisor, complete a use-of-force report, and provide medical treatment to the person. The SWAT team complies with Taser International's recommended use of the Taser and applicable APD procedures.

Forest Park Police Department (FPPD)

The Forest Park Police Department (FPPD) approves use of the M26 Taser when its officers are confronted with a subject displaying active physical resistance. Officers are required to complete a use-of-force report when the Taser is discharged—whether on or off duty. When the Taser is discharged, the officer is required to request the on-scene response of a supervisor and emergency medical service (EMS) personnel. Only emergency room staff or fire department EMS personnel may remove the darts if a subject has been struck in the face, neck, groin, or (female) breasts. The agency's policy requires its officers to obtain a medical clearance before transporting the subject to the detention facility.

All FPPD officers are trained and certified in the use of the Taser. During their initial certification training, they are shocked with the Taser to better understand its effects. FPPD officers are required to update their certification on a biennial basis.

Clayton County Police Department (CCPD)

The Clayton County Police Department (CCPD) permits use of the M26 Taser in situations in which the officer is confronted by an individual displaying active physical resistance and a lesser degree of force has proven to be inadequate or is likely to be impractical. Officers are prohibited from using the Taser in situations in which the offender is restrained or considered noncombative or passively resisting.

Only supervisory personnel who have completed the department's Taser training are issued and may use the Taser. Subsequent training is required on a biennial basis. The supervisor may target the head, neck, and groin area in instances in which deadly force would be justified. A verbal warning is required before the weapon is discharged. Supervisors are required to request an EMS unit after a Taser discharge. The agency requires subjects that are Tasered to be medically evaluated before they are booked into the detention center. Moreover, the supervisor must complete a use-of-force report after all Taser deployments—even an unintentional discharge.

Gwinnett County Police Department (GCPD)

The Gwinnett County Police Department (GCPD) Taser policy allows officers to use the device as an additional tool and is not to replace firearms or self-defense techniques. GCPD officers are permitted to use the Taser when a subject is violent

and deadly force does not appear justified or lesser force options will likely be ineffective in the situation.

The Taser is only issued to GCPD officers who have successfully completed the department's Air Taser training program. GCPD officers recertify annually. They are permitted to use the Taser to control persons resisting arrest prior to empty-hand techniques. GCPD officers are prohibited from using the Taser near flammable liquids or fumes or pregnant women, when a subject is operating a moving vehicle, or where a subject is likely to experience a fall that could result in death. Prior to using the Taser, GCPD officers are required to warn the person that they will be "tased" if they do not comply. According to GCPD's policy, the officer must aim below the neck of the subject targeted. The policy informs officers that the weapon has a built-in five-second timer and the electrical current will continue for the full five seconds every time the trigger is depressed. The policy indicates that the five-second cycle should never be stopped early, except in special circumstances.

The officer is required to notify the police dispatcher after the Taser is used on a person. Moreover, the officer is required to complete an incident report to describe the circumstances that led to the Taser's use. According to GCPD policy, darts must be removed in the presence of a witness. The officer is required to clean the wound with antiseptic and cover it with a bandage. Only qualified hospital personnel should remove the darts embedded in the neck, head, groin, breasts, or when special circumstances dictate.

Georgia Bureau of Investigations (GBI)

Agents of the Georgia Bureau of Investigations (GBI) are permitted to carry the X-26 or the M-26 Taser after they are qualified in its use. If the subject is not incapacitated or compliant after a single application, the agent is allowed to continue five-second electrical cycles until the subject is incapacitated or compliant and can be restrained. After two electrical cycles, however, the agent is required to determine whether another form of nonlethal force should be used to obtain compliance. The policy states that agents should use the minimum amount of force to gain compliance. The GBI's Taser policy prohibits agents from using the device when they cannot approach the subject within the effective range—21 feet; on subjects who appear to weigh less than 100 pounds, unless deadly force is warranted; on women who are pregnant unless the use of deadly force is warranted; in close proximity to flammable liquids, gases, or any other highly combustible materials that may be ignited by the electrical arching of the Taser; and in situations in which the subject may be contaminated with a combustible liquid, gas, etc. Additionally, GBI agents are prohibited from using the Taser when the person has known medical conditions or near sharp metals, broken glass, or elevated structures. The GBI's Taser policy requires the agent to handcuff and restrain the subject as soon as the subject begins to recover from being incapacitated. The agent is required to continually monitor the subject for signs of medical distress. When the dart penetrates sensitive areas of a person's body, only medical personnel will remove it, according to the GBI's Taser policy.

Georgia State Patrol (GSP)

The Georgia State Patrol (GSP) Taser policy permits officer use when they are trained and certified. The policy allows GSP officers to use the Taser when it is necessary to restrain a potentially violent person, alternative restraint tactics have been used or are likely to fail, and it is unsafe to approach the person to apply restraints. Sworn GSP officers may use the Taser in the following and other situations: dealing with a mentally ill person perceived to be violent; armed suspects; violent persons under the influence of alcohol and/or drugs; civil disorder situations when it is necessary to apprehend or subdue violent participants who fail to comply with lawful directions; persons expressing the intent and having the means to commit suicide; and when concluded that an alternative lesser response to resistance option will likely be ineffective, or a greater response to resistance option may be inappropriate, given objective circumstances.

The GSP Taser policy prohibits its use when the operator cannot safely approach the person within the device's effective range (25 feet) and in close proximity to flammable liquids, gases, blasting materials, or any other highly combustible materials that may be ignited by use of the device. Moreover, the officers should avoid use on persons in wheelchairs, pregnant women, people with an apparent debilitating illness or the elderly, children or individuals under 80 pounds, or persons with known neuromuscular disorders.

In instances in which the Taser dart penetrates sensitive areas of an individual's body, a physician is required to remove it. The officer is permitted to remove the dart when it is imbedded in nonsensitive areas of a person's body. The GSP Taser policy requires the completion of a use-of-force report when the weapon is used. Moreover, a report is required when an unintentional discharges occurs.

DeKalb County Sheriff's Department (DKCSD)

The DeKalb County Sheriff's Department (DKCSD) Taser policy lists the device as the seventh of eight force options. It reads, "The decision to use a particular method of force must be based upon the circumstances of a given situation." The policy requires officers to be knowledgeable of the laws concerning the use of a particular authorized weapon. According to the DKCSD's Taser policy, the device is considered a Level 5 intermediate option. The policy states that the intent when using intermediate weapons should be to temporarily disable an offender and not to create a permanent injury. This level of control is employed to control subjects when lethal force is not justified but empty-hand control techniques are not sufficient in effecting an arrest.

The DKCSD uses the Taser for the purpose of incapacitating violent or otherwise harmful individuals. It is used when lethal force options are ineffective. Specifically, the Taser is authorized for use in any situation in which the sworn officer reasonably believes the subject, by his or her actions, offers or imminently intends to offer physical resistance to arrest, being taken into lawful custody, or other lawful action by the sworn officer. The operator controls the extent of the charge according to the DKCSD's Taser policy. Moreover, the Taser policy allows the officer to activate the charge going into the offender only for the period of time necessary to subdue or curtail the action of the offender. The DKCSD's Taser policy specifically states,

“Continued use after the person is subdued is considered malicious.” All DKCSD officers are required to submit a written report describing the circumstances surrounding use of the Taser. The supervisor of an employee that discharges the Taser is responsible for completing the report and submitting it through the chain of command. Whenever force is used, officers are required to determine the physical condition of the injured person and that ensure first-aid is provided by requesting EMS when applicable. The DKCSD’s Taser policy requires deputies to obtain a medical release for the person stunned prior to booking in jail.

Douglas County Sheriff’s Office (DCSO)

The Douglas County Sheriff’s Office (DCSO) authorizes use of the P-76, P-95, M-26, and X-26 Taser. Only those employees who have successfully completed Taser training are permitted to carry them. The deputies must achieve a minimum score on a prescribed course or a proficiency examination with the less-lethal weapon and pass a written test.

When the Taser is used, trained medical personnel is required to physically examine the subject prior to him or her being incarcerated in the Douglas County Jail. The deputy is required to report the incident to a supervisor as soon as possible and complete a written report detailing the circumstances. A review committee reviews the incident to determine whether the deputy acted appropriately.

Fulton County Sheriff’s Department (FCSD)

The Fulton County Sheriff’s Department (FCSD) Taser policy permits sheriff deputies to use the device to control violent subjects when deadly force does not appear to be justified or necessary, or attempts to subdue the subject by conventional means and will likely be ineffective or unsafe. Only FCSD deputies, who have successfully completed the Advance Taser Training Program, are allowed to carry the Taser. The deputies must be personally exposed to the effects of the Taser and must recertify annually.

All Taser discharges are investigated, even if it is accidental. The circumstances surrounding the discharge must be documented via an incident report and a use-of-force report. Moreover, the discharging deputy is required to complete a medical report. The Taser is programmed to produce a five-second electrical current; however, the deputy can shorten or extend the time. FCSD deputies are prohibited from aiming the weapon at a person’s face. Moreover, deputies are prohibited from discharging the Taser near flammable liquids or fumes.

Supervisors are required to respond to the scene of a Taser discharge and summon EMS personnel if appropriate. The supervisor will make the determination as to whether the darts can be removed from the subject. If the deputy can remove the darts, the wound should be sanitized and covered with a bandage. Deputies are cautioned not to overlook the seriousness of the subject’s injury if the subject falls to the ground after being stunned.

Comparative Findings

Use-of-force policies are compared in Table 2. Each of the 11 agencies reviewed require its sworn employees to receive Taser training prior to being authorized to carry and use the device. In fact, FPPD and the FCSD require its sworn employees to be stunned during training to experience the effects of the Taser. The LPD, DPD, GCPD, and the FCPD require officers to recertify annually. Sworn members of the APD, FPPD, GSP, and GBI are required to recertify biennially. The DCSD Taser policy does not specify a recertification requirement.

More than half of the law enforcement agencies reviewed have a separate Taser policy. The LPD, GSP, GBI, DCSD, and DKCSD incorporate their Taser policy in their use-of-force policy. The APD briefly describes Taser use in its special operations written directive. Their deployment is based on training provided by the manufacturer. The APD is the only law enforcement agency in the metropolitan area that does not have a written directive to specifically provide its SWAT team members with guidelines and procedures for using the Taser.

Members of the APD's SWAT team are the only officers trained and authorized to use the Taser. They use it in various special use situations. Atlanta police officers, as well as officers in the other law enforcement agencies, have alternative nonlethal force options available (e.g., oleoresin capsicum, the baton, and take-downs). In contrast to the other law agencies studied, APD is the only department that limits the use of the Taser to a specialized unit. Similarly, the CCPD is the only department that limits Taser use to supervisory personnel.

Operational protocols are compared in Table 2. Out of the 11 policies analyzed, note that only three—APD, FPPD, and DPD—require prior supervisor notification before the Taser is used. The purpose is to help ensure that safety procedures are in place prior to using the Taser; however, only CCPD and FPPD require daily Taser inspections. The other nine agencies either inspect the Taser on a monthly basis or after each Taser discharge. All of the agencies studied discontinue use of inoperative Tasers until they are repaired.

Each law enforcement agency analyzed requires a use-of-force report describing the circumstances surrounding the use of the Taser after it is discharged. Moreover, supervisor notification is required after the device is used. In seven of the 11 polices reviewed, officers are required to apply post restraints after the person is stunned. FPPD's, DCSD's, and FCSD's policies do not specify whether or not post restraints are required. The DKCSD, DCSD, and FCSD do not specify restraining individuals in their Taser policy after a subject is subdued by it; however, each agency mandates medical treatment to be provided. The officer can remove the dart except when it is imbedded in sensitive areas of the person's body (e.g., face, eye, groin, women's breasts).

When the dart is imbedded in sensitive areas of a person's body, each agency mandates its removal by a medical practitioner. Officers are required to monitor the subject's condition and summon EMS if medical distress occurs. The only procedures common to each of the law enforcement agencies relate to the removal of a dart that is imbedded in a sensitive area of a person's body and removal of inoperative devices.

Table 2. Information Related to Taser in Use-of-Force Policies for 11 Metropolitan Law Enforcement Agencies

Agency	Requires Taser Training	Frequency of Recertification Training/	Separate Taser Policy	Included in Use-of-Force Continuum	Specific Use Situations	Specialized Unit Authorized to Use Taser Only	Other Options Available
LPD	Yes	Annually	No	Yes	No	No	Yes
DPD	Yes	Annually	Yes	Yes	No	No	Yes
APD	Yes	Biennially	No	No	Yes	SWAT	Yes
FPPD	Yes	Biennially	Yes	Yes	No	No	Yes
CCPD	Yes	Biennially	Yes	Yes	No	Supervisor	Yes
GCPD	Yes	Annually	Yes	Yes	No	No	Yes
GBI	Yes	Biennially	No	No	No	No	Yes
GSP	Yes	Biennially	No	No	No	No	Yes
DKCSD	Yes	Biennially	No	Yes	No	No	Yes
DCSD	Yes	Not Specified	Yes	Not Specified	Not Specified	No	Yes
FCSD	Yes	Annually	Yes	No	No	No	Yes

There were two jurisdictions whose policies would benefit from additional attention. In one county, the Taser policy is vague and provides very little guidance to officers about the use of the Taser. In another city, the police department does not have a Taser policy to guide the actions of its SWAT officers. Instead, the officers rely on the instruction received during their certification or recertification training when deciding to use the Taser. In the case of this particular city and county, their policies do not indicate where the Taser can be used in its use-of-force continuum.

With those two exceptions, the other nine metropolitan area law enforcement agencies specify when to use the Taser and under what conditions its use is prohibited. Alternative nonlethal force options (e.g., takedowns, batons, oleoresin capicum) are available to each of the 11 law enforcement agencies studied.

Table 3. Operational Protocol in 11 Metropolitan Law Enforcement Agencies

Agency	Prior Supervisor Notification	Daily Inspections	Special Inspection	Use-of-Force Report Required	Post-Taser Restraint Required	Medical Treatment Provided
LPD	No	No	Yes	Yes	Yes	Yes
DPD	Yes	No	Yes	Yes	Yes	Yes
APD	Yes	No	Yes	Yes	Yes	Yes
FPPD	No	Cartridge and Batteries	Yes	Yes	Not Specified	Yes
CCPD	No	Visual and Batteries	No	Yes	Yes	Yes
GCPD	No	No	Yes	Yes	Yes	Yes
GBI	No	No	Yes	Yes	Yes	Yes
GSP	No	No	Yes	Yes	Yes	Yes
DKCSD	No	No	Yes	Yes	Not Specified	Yes
DCSD	No	Not Specified	Not Specified	Yes	Not Specified	Yes
FCSD	No	No	Yes	Yes	Not Specified	Yes

Implications

These findings indicate a wide variety in the types of Taser policy controls in law enforcement agencies in the Atlanta region. Variations in use-of-force policies included the frequency of recertification or training, a separate Taser policy, inclusion in the use-of-force continuum, and authorizing only certain units to use the Taser. Key variations in the operational protocols include prior supervisor notifications, daily or special inspections, requirement for a use-of-force report, requirement for a post-Taser restraint, and provision of medical treatment.

Based on our examination of the Taser policy of the 11 law enforcement agencies in metropolitan Atlanta, nonlethal force may be used at different levels on the use-of-force continuum. In fact, APD, GBI, GSP, DCSD, and FCSD do not specify at what level the nonlethal force appears in its use-of-force continuum. This indicates that there may be a role for a state body such as the Georgia Peace Officers Standards and Training (POST) council to specify where the nonlethal device should be considered for use in the force continuum.

There are some differences in the level of medical treatment provided by each agency studied; however, each agency requires a medical practitioner to remove darts when they are imbedded in a sensitive part of a person's body. Inspection requirements also varied, with only two out of the 11 law enforcement agencies requiring a daily inspection of the Taser. Two of the agencies restricted Taser use to supervisors or other designated officials; whereas, the other nine allowed any officer who successfully completed Taser training to carry the device.

One of the most important findings involves the commonality of use-of-force reporting. Each agency reviewed requires employees to verbally report Taser use to a supervisor followed by a written report as soon as practical. Other findings center on the lack of standardization related to whom and under what circumstances the Taser may be used. The majority of the agencies, however, specified common instances when use of the Taser is prohibited: against handcuffed subjects; subjects fleeing on foot; at or from a moving vehicle; subjects who are pregnant; children under 14 years of ages and/or adults weighing between 70 and 100 pounds (the weight varied by agency); against visibly elderly or physically disabled persons; and against persons suffering from neuromuscular disorders, such as muscular sclerosis, muscular dystrophy, or epilepsy.

Overall, the conclusions of this research suggest that Taser use protocol is inconsistent among law enforcement agencies within the metropolitan Atlanta area. Though the training is provided by a common source, Taser International, Inc., the policies were not standardized among the agencies studied. For example, four of the agencies studied require their officers to recertify annually, and six require biennial recertification. One agency policy does not specify the frequency of retraining, and two restrict use of the Taser to supervisors. The agency provides varying levels of medical care after Taser use. Only two departments required a medical clearance from a physician after a person is stunned. The quality of the policies ranged as well, with some jurisdictions having vague specifications and others having carefully constructed and comprehensive specifications. State standardization or model policies may be appropriate in the Atlanta region, specifically related to training requirements, medical procedures, prohibited use, and weapon inspections. Ideally,

well-constructed policies will help avoid incidents of Taser misuse, though further research would need to be done to determine whether there is a causal link between policy soundness and Taser-related safety incidents.

The research findings also provide an interesting comparison to the GAO study. There, none of the agencies had a separate Taser protocol; whereas, here six of the 11 agencies did. As in the GAO study, all agencies required training before the Taser could be used. As in the GAO study, the vast majority of agencies limited Taser use on certain individuals (e.g., as pregnant women). As in the GAO study, all agencies studied had a medical protocol following Taser use; however, the research identified additional policy variations, such as specifying the frequency of recertification and/or training, specialized authorization or supervisor approval, and frequency of inspections controls. These and other policies may potentially lay a foundation for developing comprehensive best practices for Taser-related policies.

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The Victim Satisfaction Model of the Criminal Justice System or Another Way of Looking at the Kobe Bryant Case

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Participants in the criminal justice system recognize that victims are becoming increasingly more important to the administration of justice. Victims and their advocates have won great victories that have resulted in enormous opportunities for victim participation in the criminal justice system. This increased victim participation invites the following question: Does increased victim involvement in the criminal justice system change the character of the criminal justice system?

Criminal punishment is a sanction imposed by society for violating society's rules. In theory, society receives a benefit from punishing convicted defendants. This benefit is weighed against the harm caused to the defendant, and society imposes the criminal sanction as long as the benefit outweighs the harm. As long as the prosecution is managed to benefit society, the justice system would appear to treat all "concerned" parties equally. If the victim has authority to manage the prosecution and make decisions for his or her own benefit, however, the question becomes whether society is punishing the defendant or whether the victim is using his or her decision-making authority in the justice system to achieve some type of "personal" result in punishing the defendant.

If crime victims utilize their decision-making authority in the criminal justice system to bring about personal punishment against a criminal defendant, this would raise some interesting questions. For example, one question may be whether society's perceptions of the criminal justice system would change if the crime victim were exacting personal punishment against a criminal defendant. Another question may be whether society would accept this "personal result" of punishment as proper use of the criminal justice system and see nothing wrong with it. Before these questions can be asked, however, it is necessary to determine to what extent the victim has any decision-making authority in the criminal justice system.

This article discusses the role of victims in the criminal justice system and examines whether the system has evolved from one that concentrates on the defendant to one that focuses on the victim. This article proposes a new model for the criminal justice system entitled the "Victim Satisfaction Model of the Criminal Justice System." Under this model, the criminal justice system is no longer solely focused on the personal culpability and the appropriate punishment for a specific defendant. Instead, this model proposes that the criminal justice system seeks to satisfy the victim through the course of the prosecution and relegates the defendant to secondary status. According to this view, the "Victim Satisfaction Model of the Criminal Justice System" would have three basic characteristics:

1. The crime victim has become a *de facto* party to the prosecution and takes an active role in the criminal case.
2. The prosecutor assumes the role of representing the victim and makes decisions to satisfy the victim's interests.
3. The attempt to satisfy the victim's interests becomes the primary determinant of the criminal justice system.

The concepts discussed in this article are important because criminal justice policy and procedure is changing to address victims' issues. As a result, victim input has become a significant part of all aspects of the criminal justice system. For example, the case of *United States v. Russell Erxleben* (2000) illustrates the importance of victims' issues. In this case, the federal government convicted Erxleben of conspiracy and securities fraud for defrauding investors out of millions of dollars.¹ The Court sentenced Erxleben to seven years in prison and ordered him to pay \$28.5 million in restitution to defrauded investors as required by the Federal Victims' Rights Act. In announcing the sentence, Federal District Judge Nowlin recognized the importance of victims:

In a perfect world, the most just result would be to put you into some type of position where, for the rest of your days, you would have to work every hour of every day to repay these people. Your being in the penitentiary is not going to help these people get their money back. It may give them some satisfaction, however.²

This is a typical example of the "Victim Satisfaction Model of the Criminal Justice System" in practice. In this quote, Judge Nowlin recognized that the victims of this crime had an interest in the prosecution—that being to recover money stolen from them. The judge attempted to satisfy that interest—he ordered Erxleben to repay the money as restitution; however, the judge recognized that he could not make the victims whole because he could not make Erxleben work to repay the money. He could, however, give them some satisfaction by sending Erxleben to prison.

The utility of this example is not that the judge satisfied the victims by obtaining restitution and confining Erxleben in prison. Instead, its usefulness is that the judge recognized that the victims had an interest in the outcome of the case and sought to satisfy this interest. Even though he may have been unsuccessful, it is the attempt to satisfy the victim that has become important in criminal cases. In addition, this attempt to satisfy the victim has become the primary determinant of what happens in the criminal justice system in a victim-involved crime.

Models of the Criminal Justice System

An examination of the purposes of the criminal justice system begins with the "Two Models of the Criminal Justice System" identified by Herbert Packer in 1964.³ In this article, Packer introduced the "Crime Control Model" and the "Due Process Model" of the criminal justice system. The purpose in the Crime Control Model is to suppress crime, while under the Due Process Model, the purpose of the criminal justice system is to deal with criminal defendants in a just manner and according to constitutional standards. These two models have served as the foundation for understanding the competing purposes of the criminal justice system seen to control crime while protecting the defendant's constitutional rights.

The primary utility of the justice system, according to Packer's Due Process Model, is to protect the individual defendant from the government's authority over its citizens.⁴ Using the Due Process Model, Packer described the criminal justice system as "an obstacle course." Each of its successive stages is designed to present formidable impediments to carrying the accused any further along in the process. The aim of the process is "at least as much to protect the factually innocent as to convict the factually guilty" since a defendant's constitutional rights limit the governments' ability to convict a defendant. The ultimate purpose of the justice system, according to Packer's Due Process Model, is to ensure a reliable determination of guilt.⁵

The primary utility of the justice system, according to Packer's Crime Control Model, is the efficient suppression of crime. Packer used the Crime Control Model to describe the criminal justice system as "an assembly-line conveyor belt, which moves an endless stream of cases, never stopping, carrying the cases to workers who stand at fixed stations and who perform on each case . . . the same but small essential operations that bring it one step closer to being a finished product."⁶ The finished product of the justice system, according to the Crime Control Model, is the conviction of a guilty defendant with crime being controlled in the process.

Packer's Due Process Model has been the subject of much criticism because it does not describe the reality of the justice system, is not economically practical, cannot be empirically validated, and could lead to ethical lapses by law enforcement personnel and prosecutors. Feeley (1982), for example, argued that due process is generally irrelevant in the modern criminal justice system because the cost of invoking Constitutional rights is frequently greater than the loss of the rights.⁷ According to Feeley, the cost of hiring an attorney, financing a defense, and contesting the government's evidence is often prohibitive since the chances of a sentence lower than the plea offer or a not guilty verdict are low. This is why many defendants accept a guilty plea without a battle.⁸

Under this "cost/benefit analysis," defendants often weigh the cost of retaining an attorney and vigorously defending the case against the benefits of accepting the plea offer and quickly disposing of the case. Criminal trials are expensive and time consuming, and the chances of an acquittal or dismissal are slim. In many cases, the cost of defending a criminal charge combined with the slim chance of an acquittal results in the defendant quickly entering a guilty plea upon as good of terms as possible and not vigorously defending against the charges.⁹

Other writers have noted that the Due Process Model is not empirically valid because due process has not been shown to be a true consideration in the judicial process. Defense attorneys often recommend plea agreements in order to obtain the best deal they can negotiate for their client thereby quickly disposing of a case without investigating the facts, challenging evidence, or appealing the conviction.¹⁰ Thus, due process is often a façade that hides reality of the criminal justice process—most defendants quickly plead guilty in order to receive the best deal they can.

Due process works for defendants who have nothing to lose by a trial. Often, the cases that proceed to jury trial are the ones with the most heinous facts or those in which the plea offer was near the maximum range of punishment. These cases are tried since the prosecutor has little or no chance of losing and the defendant cannot do much worse at trial. Oddly enough, defendants who find themselves in this situation receive the most protection from the justice system in that the most

experienced attorneys are often appointed to represent them and the attorneys work harder because of the potential for a “bad” result.

Generally, due process does not work for the defendant charged with an average nonaggravated crime. The reality is that most defendants are going to be found guilty if the case proceeds to trial. Because of this, most defense attorneys and defendants want to dispose of the case as quickly as possible upon the best terms possible. This results in a significant portion of criminal cases being disposed of with a guilty plea, and the defendant’s constitutional rights become an afterthought. In these situations, making a good deal as quickly as possible becomes the goal of the justice system, not protecting the defendant’s rights.

Due process often works for those defendants who can afford it. There is an old saying in the justice system that “justice may be blind, but it can be rented.” This refers to defendants who can afford to retain competent legal counsel who can “work” the justice system to receive a better deal. In these situations, the defendant often still pleads guilty, but he or she is convicted of a lesser offense, receives less punishment, or may not be convicted at all.

Packer’s Crime Control Model has also been criticized as not being empirically valid because crime control has not been shown to be a factual consideration in the judicial process. For example, Arenella (1983) argued that the Crime Control Model assumes that an arrested and indicted person is guilty and the function of the criminal justice system is to confirm that guilt, thereby controlling crime by conviction and punishment. The moral culpability component of American jurisprudence, however, limits the state’s capacity to deter future criminal acts because the amount of punishment is not dependent on how much punishment will deter the defendant from committing future crimes. Instead, the amount of punishment is related to the defendant’s moral culpability, and this limits the severity of punishment, regardless of whether more punishment is needed for deterrence. Thus, the underlying assumption of the crime control model is erroneous because the legal system self-limits the amount of punishment that can be assessed against a defendant—whether or not more is needed to deter future crimes.¹¹

Choongh (1997) also criticized Packer’s Crime Control Model because it fails to explain the individuals who are arrested but not charged when the police choose not to file charges. In these situations, the goal of the arrest is not to enforce the criminal law but to achieve some other goal, such as controlling a problem person or enforcing a general respect for officers. Often, a person is arrested to send a message that failure to cooperate with officers yields immediate punishment, even if the punishment is merely a trip to jail. Thus, the goal of this informal system of police punishment is driven by police-defined goals and is not connected to the official criminal justice system.¹²

Critics have also criticized Packer’s Crime Control Model because the objective of controlling crime could lead to ethical lapses by the people charged with apprehending criminals and enforcing criminal laws. For example, Pollock (1999) writes that once the police are viewed as a crime control force, criminals become the enemy (the bad people), constituting a group that is “fundamentally different” from the rest of society (the good people). The police then become soldiers in the “War on Crime” and have the duty of protecting the good people from the bad people. The role of police officers as fighters in the war on crime justifies ethical lapses because

“drug addicts are crazed, . . . individuals beaten must have deserved it, (and) . . . all defendants must be guilty.”¹³

Finally, both the Crime Control Model and the Due Process Model have been criticized because judicial policy cycles from seeming to favor the defendant to seeming to favor the prosecution. One of the primary examples of these cycles can be seen by examining opinions of the U. S. Supreme Court from the Warren Court years to recent times. The high point of the Due Process Model arrived when the Warren court imposed then revolutionary constraints on prosecutorial and police powers. Conversely, more recent courts have retreated from these constraints and toward crime control by issuing case law that supports a crime control purpose of the criminal justice system.¹⁴ The cyclical nature of the U. S. Supreme Court case law illustrates the conflict in Packer’s models: neither model can sustain itself in the face of social and political change, and both models cannot fully exist at the same time.

Emerging Models that Address the Victim’s Role in the Criminal Justice System

During the last several years, discussants have recommended that accommodations, such as fairness, respect, and dignity for victims, be included in discussions about the purposes of the criminal justice system. Several authors have offered opinions about the extent that victim participation influences the criminal justice system.¹⁵ In addition, increased victim participation in criminal trials through victim impact statements and victim impact evidence has introduced pro-prosecution and antidefendant features to victims’ issues.¹⁶ More importantly, many judges and prosecutors consider the victim’s position when resolving criminal cases, thereby increasing the victim’s influence on the outcome of the prosecution.

Beloof (1999) proposed a victim-oriented theory of the criminal justice system when he authored “The Third Model of the Criminal Justice System: The Victim Participation Model.”¹⁷ Beloof expanded on Packer’s assembly line analogy and included a participatory role for victims in the judicial system in which victims would follow their own case down the assembly line, consult informally with the police and prosecutor, and address the court in formal proceedings. Thus, the victim’s role in the judicial system, according to Beloof, was extended beyond that of a mere witness to a more active participant.

Beloof’s model, however, limited victims’ participation to influencing a criminal case by discussing procedure with governmental actors but left victims unable to control the decisions of prosecutors, judges, or jurors because of “the value of the primacy of the individual defendant.”¹⁸ Thus, Beloof’s model of the criminal justice system can be described as a “Victim Influence Model.”

Roach (1999) introduced two victim-oriented models of the criminal justice system based on punitive and nonpunitive purposes. The purpose of the criminal justice system, according to Roach’s punitive model, is to assess the criminal sanction and punish a guilty defendant for retributive purposes. Conversely, Roach’s nonpunitive model illustrates skepticism about the ability of the justice system to control crime and views its purpose as administering restorative justice.¹⁹ Roach’s punitive model is based on the assumption that the rights of victims are worthy of respect and then pits the rights of victims against the due process rights of the defendant. As in the Crime Control Model, the purpose of the justice system, according to Roach’s

punitive model, is to assess the criminal sanction to reduce crime. Roach adds to Packer's Crime Control Model by making the victim equal to the defendant and using the victim's rights to defeat the defendant's due process rights. In effect, the victim would have more rights than the defendant.²⁰

One problem with Roach's punitive model of the criminal justice system is that it would require a Constitutional Amendment for victims to have any enforceable rights. As seen in several U.S. Supreme Court cases, the Constitutional rights of the defendant are enforceable, while the rights of the victim are not. For example, in the case of Timothy McVay, the court determined that the defendant's constitutional right to a fair trial defeated the victim's statutory rights to attend the trial.²¹ This superiority of the defendant's rights is the dilemma associated with not only Roach's punitive model but any attempts to elevate victims' rights to the same status as defendants' rights.

Roach's nonpunitive model approaches the criminal sanction from a different starting point. This model is skeptical about the ability of the criminal sanction to control crime. In addition, the nonpunitive model realizes that the victim's rights cannot defeat the defendant's rights but allows victims to have some decision-making power in the judicial process through the process of restorative justice.²²

Restorative justice relies on a nonpunitive approach to prevent and control crime that turns the criminal justice system into a healing process rather than a retributive or revengeful process. According to restorative justice theorists, most people in an offender-victim relationship know each other and are related in some way before the crime. Instead of treating the offender as a criminal deserving punishment and the harmed person as a victim deserving preferential treatment, it is more productive to address the issues that produced the conflict than to assess punishment. Instead of taking sides and punishing the offender, therefore, society should attempt to reconcile the parties.²³

Restorative justice also views crime as a social problem rather than a legal problem and attempts to address the social problems that cause the crime. In a typical restorative justice situation, the offender would be diverted from formal court proceedings to a mediation program in which the offender, the offender's family, the victim, the victim's family, and the prosecutor's office would agree to a sanction that would address the needs of each party.²⁴ Roach urges that a restorative approach is more favorable for victims than the punitive approach because it gives victims the opportunity to be heard during the course of a prosecution.

The Victim Satisfaction Model of the Criminal Justice System Explained

Characteristic One: The Victim Is a Party to the Prosecution.

Victims have become *de facto* parties to the prosecution because the primary participants in the criminal justice system treat victims the way parties to civil actions are treated.²⁵ This *de facto* party status is important because it serves as the basis for victims to meaningfully participate in the criminal process. It also blurs the distinction between the civil and criminal justice systems to the point where crime victims enjoy the same rights, privileges, and benefits that parties to civil cases enjoy. This *de facto* party status has overcome the legal impediments to the victim's

right to direct the prosecution and has moved the criminal justice system toward being victim-oriented instead of one that focuses on the defendant.

The inference that the victim is a *de facto* party to the prosecution is important because the victim's party status serves as the foundation for the "Victim Satisfaction Model" of the criminal justice system. The victim's *de facto* party status is the vehicle that enables the prosecutor to make decisions during the course of the prosecution that try to satisfy the victim's interests. As a result, it also allows the attempt to satisfy the victim's interests to become the primary determinant of the criminal justice system.²⁶

The law does not recognize the victim as a party in the criminal case. Instead, the recognized parties are the government and the defendant.²⁷ The prosecutor represents the government and has the duty to "insure that justice is done."²⁸ The defense attorney represents the defendant and has the duty to vigorously represent his client within the bounds of the law. Thus, the victim is not a legal party to the case, is not represented by an attorney, and does not have standing to require a particular resolution.

The finding that a crime victim is a *de facto* party to the prosecution is a radical departure from the traditional role of the victim as a witness or merely a part of the government's burden of proof. When this finding is examined in the context of the history of American jurisprudence, however, it is clear that the victim as a party to the prosecution is not a new concept. Instead, this concept is a retreat from a judicial system that focuses on the accused and a return to one that focuses on the victim.²⁹

Characteristic Two: The Prosecutor Assumes the Role of Representing the Victim and Makes Decisions to Satisfy the Victim's Interests.

Many prosecutors take the position that they represent the crime victim in a criminal prosecution. Because of this position, prosecutors often manage criminal prosecutions with the goal of obtaining a result that satisfies the victim. This creates an "unofficial" attorney/client relationship between the prosecutor and the victim similar to the traditional attorney/client relationship with the victim making the major decisions about the direction of a prosecution based on guidance and advice of the prosecutor.³⁰ This unofficial relationship is a natural extension of the victim's party status and is an important step in the Victim Satisfaction Model.

In the traditional attorney/client relationship, the attorney has the responsibility to keep the client reasonably informed and explain matters to the extent reasonably necessary to permit the client to make an informed decision regarding the representation. The attorney then represents the client by conducting the lawsuit to the best of the attorney's ability in accordance with the client's instructions.³¹ Ultimately, the attorney is required to abide by the client's decision whether to accept an offer of settlement or proceed to trial.³²

The need for victim consent is also comparable to the special relationship a criminal defense attorney has with a criminal defendant. In a criminal case, the attorney is required to abide by the client's decision about whether to waive a jury, the plea to be entered, whether to accept a plea offer, and whether to testify.³³ Ultimately, the

decision of how to defend a criminal case is made by the client with the advice and consent of the attorney.³⁴

If a prosecutor confers to the victim the right to significantly control the outcome of a case, the prosecutor is treating the victim similar to the way an attorney treats the client in a civil case and a criminal defense attorney treats the client in a criminal case. This is important in the context of a criminal case because the prosecutor treating the victim as a client would give the client significant sway over the charging decision, plea negotiations, and plea agreements, which in turn would give victims significant sway over the outcome of the case. For example, if the victim opposes a plea agreement and demands a trial, the prosecutor would defer to the victim and the case is tried. This deference is important because victims do not have any formal right to require a trial unless the prosecutor defers to the victim's decision and grants this right to the victim.

The prosecutor's unofficial attorney/client relationship with the victim is important because victims are not legally parties to criminal cases. The parties in a criminal case are the government and the defendant. In fact, the style of a criminal case is *The Government v. The Defendant*. Conversely, the style of a civil case is *The Individual v. The Defendant*. Whether victims are parties or not, however, when the prosecutor creates the unofficial attorney/client relationship, the victim is able to influence whether the case is tried or pled out and, if pled out, the terms of the plea agreement.

The conclusion that prosecutors grant rights to victims that they do not formally have is an important component of the unofficial attorney/client relationship between the prosecutor and the victim. Legally, the victim does not have any legal standing to require or force the prosecutor to do anything; however, when the prosecutor grants these rights to the victim, the prosecutor becomes the victim's attorney, and the victim becomes the client with the power to control the prosecution.

Characteristic Three: The Goal of Satisfying the Victim Is a Primary Determinant of the Criminal Justice System.

The final component of the Victim Satisfaction Model of the criminal justice system, the goal of satisfying the victim, is a primary determinant of the criminal justice system. This component is a logical extension of the findings that the victim is a *de facto* party to the prosecution and that the prosecutor represents the victim. In sum, this model proposes that one of the prosecutor's goals in administering a criminal case is achieving victim satisfaction.³⁵

The Victim Satisfaction Model is a radical departure from the traditional models of the criminal justice system because it focuses on the victim and not the defendant. Packer's models focus on the defendant's actions and the goal of assessing the appropriate punishment for a specific defendant based on the criminal actions. The more modern victim-oriented models continue to focus on the defendant but temper this focus by input from the victim. Thus, the primary difference between the traditional models and the Victim Satisfaction Model is that the Victim Satisfaction Model focuses on satisfying the victim and does not focus on the defendant.

Prosecutors often attempt to file, manage, and resolve criminal cases with the goal of achieving victim satisfaction. This makes achieving victim satisfaction the primary

determinant of the criminal justice system.³⁶ Victims are not satisfied with the result of every prosecution; however, this is not the primary issue in the Victim Satisfaction Model. The utility of the Victim Satisfaction Model is that the attempt to satisfy the victim is a significant determinant of the criminal justice system.

The Victim Satisfaction Model of the Criminal Justice System Illustrated in the Kobe Bryant Case

The Kobe Bryant sexual assault case is an appropriate example of the Victim Satisfaction Model in practice. During the course of the proceedings, the victim became a *de facto* party to the prosecution; the prosecutor assumed the role as the victim's attorney, and the case was resolved at the victim's direction. It is significant to note that while the victim in the Kobe Bryant case may not have been satisfied by the prosecution, the important concept is that the actors in the criminal justice system used their best efforts to satisfy the victim—this is the reality of the Victim Satisfaction Model.

Kobe Bryant was arrested for the offense of felony sexual assault in Eagle County, Colorado, on July 4, 2003, pursuant to an arrest warrant obtained by the Eagle County Sheriff's Department. Mr. Bryant had been charged with this offense after an unidentified woman accused him of sexually assaulting her on June 30, 2003, at an Eagle County Hotel.³⁷ In a press conference on July 8, 2003, the District Attorney, Mark Hulbert, stated that the victim "is doing fine under the circumstances."³⁸ During a press conference on July 9, 2003, the Eagle County Sheriff's Office spokesman stated that the judge signed the warrant after finding probable cause based on a statement from a 19-year-old woman that Mr. Bryant had sexually assaulted her.³⁹ It is interesting to note that the deputy who obtained the arrest warrant based the decision to arrest on the victim's accusations that Bryant had sexually assaulted her.⁴⁰

Formal charges were filed against Mr. Bryant on July 18, 2003.⁴¹ The charges alleged that Mr. Bryant had committed felony sexual assault either during the late night of June 30, 2003, or during the early morning of July 1, 2003. During a press conference, Mr. Hulbert would not comment on the specifics of the case but stated that there was "an alleged sexual penetration or intrusion and that Bryant caused submission of the victim through actual physical force."⁴² The newspaper article discussing the press conference reported, "The name of the victim has not been released, but her identity is a matter of continued discussion. She was a cheerleader and sang in the choir in high school. She auditioned for *American Idol*."⁴³

Immediately after the case was formally filed, the media began comparing the victim with Mr. Bryant. For example, one article stated that if the case goes to trial, it could come down to a "he said – she said" situation and a "who do you believe?" situation.⁴⁴ Also, the article contended that a strong-willed sexual assault victim can virtually win a court case while a weak witness can lose one.⁴⁵ One newspaper article discussed the victim's past drug overdose and speculated that this would be important because it demonstrated the victim's mental instability.⁴⁶

During the months following the filing of the charges, the focus of the case shifted to the victim. The defense team sought her medical and psychological records; during a hearing, the defense attorney accused the victim of sleeping around with

three men in three days, and proved, during a preliminary hearing, that the victim had flirted with and kissed Mr. Bryant. The prosecution vigorously contested each of these allegations and used their best efforts to protect the victim.⁴⁷

The primary defense set forth by Mr. Bryant was that the victim's past sexual history was relevant and, therefore, admissible in the trial.⁴⁸ These attempts culminated in the Colorado Supreme Court giving Mr. Bryant's attorneys the authority to conduct "an almost unlimited inquiry" into the victim's past sexual history.⁴⁹ In response to the attempts to discover her past sexual history, the victim appeared during a routine hearing in court in which the defense and prosecutor were battling over how much of her sexual history is relevant to the case. When asked why the victim appeared at a routine hearing, a spokeswoman for the district attorney's office stated, "She felt it was important that the judge see the real person affected by his decisions. As a victim, she has the right to be informed, present, and heard at every critical stage of the criminal justice process."⁵⁰

The defense's attempts to have the judge admit the victim's past sexual history were successful. The judge ruled on July 23, 2004, that the victim's sexual conduct both before and after the alleged assault would be admitted during the trial. Immediately after the ruling, the district attorney stated that he would meet with the victim to discuss the ruling and that the victim "has already expressed doubts about proceeding with the case."⁵¹ The victim's attorney stated that she had considered dropping out of the case because of mistakes by the court.⁵² On July 27, 2004, however, the prosecutors announced that they would continue with the case by stating, "Yes, we are planning to go forward. She is planning on moving forward with us."⁵³

The case was ultimately dropped on the eve of trial, September 1, 2004. In discussing the reasons for the dismissal, prosecutors stated: "... the 20 year old woman accusing Bryant (the victim) decided not to participate. She dropped out after a series of gaffes that led to the public disclosure of her name and other personal details."⁵⁴ The prosecutors also stated that they would not carry on without her. Outside the courtroom, District Attorney Hulbert stated that the decision to drop the case "is not based on a lack of belief in the victim—she is an extremely credible and a brave young woman."⁵⁵

Characteristic One: The Victim Was a Party to the Kobe Bryant Prosecution.

In the Kobe Bryant case, the victim's party status was apparent from the beginning of the case when the investigating officer immediately assumed that the victim's version of the events was true and asked the judge to issue an arrest warrant based solely on the victim's statement. When the judge makes a decision to issue an arrest warrant, he or she weighs the information in the affidavit and determines whether there is probable cause to arrest as required by the U. S. Constitution.⁵⁶ In the Kobe Bryant case, the judge accepted the victim's statement as truthful, found probable cause to arrest, and issued an arrest warrant. This is similar to how a plaintiff is treated in a civil case.

The judge's decision to issue the arrest warrant based solely on the victim's statement can be compared to the decision to issue a temporary injunction in a civil case. In deciding whether to issue a temporary injunction, the judge treats the parties as equals and makes the decision of whether to issue the temporary injunction with the goal of maintaining the status quo pending a resolution of the case. When the judge issues

the arrest warrant based solely on the victim's affidavit, he or she is treating the victim similar to the way a judge treats the parties in a civil case. The judge treats the victim equal to the defendant, even though the law requires a presumption of innocence and an affirmative finding of probable cause as a prerequisite for issuing an arrest warrant. This, in effect, treats the victim as a *de facto* party to the prosecution.

The prosecutor also treated the victim as a party when the prosecutor discussing the victim at the initial press conference stated that the victim "is doing fine under the circumstances." The emphasis on the victim's well-being implies that the victim's issues are more important, or at least as important as the defendant, since her status was extensively discussed during the press conference while the defendant was tangentially discussed. It is the equal, and often preferential, treatment of the victim's issues that signifies that the victim is the real party of interest to the prosecution and is, as a result, a *de facto* party.

Two separate events highlight the victim's *de facto* party status. The first event was the victim appearing in court for the routine pretrial hearing, and the second was the prosecutor dismissing the charges against Mr. Bryant when the victim decided not to testify. It should be noted that neither of these events, in and of themselves, evidences the victim's party status; however, when examined in the context of the complete prosecution, they aptly demonstrate the victim's *de facto* party status.

The victim appearing at the routine hearing is important because the reason the prosecutor's office gave for the victim's appearance elevates the victim to a status that is equal to, or even more important than, that of the defendant. When asked why she appeared, the district attorney's spokesman stated, "She [the victim] felt it was important that the judge see the real person affected by his decisions." This statement implies that the victim will receive benefits or suffer injuries because of the judge's decision. This is what happens to parties—a party is the person or entity directly affected by the judge's decision.

In this case, both Mr. Bryant and the victim were affected by the course of the prosecution. Mr. Bryant's liberties were in danger, while the victim's past personal history and right to justice were in danger. The danger to Mr. Bryant was that he could be convicted and sent to prison, while the danger to the victim was that her past history would be expose "danger" makes the victim a *de facto* party because she was personally affected by the prosecution.

The prosecutor dismissing the charges against Mr. Bryant because the victim decided not to testify is important; it cements her status as a *de facto* party to the prosecution. The prosecutor stated that he dismissed the charges because the victim decided not to participate in the case. In addition, the prosecutor stated that the decision to drop the case "is not based on a lack of belief in the victim—she is an extremely credible and a brave young woman." This series of events solidifies the victim's party status because the victim's decision not to testify ended the prosecution and the victim determined whether the prosecution would proceed.

This statement confirms the victim's *de facto* party status because the criminal justice system treated the victim similar to the way a party to a civil lawsuit is treated. In an agreed resolution of a civil case, the parties agree to the specific resolution, the attorneys present it to the judge, and the judge approves it. In the Kobe Bryant case,

the case was handled as if it were a civil suit. The victim decided not to testify, the prosecutor dismissed the case, and the judge approved the dismissal. In effect, the victim controlled the decision of whether to proceed to trial or dismiss the case—this is the type of decisions parties make.

Characteristic Two: The Prosecutor Assumed the Role of Representing the Victim in the Kobe Bryant Case and Made Decisions to Satisfy the Victim's Interests.

In the Kobe Bryant case, the prosecutor assumed the role of the attorney for the victim and made decisions to satisfy the victim's interests. This was clear by the way the case was resolved with the victim deciding not to testify and the case being dismissed. Despite the prosecutor's belief that the victim was being truthful and that Mr. Bryant was guilty, the prosecutor dismissed the case. This is the type of action that comprises the fundamental basics of the attorney/client relationship.

The Kobe Bryant case describes the beginning of the "unofficial" attorney/client relationship between the prosecutor and the victim. This relationship is important because, ethically, an attorney has the responsibility to "zealously pursue the client's interests under the rules of the adversary system."⁵⁷ In this unofficial attorney/client relationship, the prosecutor accepts the role as the attorney for the victim and appears to make decisions that attempt to satisfy the victim. This is very similar to the civil system in which attorneys actively pursue their clients' goals and support the conclusion that the civil and criminal justice systems are merging. This relationship is also important because the prosecutor is considering reasons other than the facts of the case and the law in making the charging decision.

The prosecutor dismissing the Kobe Bryant case because the victim did not want to testify is analogous to the way an attorney represents his or her client in an ordinary case. An attorney has ethical and professional responsibility to keep the client reasonably informed about the litigation and explain matters to the extent necessary to permit the client to make an informed decision regarding the litigation.⁵⁸ The attorney is also required to abide by the client's decision about whether to accept an offer of settlement.⁵⁹

The need for victim consent is also comparable to the special relationship an attorney has with a criminal defendant. In a criminal case, the attorney is required to abide by the client's decisions about waiving a jury, entering the plea, accepting a plea offer, and testifying.⁶⁰ Ultimately, the decision of how to defend a criminal case is made by the client with the advice and consent of the attorney.⁶¹

The requirement for victim consent prior to an agreed resolution through a guilty plea makes the criminal process very similar to an agreed disposition of a civil case in which all parties must agree before a case can be resolved through an agreement. If the parties to a civil dispute reach an agreed resolution, the parties and the lawyers sign the agreement and enter a judgment based on the agreement. If there is no agreement, the civil case proceeds to trial. Requiring victim consent as a prerequisite to continuing a prosecution makes the victim a party to the prosecution in the same way that a plaintiff in a civil case is a party to the lawsuit.

Characteristic Three: The Attempt to Satisfy the Victim's Interests Becomes the Primary Determinant of the Kobe Bryant Case.

It appears that the Kobe Bryant case was filed with the goal of achieving victim satisfaction. In this case, the investigating officer filed the case based solely on the victim's statement; the case proceeded during pretrial with the goal of protecting the victim; and the case was dismissed at the victim's direction. The victim was probably not satisfied with the ultimate conclusion of the case; however, the important concept is that the case was conducted, and ultimately, concluded with the goal of achieving victim satisfaction. The utility of the Victim Satisfaction Model is that the attempt to satisfy the victim is a significant determinant of the criminal justice system, as in the Kobe Bryant case.

Evidence in support of the concept that the attempt to satisfy the victim was a significant determinant of the Kobe Bryant case is seen in the reasons the prosecutor dismissed the case. In discussing the dismissal, the prosecutor stated . . .

. . . the 20 year old woman accusing Bryant (the victim) decided not to participate. She dropped out after a series of gaffes that led to the public disclosure of her name and other personal details. [T]he decision to drop the case is not based on a lack of belief in the victim—she is an extremely credible and a brave young woman.

This example is important because it is a fundamental example of victim satisfaction in the reality of a criminal prosecution. Obviously, the prosecutor believed the victim was truthful and that Mr. Bryant was guilty of the offense charged. Despite this belief, the prosecutor decided to dismiss the prosecution at the victim's request. The important factor in this example is not whether the victim is satisfied; the important factor is the prosecution was managed with the goal of satisfying the victim. This is the Victim Satisfaction Model in its most basic form.

Conclusions and Implications for Criminal Justice Policy

The primary difference between the Victim Satisfaction Model and the traditional models of the criminal justice system is that the Victim Satisfaction Model focuses on the victim while the traditional models focus on the defendant. For instance, Packer's models focus on the defendant's actions and the appropriate punishment for a specific defendant based on the defendant's criminal actions. The more modern victim-oriented models discussed by Roach and Belooof continue to focus on the defendant but temper this focus by input from the victim. In reality, the attempt to satisfy the victim is the common factor that is the primary determinant of prosecutions of crimes involving victims.

Victim Satisfaction in Practice

The Victim Satisfaction Model of the criminal justice system explains the process of prosecutions of criminal cases involving victims while the other models do not. In all criminal cases involving victims, the defendant commits a criminal act that harms someone, is prosecuted, is convicted, and is punished. The primary value of the Victim Satisfaction Model, however, is that while the victim may not be completely happy with the result of the prosecution, the attempt to satisfy the victim appears

to be the focal point of the prosecution. Thus, the Victim Satisfaction Model of the criminal justice system is superior to Packer's traditional models and the more modern victim-oriented models in that those models fail to explain the reality of the criminal justice system for crimes involving victims.

Criminal Procedure Has Changed from Focusing Solely on the Defendant to Focusing More on the Victim

Packer's Crime Control Model does not adequately explain the result in most criminal prosecutions of crimes with victims because, under the Crime Control Model, the defendant would be convicted and punished with the goal of controlling crime. The goal of controlling crime is not a valid consideration in the criminal justice system. Instead, the goal in most cases is to satisfy the victim through the prosecution.

Packer's Due Process Model also does not adequately explain the result in most criminal prosecutions because, under the Due Process Model, the purpose of the prosecution would be to ensure that the defendant's rights are protected. As seen, this is usually not the purpose of the prosecution. Instead, the defense attorney's goal is usually to negotiate as good a plea agreement as possible while minimizing the client's criminal sanction. While this is an admirable goal, this is not the theoretical purpose of the Due Process Model.

Inadequacy of the Modern Victim Input Models

Belooof's Victim Participation Model also fails to explain what happens in most criminal cases, since the victim's participation is not limited to influencing the case by discussing it with the prosecutor. Instead, the victim works closely with the prosecutor at all stages of the case, the prosecutor consults with the victim before making any critical decisions, and the prosecutor makes his or her best efforts to ensure the victim is satisfied with the results of the prosecution. This results in victim satisfaction becoming one of the prosecutor's primary goals, and the attempt to achieve this goal focuses the case on the victim instead of the defendant.

Roach's Victim Oriented Model also fails to explain what happens in most criminal cases, since the victim has more authority in the criminal justice system than theorized by Roach. According to Roach's punitive model, the rights of the victim are worthy of consideration and counter the rights of the defendant. Roach's nonpunitive model also relies on restorative justice and provides for victim input into the decision-making process. The focus on victim satisfaction, however, outweighs the theoretical purposes of punishment, since there is little consideration of whether the punishment is adequate to deter future crime or rehabilitate the defendant. In addition, there is little consideration given to whether the purpose of the punishment is for retribution instead of revenge. Instead, the important consideration in most prosecutions is whether the victim is satisfied with the prosecution.

The Victim Satisfaction Model

The Kobe Bryant case and the related discussions demonstrate that the victim has become the focus of the criminal justice system, making victim satisfaction the primary determinant of the criminal justice system. In this case, and many other criminal cases,

victims become *de facto* parties to the prosecution, the prosecutor assumes the role as the victim's attorney, and victim satisfaction is the primary determinant. In sum, the attempt to achieve victim satisfaction makes a criminal case comparable to a civil case with the prosecutor acting as the victim's attorney.

The majority of criminal cases involving victims are investigated, filed, prosecuted, and resolved similar to the way a typical civil case is resolved. These conclusions are important because the prosecutor assumes the role as the victim's attorney the same way he or she would if representing the plaintiff in a civil suit and then proceeds to represent the victim almost identically to the way an attorney would represent the plaintiff in a civil case. The result is that the attempt to achieve victim satisfaction becomes the primary determinant of the prosecution. Even though the victim may not be completely satisfied with the result, the salient point is that the attempt to satisfy the victim dictates how the prosecutor conducts the prosecution and becomes the primary determinant of the prosecution.

Societal "Justice" Is No Longer the Objective of the Criminal Justice System

According to the principle of Jean Jacques Rousseau's theory of the general will,⁶² a crime has historically been considered to be an offense against society instead of an offense against an individual. Punishment becomes important because society, acting through the authority of the government, convicts defendants and then inflicts punishment. Punishment then benefits society because punishment acts as retribution, rehabilitation, or deterrence.

The participants in the criminal justice system no longer consider crime to be only a violation of society's norms. Instead, crime is seen as an offense against the individual victim as well as society. This results in the victim being given the opportunity to fully participate in the prosecution because the victim has been personally violated. Thus, obtaining justice for the victim, instead of society, becomes the objective of the criminal justice system. This conclusion is important because of the disparate nature of criminal prosecutions. This disparity occurs because the prosecution is conducted by and with the full power and authority of the government against an individual defendant. This allows the prosecutor to access the full resources of the government, if needed, in order to convict a defendant. Conversely, the defendant usually has very limited resources available. Thus, when compared to the victim, the defendant is at a great disadvantage when prosecuted for a crime.

The prosecution is unfair to the defendant because the criminal justice system is a tool for the benefit of the victim. This takes place through the steps explained in the Victim Satisfaction Model: the victim becomes party to the prosecution; the prosecutor assumes the role as the victim's attorney; and the power of the state is used to achieve victim satisfaction. The unfairness occurs because the full power of the government is used to the benefit of the individual victim and the detriment of the defendant. Thus, justice for society is no longer the goal of the criminal justice system. Instead, justice for the individual victim becomes the goal of the system.

The Criminal Justice System Is Pseudo-Civil with the Authority of the State on the Side of the Defendant

The criminal justice system appears to be pseudo-civil with the authority of the state on the side of the defendant. The majority of criminal cases involving victims appear to be investigated, filed, prosecuted, and resolved similar to the way a civil case is resolved. This conclusion is important because of the adversarial nature of criminal prosecutions, the financial disparity between the prosecution and the defense, and the stigma associated with being prosecuted by the criminal justice system.

The pseudo-civil nature of the criminal justice system is grounded in the close relationship that has emerged between the prosecutor and the victim. This relationship appears to be almost identical to the relationship between a private attorney and client. As a result, the prosecutor appears to treat the victim the same as an attorney treats a client, and the victim acts the same as a client.

The rules governing the relationship between an attorney and the client are explained in the Code of Professional Responsibility published in Title 2, Appendix A, of the Texas Government Code. The requirement of the attorney to abide by the client's decision is defined by Ethical Rule 1.02, which states . . .

[A] lawyer shall abide by a client's decision . . . (2) whether to accept an offer of settlement or compromise; (3) in a criminal case, after consultation with the lawyer, as to a plea entered, whether to waive a jury trial, and whether the client will testify.⁶³

In addition, the requirement for the attorney to communicate with the client is defined by Ethical Rule 1.03, which states . . .

A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.⁶⁴

Also, as seen by Ethical Rule 2.01, the attorney is required to give candid advice to the client:

In advising or otherwise representing a client, a lawyer shall exercise independent professional judgment and render candid advice.⁶⁵

Taken together, these rules make it clear that an attorney's ethical obligations to the client include keeping the client informed about the status of the litigation, providing frank and candid advice to the client, and abiding by the client's decision concerning whether to settle the dispute.

Attorneys regularly follow the requirements of these rules in civil cases. In a typical civil case, a client retains an attorney to file or defend a lawsuit. The lawyer conducts discovery, researches the law, investigates the facts, makes a decision about liability, and calculates damages. The lawyer then advises the client about the possible benefits and disadvantages of settling the dispute or proceeding to trial. Based upon this advice, the client then decides whether to settle the dispute or proceed to trial. Whether or not the lawyer likes the decision, the lawyer is obligated to abide by the client's decision.

The procedure is almost identical in the regular course of an attorney/client relationship in criminal cases. In a typical criminal case, an attorney is appointed or retained to defend against a criminal prosecution. The lawyer researches the law, investigates the facts, makes a decision about liability, and makes an estimate on the value of the case. The lawyer then advises the client about the possible benefits and disadvantages of accepting a plea agreement or proceeding to trial. Based upon this advice, the client then decides whether to accept the plea agreement or proceed to trial. Whether or not the lawyer likes the decision, the lawyer is obligated to abide by the client's decision.

While it is intended that these rules govern the relationship between a private attorney and the client, prosecutors frequently act as if they are governed by these rules. The informal attorney/client relationship between the prosecutor and the victim significantly impacts the criminal justice system; it moves the criminal justice system toward becoming pseudo-civil with the authority of the state on the side of the defendant. A typical criminal case is handled similarly to a civil case. Once a defendant is indicted, the prosecutor investigates the facts, makes a decision about liability, and makes a decision about the value of the case. The prosecutor then advises the victim about the possible benefits and disadvantages of settling the dispute or proceeding to trial. Based upon this advice, the victim decides whether to settle the dispute or proceed to trial. As demonstrated, the prosecutor usually abides by the victim's decision.

The pseudo-civil nature of the criminal justice system becomes important because of the financial disparity between the prosecution and the defense. Funding is important when litigating either civil or criminal disputes because going to court is expensive. In civil cases, the funding is, in theory, relatively equal since an individual or company is suing another individual or company. Thus, the plaintiff and the defendant in civil cases have about the same ability to finance the litigation. The defense, however, is at a disadvantage in criminal cases because the prosecution can access much more funding than the defense.

The prosecutor has the backing of the full power and authority of the government when prosecuting a criminal case. This means that a prosecutor in a small county in west Texas can have any evidence tested by the Department of Public Safety, almost unlimited funding to hire experts, and specialized attorneys from the attorney general's office assist with the prosecution. In addition, the prosecutor can access this assistance without obtaining permission from anyone.

On the other hand, the defense is limited to the defendant's personal assets or the assistance the judge decides to allow as investigation costs or expert assistance. In a typical case, the defense attorney is forced to ask the judge for funding to hire investigators, test evidence, hire expert assistance, or obtain the assistance of another attorney. This places the defendant at a severe disadvantage because the defense does not have significant financial resources and must convince the judge that assistance is needed before the judge is obligated to provide it.⁶⁶

The pseudo-civil nature of the criminal justice system is also important because of the stigma associated with being criminally prosecuted and labeled a criminal.⁶⁷ Most members of society do not care if a person is sued in civil court because there is little or no public condemnation associated with a civil lawsuit. On the other hand, society condemns individuals who are charged and prosecuted with a crime

as criminals and labels them as troublemakers, deviants, and criminals. In addition, society routinely shuns criminal defendants and shuts them out of the rights and benefits of ordinary society.

The pseudo-civil nature of the criminal justice system benefits the victim. The benefits are based on the unofficial attorney/client relationship between the prosecutor and the victim, the disparity of funding between the prosecution and the defense, and the stigma associated with criminal prosecutions. The prosecutor acts as if he or she were the attorney for the victim, uses the advantages associated with the office of the prosecutor, and uses the criminal justice system to satisfy the victim. This is similar to the way in which a private attorney uses the civil system to satisfy his or her client.

The pseudo-civil nature of the criminal justice system moves the system from one that treats the defendant fairly and impartially to one that benefits the victim and is disadvantageous to the defendant. The unfairness and impartiality arise because the victim and the defendant are treated similarly to the way parties to a civil lawsuit are treated. The primary difference between the two, however, is that the victim receives the advantage of being represented by the prosecutor, an agent of the government, while the defendant not only does not receive any similar benefits but is harmed by them.

Focusing the Criminal Justice System on the Victim Instead of the Defendant Could Create Disparity Between Similar Crimes and Similar Defendants

Focusing the criminal justice system on the victim and not the defendant significantly influences criminal justice policy; it could create disparity between similar crimes and similar defendants. For example, in one case, the victim may be unable to effectively communicate with the prosecutor, and, as a result, he or she may not take the prosecution as seriously as a case in which the victim is able to spend the time and energy and is able to effectively communicate with the prosecutor. Thus, there may be a disparity in punishment based on the ability of the victim to convince the prosecutor of the “righteousness” of his or her position.

This could also create a disparity in punishment based on the “worth” of the victim. For example, rich white ladies usually make better victims than poor minority single mothers since the rich white lady or her family probably will be better at communicating with the prosecutor, the judge, and the jury than the poor black single mother or her family. This difference in the “worth” of the victim could result in more punishment for the defendant who assaulted, raped, or murdered the rich white lady than the defendant who assaulted, raped, or murdered the poor single mother because the rich white lady makes a better victim.

The victim satisfaction model of the criminal justice system is superior to Packer’s Due Process and Crime Control Models, to Beloff’s Victim Participation Model, and to Roach’s victim-oriented models because the Victim Satisfaction Model more accurately reflects the reality of the modern criminal justice system. The victim participation model highlights the protection for victims that have become institutionalized within the criminal justice system. Victims and advocates for victims have won great victories and with these victories, have won enormous opportunities for victims. Victim’s rights have come of age and are here to stay.

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Environmental Tobacco Smoke: A Serious but Manageable Threat to Public Health

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Tobacco and Second-Hand Smoke (SHS)

In recent years, antismoking campaigns have made significant headway in educating the general public about the dangers of smoking. Cigarette smoke contains more than 4,800 compounds, 11 of which are proven carcinogens. The Centers for Disease Control and Prevention (CDC) report that tobacco use is the single most preventable cause of death in the United States. In fact, tobacco accounts for one in five deaths in America, amounting to more than 400,000 lives every year.

Less familiar to the general public are the dangers of second hand smoke (SHS). Breathing SHS exposes an individual to the same carcinogens as does smoking cigarettes, and sometimes in higher concentrations. This exposure is extremely toxic; researchers have shown that SHS in an enclosed area is ten times more polluting and dangerous than the exhaust from diesel automobiles (Invernizzi et al., 2004). This pollution affects the body's cardiovascular, respiratory, immune, and reproductive systems. It may cause problems ranging from sleep apnea and wheezing to cancer and death. Though it is impossible to calculate the innumerable effects of second-hand smoke, it is estimated that SHS kills about 53,000 Americans every year.

Perhaps even more alarming are recent studies showing that there are no safe levels of SHS indoors (Collishaw, Kirkbride, & Wigle, 1984). The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) has gone so far as to say that indoor air, when polluted by SHS, cannot be sufficiently cleaned, even when multiple ventilation and air-purification devices are in place (Samet & Spengler, 2003). In addition, to prohibit smoking in a particular area within a building is not enough to protect that area from SHS; a study conducted in New Mexico showed that smoking and nonsmoking sections of restaurants have similar levels of circulating nicotine (Lambert, Samet, & Spengler, 1993).

The potent and ubiquitous nature of SHS makes it a profound threat to public health. Hundreds of studies have been conducted to show the effects of exposure to SHS, and many more are underway. Researchers have focused not only on adults but on children and unborn babies, as well.

SHS: Consequences for Adults

Adults who are exposed to environmental tobacco smoke may experience an array of symptoms. Many of these occur within the respiratory and cardiovascular systems. Exposure to SHS may cause lung disease, cancer, wheezing, and shortness of breath, and it may exacerbate existing conditions like bronchitis, asthma, and influenza. SHS is also addictive; nonsmoking individuals may become dependent on nicotine and begin smoking themselves. SHS has also been linked to reproductive dysfunction and sleep disturbances. Several recent studies have suggested that exposure may compromise the body's antioxidants, impair the healing of wounds, and promote scarring (Anderson, Bennett, Lin, Hankey, & Janerozik, 2004).

The consequences of SHS for adults are enormous in scope, but those which are life-threatening deserve especial attention. Lung cancer, which accounts for more than a quarter of tobacco-related deaths in the United States, may be caused by smoking or by SHS exposure. The CDC estimates that lung cancer caused by SHS takes the lives of 3,000 nonsmoking Americans every year. Exposure to SHS has been linked to numerous other forms of cancer as well.

Chronic obstructive pulmonary disease (COPD) is another significant contributor to mortality in the United States and worldwide. The CDC reports that COPD affects 5-10% of North Americans and Europeans, and in the United States it is the fourth leading cause of death. Eighty percent of COPD cases are the result of tobacco use, and 10% of these arise in nonsmokers with exposure to SHS.

There is little doubt that exposure to SHS puts an individual at risk for cancer and lung disease. These conditions, however, may take years to develop. This is not the case for heart disease, which accounts for 70% of annual deaths caused by SHS in the United States. Recent studies have shown that exposure to SHS has nearly immediate effects on the heart and blood vessels. After only 30 minutes of exposure to SHS, the coronary arteries of nonsmokers begin to behave as they do in chronic smokers (Mitka, 2004). This exposure narrows arteries and triggers the immune system, which promotes the formation of blood clots. The blood itself becomes less able to carry oxygen, and the heartbeat may become irregular (Samet & Yang, 2001).

In a healthy nonsmoker, these effects are reversible and will cease when SHS exposure stops. On the other hand, SHS may be of dire concern for an individual with risk factors for heart disease: older age, obesity, high cholesterol, high blood pressure, poor diet and sleep habits, high stress, family history, and significant alcohol consumption. The typical American may identify with several items from this list. Consequently, these individuals are at a greater and more immediate risk of cardiovascular problems when exposed to SHS. The CDC has recommended that susceptible individuals avoid all exposure to SHS in order to decrease the risk of an acute heart attack (Mitka, 2004).

SHS: Considerations for Children

In 1998, it was estimated that half of all American children under the age of five are exposed to significant environmental tobacco smoke (Samet & Yang, 2001). This number is almost certainly an underestimate, as parents are frequently reluctant to admit that they use tobacco around their kids. Unfortunately, this reluctance

often means that exposed children do not receive appropriate medical care and that smoking parents are not properly educated on the potential harm of SHS to children. Because children have higher ventilation rates than adults, they receive greater doses of toxins from inhaling SHS (Mannino, Homa, & Redd, 2002). A child who is exposed in the home may be subject to 18 years of SHS while the internal organs of the body develop and mature into adulthood. These considerations help account for the fact that exposure to SHS can be just as detrimental—if not more so—to children as it is to adults.

Exposed children may suffer respiratory problems like bronchitis, pneumonia, and shortness of breath. A study on asthma showed that children whose mothers smoke are more than twice as likely to develop the condition as unexposed children (Martinez, Cline, & Burrows, 1992). Exposed children also contract more frequent and severe lung infections than do nonexposed children. Unfortunately, this increased susceptibility to respiratory problems is observed even when a parent smokes *outside* the home (Johansson, Hermansson, & Ludvigsson, 2004).

Exposure to SHS may also leave children more vulnerable to dental caries, ear disease, general infection, and even cancer (Aligne, Moss, Auinger, & Weitzman, 2003; Johansson & Ludvigsson, 2004). A child whose father smokes is 50% more likely to develop cancer in adulthood (Sandler, Everson, Wilcox, & Browder, 1985). In addition, early exposure to SHS increases the likelihood that a child will become addicted to nicotine and start smoking in adolescence. Infants who are exposed to SHS are far more likely to die from sudden infant death syndrome (SIDS), which kills about 2,000 American infants every year (DiFranza & Lew, 1995).

SHS: A Potent Fetal Toxin

Despite massive efforts to educate the public about the consequences of smoking during pregnancy, about one in four expectant mothers still smoke. Several tobacco carcinogens freely cross the placenta and may be dangerous even in small quantities. Low birth weight, which jeopardizes delivery and infant survival, is almost twice as likely if a woman smokes during pregnancy (Martin et al., 2003). Exposed fetuses also suffer from heart irregularities, poor lung function, muscular impairment, and altered sleep and arousal. While some of these issues may resolve with time, others—particularly respiratory ones—are irreversible. Children who were exposed *in utero* are more likely to have poor lung function throughout childhood and are more prone to develop asthma later in life (Gilliland et al., 2000; Mai et al., 2003; Wjst, Popescu, Trepka, Heinrich, & Wichmann, 1998). A recent study has shown that lung analysis of a 50-year-old can determine whether or not the individual was exposed to SHS during development (Edwards, Osman, Godden, Campbell, & Douglas, 2003).

Other studies have shown that individuals who were exposed *in utero* are more susceptible to learning disorders, attention deficit hyperactivity disorder (ADHD), and criminal behavior (Brennan, Grekin, & Mednick, 1999; Milberger, Biederman, Faraone, & Jones, 1998; Thapar et al., 2003). Adolescents who were exposed prenatally are not only more likely to begin smoking themselves but are also five times more likely to become addicted to other drugs (Weissman, Warner, Wickramaratne, & Kandel, 1999). These neurological issues are all thought to arise from the fact that maternal smoking during pregnancy reduces blood flow to the

fetus, which starves the brain for oxygen. Finally, SHS exposure during pregnancy has been shown to damage a fetus's DNA and increase the child's vulnerability to cancers in early childhood and beyond (Izzotti et al., 2001).

A Note on Illicit Drugs

Although the focus of this article is environmental tobacco smoke, it is important to note that second-hand exposure to freebase cocaine and marijuana smoke is also a threat to public health. Second-hand exposure to illicit drugs is poorly understood, and current investigation is modest. Some researchers are using functional magnetic resonance imaging (fMRI) to show how the brain patterns of exposed versus nonexposed individuals differ. One study has shown that, compared to controls, adolescents who were prenatally exposed to marijuana have higher brain activity—representing greater difficulty—when shifting attention from one task to another (Smith, Fried, Hogan, & Cameron, 2004).

Studies on environmental freebase cocaine (“crack”) exposure are especially rare. One study of young children linked exposure with seizures and passing neurological symptoms like fatigue and clumsiness (Bateman & Heagarty, 1989). Another study suggested that environmental crack exposure was responsible for the deaths of 16 infants in Philadelphia over a two-year period (Mirchandani et al., 1991). Further research on second-hand exposure to crack and marijuana is likely; the National Institute on Drug Abuse (NIDA) reports that use of these illicit drugs is rapidly increasing in the United States.

Reducing SHS in Our Communities

It is apparent that environmental smoke, especially SHS, compromises the health of millions of Americans of all ages, yet efforts to decrease SHS in communities across the country have been inconsistent and often ineffective. Much of this failure is due to obstacles that are well-known to health advocates. For one, public announcements about SHS are often drowned out by tobacco companies, which spend billions of dollars every year to promote their products. These companies are not even required to place warnings about SHS on their cigarette packages.

Educating the public about the hazards of SHS, although challenging, is a priority. Health advocates also support greater excise tax and reduced availability of products in order to decrease general tobacco use. The most targeted measure to reduce SHS specifically has been the restriction of tobacco use in public. Studies have shown that “clean indoor air” laws are the most successful measure for curbing SHS (“Preemptive State,” 2005).

Clean Indoor Air Laws: Outcomes and Public Opinion

Many states have adopted a clean indoor air law, though some are more stringent and heavily enforced than others. “Healthy People 2010,” the federal government’s goals for national public health, offers incentives to states that pass and demonstrate compliance with indoor air laws. Areas targeted to be SHS-free include government worksites, private worksites, schools, childcare centers, restaurants, retail stores, and recreational facilities.

States with stringent laws are already reporting drastic improvements in air quality and public health. One study in western New York examined bars, restaurants, combined bar/restaurants, bowling alleys, and a pool and bingo hall before and after the passage of a 2003 indoor air law. Before the law, all rooms contained high concentrations of SHS, even when smoking only occurred in a designated area of the building. After the law, SHS levels decreased by an average of 84% (“Indoor Air,” 2004). A compelling survey in Helena, Montana, from 1997 to 2003 showed that hospital admissions for heart attacks decreased by 40% when the city had SHS laws in place (Sargent, Shepard, & Glantz, 2004). These results are based on a small sample size; thus, they should not be used to guarantee similar outcomes in other parts of the country. Amidst a growing body of data that shows the benefits of indoor air laws, however, this study holds promise for the health of millions of Americans.

Despite the foreseeable benefits of indoor air laws, legislation and enforcement have lagged. Resistance to such laws has come most strongly from tobacco companies, smoker rights groups, and hospitality venues. Owners of restaurants and bars often feel that prohibiting tobacco use in their establishments will decrease revenue. In actuality, no study has yet shown a significant loss of profit in a compliant restaurant or bar. Most studies, such as those performed in Quebec and California, have shown that sales remain stable or even increase with the implementation of indoor air laws (Crémieux & Ouellette, 2001). Another study in California has shown that many bar workers are happier since the passage of the state’s 1998 indoor air law. Between 1998 and 2002, the percentage of staff preferring a smoke-free environment rose from 17% to 51%, and those concerned about the effects of SHS on their health rose from 22% to 46%. In the same time, the amount of workers who were willing to ask smoking patrons to leave increased from 43% to 82% (Tang, Cowling, Stevens, & Lloyd, 2004). These findings reveal another important aspect of anti-SHS laws: when public tobacco use is prohibited, smoking becomes less socially acceptable. This may prompt smokers to quit and discourage nonsmokers from beginning the habit.

Clean Indoor Air Laws: Assuring Success Through Education and Enforcement

Much work remains to be done to assure the success of indoor air laws. Education campaigns should target both the financial misconceptions of entrepreneurs and the health concerns of the public at large. Community health departments and enforcement agencies should produce a unified strategy of inspecting public venues. Several lessons can be learned from California, where more than 99% of bars and restaurants are compliant with antismoking laws. The state’s success is due in large part to the dedication of qualified inspectors from the health and fire departments. Inspectors are trained to educate workers and patrons to freely issue warnings for infractions and to vigorously prosecute repeat offenders. Inspectors encourage compliance through several other means: sheer visibility, ensuring the postage of no smoking signs, and overseeing staged scenarios involving tobacco use indoors. One study recommends that repeatedly noncompliant establishments be threatened with serious punishments, such as alcohol license revocation (Weber, Bagwell, Fielding, & Glantz, 2003).

The biggest threat to indoor air laws, however, is not compliance. Rather, it is other laws that limit the scope of SHS regulation. Many states have preemptive laws

that prevent local governments from completely banning smoking indoors. For example, state law may permit restaurants to designate a certain percentage of the building as a smoking section. A county cannot overrule this preemption; it cannot mandate that restaurants be entirely smoke-free, even though SHS anywhere inside a building pollutes the entire building, and even though minimal exposure can impact health. One goal of the national government's "Healthy People 2010" is to eliminate preemptive smoking laws among the states.

A Closer Look at Illinois

Illinois is among 19 states with preemptive state laws that regulate public smoking. Illinois's law applies to government worksites, private worksites, and restaurants. In these locations, designated smoking areas are either required or allowed by the state; local governments cannot forcibly eliminate all indoor smoking there. While the state has outlawed smoking in commercial day cares, it has not restricted smoking in bars, malls, prisons, or hotels. Grocery stores, enclosed arenas, hospitals, and public transportation systems are free to designate indoor smoking areas. In 2004, the American Lung Association's "State of Tobacco Control" report gave Illinois the grade of F in four categories related to tobacco, two of which were smoke-free air and tobacco prevention.

The time is right for health advocates and public service officials to appeal to citizens and legislators. Governor Blagojevich has expressed interest in removing preemptive tobacco laws. In Chicago, the largest city in the United States without comprehensive SHS laws, support is growing for a complete ban of public smoking. Indeed, the public is increasingly aware of the dangers of SHS. The American Cancer Society estimates that eight Illinoisans die every day from exposure to SHS.

SHS Prevention: Where Do We Go from Here?

Researchers hope to discover factors that may prevent the harmful effects of SHS. Vitamin C supplementation during pregnancy has been suggested as a means to protect unborn babies from SHS exposure. Results, however, are inconclusive. One study in rhesus monkeys showed that supplementation protected fetal lungs, while another showed that the excess vitamin C interfered with brain development (Proskocil et al., 2005, Slotkin et al., 2005).

Beyond further research, efforts to educate the general public about the dangers of SHS need to continue. States that preempt comprehensive indoor air laws must reconsider their dedication to the health of their citizens. Where indoor air laws are in place already, health and public service officials should collaborate to enforce and assess compliance.

Smoking in private may be increasingly subject to regulation, as well. Already there are cases on record of a legal guardian losing child custody because of continued tobacco use despite obvious detriment to the child's health. Tenants of apartment complexes in which smoking is permitted have successfully sued landlords on the grounds of disturbed health, habitability, and enjoyment. Litigation regarding tobacco use in automobiles or by pregnant women may soon follow. It is also likely that continued research will enable nonsmokers to sue if SHS causes them to become addicted to nicotine. This route of addiction has already been established.

Furthermore, MRI has shown that nicotine causes a predictable pattern of brain activity in smokers. If studies confirm this same pattern in exposed nonsmokers, litigation against governments or establishments that allow indoor smoking may be imminent.

The campaign against SHS, however, need not be left to the courts. In a nation where 23% of adults smoke and all are exposed to SHS, each of us has the responsibility to counter tobacco use and its consequences. Research, education, and enforcement must continue in order to protect Americans from the hazards of SHS.

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Is There a Difference Designing for Crime or Terrorism?

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The Oklahoma City bombing, World Trade Center bombing, the firebombing in the New York subway, the toxic gas attack in Japan's subway, and the derailment of the Amtrak Train in the Arizona desert are now forever etched as landmarks in our memory. Terrorism represents a real threat to our society and our peace of mind. The face of terrorism is undergoing systemic changes as the level of sophistication of terrorists increases with the availability of knowledge and materials to carry out these acts of violence. Timothy McVeigh, who blew up the Oklahoma City Courthouse, stated in an interview shortly after his arrest that he picked the courthouse because "it was architecturally vulnerable." Who would have ever thought that a rental truck and a load of manure could be so deadly?

Knowledge about bombs and terror has proliferated to a point that virtually any terrorist or criminal can find out the information needed to build an explosive from a pipe bomb to a nuclear bomb or to develop killer toxins to carry out their violent acts.

The targets of the future will be cities, utility companies, government buildings or agencies, technology companies, and high-profile corporate entities. New technology has made the infrastructure of America more vulnerable to sabotage, especially disruption of communication and information systems, which has the same net result as a bomb going off.

Yet, with all of the catastrophic effects of terrorism in the past, and the huge potential for damage in the future, acts of terrorism are relatively infrequent. The overall damage to society and the criminal justice system is less than the loss of life and property from ordinary street crime. The societal damage from guns far exceeds the damage from any bomb.

As the role of the security designer and the architect gets redefined as we enter the 21st century, designing against the threats and vulnerabilities of crime and terrorism is ever present. But, is there really a difference designing against terrorism or designing against crime?

The first step in designing against terrorism or crime is to assess the threats and vulnerabilities. Evaluate the tangible and intangible assets that are to be protected. Usually the assets of our buildings are people (users and employees), information, and property. The threats are the potential for losses of the assets. The vulnerabilities are the weaknesses, shortcomings, or perceptions of risk of attack by the actuality of crime or terrorism.

What is the chance or likelihood that our private or public sector buildings would fall victim to an act of terrorism? The perceived level of threat is much greater than the actuality. The incidence of terrorism in the United States is extremely low. The

probability of becoming a victim of a robbery, burglary, auto theft, assault, or murder has affected how most of us live our lives.

An example of increased awareness is the threat of workplace violence. Workplace violence is closely related to terrorism in its level of predictability, yet with all of the assaults at the post office, and other office buildings, the frequency is relatively low. The threat is just waiting for an opportunity to surface.

The threat of terrorism is more marketable than ordinary street crime. For decades, efforts have been made to have a national security code or security ordinances as part of state or national building codes. These efforts have fallen on deaf ears. Efforts to have criminals serve their actual sentence, or "truth in sentencing," have collapsed under the weight of prison overcrowding and construction and budget moratoriums. Terrorism has been the vehicle for change in an otherwise stuck universe of crime prevention. For example, President Clinton in June of 1995 mandated basic standard of security for all federal facilities. The mandate states that each federal building shall be upgraded to the minimum security standards recommended for its audited security level by the Department of Justice.

Prior to the U.S. Marshals Service conducting a vulnerability assessment, there was no government-wide standards for security at federal buildings. The Marshals Service building security study developed 52 standards, primarily covering perimeter security, entry security, interior security, and security technology planning. Each federal building is rated within five levels, with Level I being minimum security and Level V being a defense plant or nuclear facility. Most courthouses with multitenant, multistory buildings are considered Level IV and require shatter resistant glass, controlled parking, 24-hour CCTV monitoring and videotaping, x-ray weapon and package screening, and a photo identification system.

The creation of basic minimum security standards was needed, and the federal government has now established a minimum standard of care for federal buildings. In the private sector, the American Society of Testing Materials Premise's Liability Committee intended to develop minimum security guidelines for multitenant residential housing environments but was disbanded by lobbying pressures. Presently, there is an effort to resurrect the effort with the National Fire Protection Association (NFPA). The NFPA regulates fire protection and life safety requirements, and security is definitely considered part of a life safety issue.

The threat of premises liability litigation is what has driven the major organizations for hotels and motels, shopping centers, retail associations, and builder associations to try to block all efforts of minimum standards. A legal and physical benchmark will put all of corporate America on notice to make their buildings safe against crime, not just the remote occurrence of fire. Insurance companies are strongly supporting such standards against which they could measure businesses and reduce their losses. The auto industry created the momentum for reduction of auto theft by redesigning locking systems, installation of alarm systems, improved driver training, and redesign of car stereos to resist theft (removable faceplates). Responsible car owners now realize discounts in their premiums because of the inclusion of security features and minimum standards.

The media covered the World Trade Center bombing for weeks with unrelenting enthusiasm. The personal dramas of terrorist attacks unfolded piece by piece; however, the secretary raped in a school or hospital parking lot barely makes the back page of the local section of the paper. The commonness and greater frequency of murder, rape, assault, and robbery is only newsworthy when someone famous is involved or the crime is particularly heinous. The numbness to the high frequency of street crime does not motivate our politicians, insurance companies, building and zoning officials, or design professionals to make change or improve the quality of life. The actuality is that terrorism is much more marketable for the press and media frenzy to motivate politicians to facilitate change in the security field, develop standards, and make changes in our physical environment to resist criminal behavior.

Can Crime Prevention Through Environmental Design (CPTED) make a difference in preventing acts of terrorism? Absolutely! CPTED emphasizes problem seeking before rushing into problem solving. CPTED starts with the threat and vulnerability analysis to determine the weakness and potential for attack. Attack from criminal behavior or attack from terrorist activity only reflects a change in the level and types of threats. The process and challenges are the same. CPTED and defensible space planning are planning processes, as compared to fortressing or target hardening. When designing against crime or terrorism, the security consultant must resist the rush to find quick answers.

The CPTED process asks questions about the following: access control, natural surveillance, territorial reinforcement, maintenance, and management strategies, which can increase the effort to commit crime or terrorism, increase the risks associated with crime or terrorism, reduce the rewards associated with crime or terrorism, and remove the excuses for noncompliance with the rules and inappropriate behavior. The CPTED process provides the direction to solve the challenges of crime and terrorism with organizational (people), mechanical (technology and hardware), and natural design (architecture and circulation flow) methods.

If one of the outcomes of the threat analysis for a government building is the challenge of a truck bomb and the goal is to distance the bomb from the building, then the CPTED approach would propose careful consideration of the following:

- Where is the parking placed?
- How does service delivery get screened and controlled?
- How do pedestrians flow into the building?
- How many entrances are there for the public, staff, and service personnel?
- Is there one main entrance for the public?
- How much distance is the exterior path of travel from the street and pedestrian plaza to the building facade?
- Do all four facades have setbacks from the street?
- What is the most appropriate bollard system or vehicular barrier system?
- Do bollards or planters create blind spots or sleeping places for homeless persons and street criminals?
- Does the threat exist from bicycle and motorcycle bombers, thus requiring a smaller net?
- Does surveillance from the building to the street remain unobstructed?
- Does landscaping and plantings remain unobstructed?

- Do barriers hinder accessibility by persons with disabilities?
- Where do private or public security forces patrol?
- Are security patrol patterns unobstructed and verified with a guard tour system?
- Is the structure of the building designed with structural redundancy?
- Does the building become a less appealing target by layers of buffer zones that make it more difficult for an intruder to reach the intended target?
- Have the structural components been designed to allow the decompression effects of an explosion?
- Are the window systems designed to protect against the threat of broken glass by using window film Mylar coatings, blast curtains, or blast resistant glazing materials?
- Does lighting around the property provide a uniform level of light to resist shadows or hiding places?
- Is there CCTV in place to detect inappropriate behavior and record and monitor that activity?
- Does the building have a consistent and comprehensive weapon screening program for the building users, staff, and packages and mail?
- Does the property use security layering to create a sense of boundary of the property (site), the building, and specific points within the building?
- Do management and maintenance practices and policies support security operations, the use of security staff, monitoring devices, weapon screening procedures for people and property, screening of employee backgrounds, and physical upkeep of the premises?

As a result of the Oklahoma and World Trade Center bombings, there has been an increased awareness of the vulnerability to acts of terror. Everyday street crime, acts of workplace violence, and acts of terrorism have created a sense of loss of control and work of peace of mind. People are feeling insecure and afraid. Be afraid, be very afraid! Fear is an excellent motivator for change!

To ensure that a fully balanced security design does not impede on the normal daily functions of the building, a knowledgeable security consultant should be involved in the design process using CPTED and security design strategies from the very beginning (i.e., architectural programming). Treating security as an afterthought increases the cost and obtrusiveness of security features later when construction is completed. Whether the threat is from terrorism, street crime, or workplace violence, the increased threat of premises liability litigation will be the strongest driving elements for change. Where common sense fails, building codes obscure, and management executives overlook, the slap of premises liability is driving building owners and managers to make the necessary safety and security improvements. Large judgements are striking fear into the hearts of building owners and managers as much as any act of terrorism!

The difference between protecting against terrorism or crime is really not very big. The probability of being a victim from an act of terrorism is relatively remote, but the potential for loss is very large. The probability for being a victim of a robbery, assault, burglary, or auto theft is quite high, yet the individual loss may be perceived as small. Yet, the collective loss from ordinary street crime is tremendous in terms of the costs to society, the criminal justice system, insurance companies, and our

personal beings. Designing for street crime and crimes of opportunity is going to reduce the opportunity for acts of terrorism.

CPTED must be part of the redesign process of courthouses, office buildings, and corporate America. CPTED represents a planning process that reduces the architectural vulnerability. The real threat to buildings and its users is from street crime, not terrorism. Buildings need to be designed to reduce crime with the same level of attention as fire prevention. Security standards are needed for a minimum standard of care, just as fire disasters have created a uniform standard for fire protection. Protecting people, information, and property must be a high priority for all buildings. While terrorism is a lot more newsworthy and marketable in government buildings, other building types, such as schools, public housing, convenience stores, residential housing, and retail and commercial buildings, should not be ignored. Even family planning clinics are subject to the terrorist activity of prolife groups! The goals for designing to protect against terrorism are different than designing to resist crime, but the process is the same: CPTED.

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Ethical Bases of Law Enforcement Officers' Activity in Maintenance of Human Rights and Freedom: The Parity of International and National Legal Regulation

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Maintenance of human rights and freedom in law enforcement causes an urgency in the area of "law-enforcement professionalism," which is understood as efficiency, as well as the observance of law that protects human rights, legal rules, and procedures. To achieve professional skills, a militia officer needs to be ethical.

The urgency to create an ethical culture within law enforcement stems from changes in political, economic, and social elements; difficult crime situations; and the growing need to protect citizens' rights and freedom. Militia officers are not only required to be competent but also to work with people on cultural, professional, and ethical levels. It is essential to establish a communicative culture. Changes occurring in society also change cultural relations between citizens. Militia officers' professional activity brings them into close contact with the public. It is necessary for militia officers to skillfully interact with people and establish relations with them. Through these relationships, officers may receive information about crimes and establish or verify facts.

Complete and lawful use of knowledge and skills to ensure human rights and freedom and performing not only professional but also civilian duties are basic elements of the law enforcement culture. When studying the ethical bases of law enforcement activity, it is necessary to address, first of all, the operational experience of police in advanced, democratic countries and in international systems of maintenance of human rights and freedom.

Police officers are key public forces that use the government for law enforcement purposes. The majority of laws in traditionally democratic countries and the international legal documents include police officers from a number of law enforcement bodies. According to these documents, the reactive police function is only the second most important of all purposes of this field. For this reason, one of the parameters of the development of democratic societies is the need to develop and maintain mutual relations between the police and citizens.

The police system's position in the state bodies' structure of democratic countries is determined by delimitation of the competence between judicial and executive governmental branches. This idea was precisely formulated in 1835 by the French researcher Alexis de Tocqueville: "The Great purpose of justice consists of the replacement of the idea of violence by the idea of the right, and of the establishment

of a legal obstacle between the government and the force used by it" (as cited in Isaev, 1993, p. 120).

The governments sign international treaties to propagandize and protect human rights. Present contracts become a part of the national legislation, which is upheld by police. The police are directly involved in the protection of each person's rights, but the police are people, too. It would seem to go without saying, but they also have rights. Police officers are limited in means, but it is their duty to protect those who are in danger. They maintain public order during meetings and mass actions and investigate criminal offences while facing pressure from within the department and the public. Thus, sometimes the fact that human rights play an important role in their work is not appreciated. The understanding and daily application of human rights protection standards should be one of the key elements of law enforcement in a democratic society. With the understanding that the respect and protection of human rights are necessary, the police solve daily problems in the community.

In the ideal world, the necessity of the existence of law enforcement will disappear. Unfortunately, our world is far from ideal. The peaceful coexistence is frequently broken, and it is the responsibility of the police to prevent and detect crimes and offences, maintain public order, assist people in emergency situations, protect human rights, etc. The police protect human rights and freedom and maintain public order. The police also protect such rights as the right to life, preventing crimes menacing or taking away this right.

In stable democracies and consolidated public institute countries, control over police as an institution and above individual police officers is typical. Such kinds of activity can support and assist victims of police abuse. Human rights violations and abuse take place all over the world, but the authoritative countries (or countries with new, fragile democracies) differ from the settled, functional democracies in their response to such infringements as public institutes, on the one hand, and victims, on the other.

The wide spectrum of modern human rights in international legal documents has grown out of accumulation of initially generated standards and standards that have become norms for democratic states. The ways of mutual relation between an individual and the authority lasted for thousands of years. Throughout the development of mankind, its aspiration to freedom, and self-determination, there has been a tendency to restrict authority of the government to protect the individual against an arbitrariness of state bodies and officials.

In 1979, the world community developed the Behavior Code of Officials in Law and Order Maintenance. The same year, the United Nations Economic and Social Council accepted managing principles of effective realization of this code (Behavior Code, 1997). It is necessary to note that in the Council of Europe Declaration on Police (1979), norms of police professional etiquette were established to increase the efficiency of the protection of human rights in Europe, according to which "punishments without court and investigations, tortures and other forms of nonhuman or humiliating of the personal dignity of treatment or punishment remain under the interdiction of any circumstances" (Gubanov, 1993).

Moreover, police authorities in many European countries have taken the Declaration on Police as a principle of the professional standards. As it is written in the declaration, the complete realization of human rights and fundamental freedom in a peaceful society requires public order. The police play an important role in this process, operating in conditions dangerous to officers. Such instances become even more complicated when the code of behavior for police officers is insufficiently determined.

Despite the fact that there is no legally obligatory text about human rights for police in Europe, the police use this declaration to develop their own professional standards. So, the question is about standards that, from the point of view of Parliamentary assembly, require "the maximal propagation." The declaration gives detailed instructions not only concerning police officers' duties but also the conditions in which they should work.

The declaration orders officers to break orders if they are illegal and releases them from punishment for doing so. The observance of the declaration gives officers the right to active moral and physical support of society; officers should complete training and be provided appropriate working conditions and fair payment (Behavior Code, 1997).

The declaration consists of the preamble and three sections: (1) Ethics, (2) Status, and (3) War and Emergency State/Foreign Occupation. It is emphasized in the preamble that police officers who have violated human rights or been involved in inhuman treatment should not work in law enforcement.

During professional work, officers are compelled to subject civil human rights to lawful restriction (e.g., the right to inviolability of personal and home life, secret of the correspondence, etc.). Certainly, "there should not be . . . intervention [on] the part of the state bodies in using this right, except for the intervention stipulated by the law, and necessity for a democratic society for the interests of the state and public safety or economic well-being of the country, for health protection or public morality or other persons' rights and freedom protection" (Behavior Code, 1997, p. 155). Ultimately, any use of confidential information in personal interests or its distributions through mass media is an infringement of the above-stated position, and frequently, a violation of privacy.

The Ethics section concerns all employees and organizations, including such bodies as secret services, military police, armed forces, or militarized groups that carry out police functions. They are obliged to protect the law, investigate crimes, and support social order and state security. When officers violate the law and the committed offence entails serious harm, officers operate on their belief that they should warn of the consequences of such violations, and if repeated violation takes place, officers must inform the directory staff. If there is no response, officers can address a higher authority (Gubanov, 1993).

Codes of police ethics proclaim "respect to any citizen, despite his or her origin or nationality, social status, political, religious or world outlook belief" as an ethical principle of law enforcement (article 7 of the Deontology Codes of France national police) (French Republic, 1989). Thus, the police officer must face the fact that a significant amount of crime today is committed based on political and religious

motives (e.g., terrorism, mass disorders). He or she, on one hand, is compelled to abstain from any restriction of human rights on religious, national, or other motives, and on the other, should not abstain from active prosecution of the person who has committed offences based on the above-mentioned motives. This conflict can cause uneasiness in situations of moral choice, which are characterized by a conscious refusal of certain moral values.

Quite often, extraordinary situations, in threat to law and order, provoke a propensity to search moral and legal grounds of unjustified, excessive use of force. Some believe that extremeness of a situation justifies the use of adequate actions (i.e., "extreme" means). According to code, such "force majeure" as internal political instability or any other extreme public phenomena cannot excuse any withdrawal from these main principles (principle 8 the European conventions of protection of rights and basic freedom) (Novgorod, 1998).

In any situation, irrespective of the subjective attitude of the person, law enforcement officers should aspire to adherence to principles and impartiality in their decisions. In international documents providing law enforcement standards and basic ethical and legal principles of detection and investigation of crime, the interdiction is established "to abuse the position of arrested or imprisoned person, with the purpose to enforce him or her to the confession, to any other self-incrimination or testifying against any other person. Any detained person should not be exposed during interrogation to violence, threats, or such methods of inquiry that break his or her ability to make a decision" (principle 21 of "the Code of principles of protection of all persons, undergone to detention or any form of the imprisonment") (Novgorod, 1998).

Moreover, police ethics establish a duty "to ensure complete health protection of the detained persons and, in particular, to take necessary measures to maintain granting of necessary medical care" (article 6 of the Code of Officials' Behavior in Law and Order Maintenance) (Novgorod, 1998).

According to the Status section of the Declaration, police bodies are created according to the law by state bodies that are responsible for maintenance and enforcement of the law. It covers the necessity of general and professional training of officers including inservice training. Such professional, psychological, and material conditions in which officers should execute their duties must confirm their honesty, impartiality, and dignity. The Declaration also emphasizes that officers have the right to fair wages in view of special factors, such as the great risk, responsibility, and long hours.

Human rights are protected by the national and international legislation, and this legal protection concerns all aspects of police (militia) work. As officers carry out their duties, they are not only obliged to respect human rights but are also called to protect them actively. Moreover, effective police (militia) work in democratic lawful states depends on the extent to which human rights are respected.

The government and some law enforcement officials do not always adhere to national and international rules of law. In fact, there have been numerous complaints to ombudsmen, rights protection and public organizations, and the European Court on human rights (Karpachova, 2002).

Based on this, there is an absolute necessity to increase the legal training level of police officers that assumes introduction in programs of training of future officers, as well as plans for retraining and improvement of professional skill through special courses on the international documents on human rights and police duties.

The specific legal status of police agencies is caused not only by a version of a political regime but by the attitude of the nation about the existing government. If it is basically perceived as a trustworthy organization with which it is possible to achieve compromise, the population is inclined to give the police greater power without fear that it will be used to damage its interests. On the contrary, in the case of negative attitudes, it requires their restriction and a detailed regulation, seeing in it a guarantee from the state arbitrariness. Some nations trust the government completely, irrespective of a political regime, as active support by Germans of the national-socialist Reich testifies, for example. This explains the existence of some indistinct and even ambiguous formulations concerning functions and tasks of police in the police legislation of European countries, the United States, Japan, and other states.

Actually, the tasks carried out by police agencies differ substantially. On the basis of the analysis of the practice of U.S. police activity, American researchers Leonard and Moore have identified the following ten significant duties: (1) to detect criminals and crimes and to detect offenders; (2) participation in litigations; (3) prevention of offences during patrolling and other law enforcement efforts; (4) maintenance of constitutional guarantees; (5) rendering assistance to persons to whom physical violence threatens, or who cannot take care of him- or herself; (6) traffic and pedestrian regulation; (7) revealing of problems that potentially can complicate the control of observance of legality and work of local authorities; (8) creation and maintenance of the given district's inhabitants' feeling of safety confidence; (9) order maintenance in public places; (10) granting other services in emergency (Leonard & Moore, 1987).

In the Ukraine, modern government development is essentially a new stage in the comprehension of the moral bases of law enforcement activity. This new stage has been initiated by humanization of the current legislation, the increase in the interest in human rights, and the definition of the extremely high value of human rights. These circumstances require the Ukrainian militia officers to obtain the appropriate general educational and professional level and to be tolerant and unbiased in actions while on duty. These important qualities can only be fully realized when they occur along with moral maturity and appropriate behavior culture.

In any area of human activity, ethical standards are subject to interpretation. The law enforcement officer, being guided in the activity by ethical standards, does not use the given program but applies the principles according to the situations arising during performance of professional duties. Such norms have special value in a context of militia service activity. In each case, law enforcement officers can operate creatively and in nonstandard ways, but thus, they should remember that their powers (e.g., intrusion into citizens' privacy) cannot be used to the detriment of the rights and dignity of citizens.

All statutory acts regulating law enforcement bodies, including "The Code of Ethics of Law Enforcement Officers" (approved 05.10.2001 by Board of the Ministry

of Internal Affairs of Ukraine) contain special requirements for officers, such as discipline and steady observance of laws. These installations do not suppose displays of discrimination or severe or humiliating treatment of people; they reflect the most essential laws of dialogue between people: "to treat citizens fairly, attentively, benevolently, impartially. . . ."

In situations in which use of force is necessary to achieve lawful purposes, the Code allows it only as a last resort. Readiness to help and protect as a component of universal moral values should become an internal necessity for law enforcement officers. It is their responsibility to nurture within themselves honesty, politeness, tactfulness, cultures of dialogue, resistance, adherence to principles, irreconcilability in crime-fighting, courage, and boldness. It is also critical to strive for professional qualities and behavior and work to improve professional and cultural skills; otherwise, it is impossible to win the respect, authority, and favor of the citizens.

In general, in the value system of any law enforcement officer, crime-fighting is not only a legal but also a moral problem, as it is impossible to combat criminality and the reasons inducing it without strengthening moral foundations of a society, and without crime-fighting, it is impossible to provide the moral factor in its constructive, creative role. In addition, law enforcement officers do not deal with the best part of a society. On the one hand, society adversely influences their moral image and under certain conditions is capable of producing moral deformation. On the other hand, service ethics make it the duty of each officer to show tolerance and to morally influence suspects and prisoners. In addition, as practice and studies prove, the moral culture of law enforcement officers renders discipline and educational influence on citizens. In conditions of democratization and humanization of society, the expansion of publicity about law enforcement activity and the value of officers' professional morals appreciably grows.

The law enforcement officer defines the line of conduct as concrete acts and attitudes to service and people, verifying them with an understanding of "personal and service dignity" and "professional duty and honor." The efficiency of service ethics of law enforcement officers is essentially predetermined by a philosophy of nonviolence and legal mercy. The important precondition of improvement of law enforcement activity in this direction is the development of new approaches, methods, and means to maintain rights and freedom of citizens.

In conclusion, the dominant factor of formation of professional etiquette of law enforcement officers, from the point of view of legal regulation, is the system of international legal maintenance of human rights and freedom in law enforcement activity on the basis that the national legislation in the given area is developed and operational. Moreover, the analysis of international legal acts concerning ethical aspects of law enforcement officers demands resolution of this problem on the level of police forces in individual countries. Today's problems of police and police services in developed countries and, in particular in the United States, draw the attention of broad masses in connection with the importance of their role.

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