Law Enforcement Executive FORUM

Police Resource Management: Patrol, Investigation, Scheduling
September 2006
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Editorial

The management of police resources has taken on added dimensions with the emergence of advanced technology. Law enforcement executives must carefully assess the implications of emerging technology within the parameters of the agency’s mission and budget and, concurrently, evaluate the impact of technology upon service delivery, the management of police resources, and agency personnel. This is not an easy task. Traditionally, police leaders have not been formally trained in such areas of management responsibilities.

Recognizing an emerging need, in 2003, the Illinois Law Enforcement Executive Institute developed a 40-hour course for police managers entitled, “Police Resource Management.” The course presents concepts, strategies, and models that orient police managers toward the development, utilization, and conservation of both resources and information and prepares law enforcement managers and organizations to efficiently and effectively manage police resources in the technology and information age. The 40-hour curriculum includes the following topics: emerging technology, technology and strategy, data-driven management, and the design of a policing model for the information age.

This edition of the Law Enforcement Executive Forum focuses on “police resource management” and is designed to supplement the Executive Institute’s previous work in this area and provide a reader for students enrolled in the Police Resource Management Course. The articles contained within this issue will also provide valuable information and guidance on a number of resource management challenges facing law enforcement administrators.

Thomas J. Jurkanin, PhD
Executive Director
Illinois Law Enforcement Training and Standards Board
Examining the Effectiveness of Bicycle Patrols Versus Automobile Patrols in Charlotte, North Carolina, and Hartford, Connecticut

Chris Menton, Associate Professor, School of Justice Studies, Roger Williams University, Bristol, Rhode Island

Introduction

In the past 20 years, the use of bicycles by police departments has grown significantly. This is actually a resurgence of the use of bicycles in police patrols. In the late 1800s and early 1900s, bicycle patrols were used by many major city police departments (Fox, 1998). It is apropos that bicycles for police patrol have experienced this revival along with the focus on community policing. The use of bikes harkens back to a time when the police were a closer part of the community. They were connected. It makes sense that bicycles should be used in an atmosphere where the concept of police/community relationships is being renewed as a valued and important facet in the strategy of controlling crime. Early in 1987, the Seattle Police Department started deploying bicycle patrols in their downtown area to augment foot patrols. This is believed to be the first integrated use of bicycles in patrols since the early 20th century.

The use of police bicycle patrols has become widespread. The International Police Mountain Bike Association (IPMBA) reports that approximately 5,600 (43%) of all police departments use these bike patrols on a routine basis, including 90% of all departments serving at least 100,000 residents. Approximately 309 (13%) of all sheriff’s departments, including about 50% of those serving 500,000 residents or more, also employ officers on bikes. These departments employ over 83% of all officers and 45% of all deputies (International Police Mountain Bike Association Facts, n.d.).

The scant research that exists on bicycle patrols is inconsistent with the level of deployment of bicycle patrols across the country. Research on the effectiveness of this method of patrol conveyance needs to catch up. Currently, newspaper stories are the primary source of information on bicycle patrols. Research on police patrol effectiveness has focused on automobile or foot patrols. The landmark Kansas City motor patrol study revealed important information on the effectiveness of motor patrols (Kelling, Pate, Dieckman, & Brown, 1974). With increased focus on community policing, an increase in accompanying support for foot patrols has grown. Numerous articles have been published in IPMBA’s newsletters by member officers detailing the effectiveness of bicycle patrols in their community. These assertions are based on internal statistics and can provide little basis for comparison. The bicycle patrols themselves have been deployed in coordination with other efforts such as redevelopment and community revitalization efforts.

In June 1995, I rode with two Boston police officers who were on bicycle patrols. My concern was where they went, who they talked to, and how many people they talked to. I was quite amazed to find out that these officers were averaging conversations with a dozen different citizens or groups of citizens every hour. These contacts ranged from simple salutations and recognitions to arrests, one of which was an actual physical take-down. This seemed to be a high level of contact with the public. What would be a practical contact count for a patrol car? That initial foray a decade ago did not have a point of comparison (Menton, 1995).

**What Is Effectiveness?**

The mission of police is multidimensional and sometimes contradictory, yet the functioning of police as imposers or maintainers of social order is clear. The difficulty is often in the details. Most current statistics generated by police departments offer arrest statistics or statistics on other official activities as measures of effectiveness. This can be problematic; if the measure of success is based on arrests, then are police not encouraged to arrest? Observations in this study revealed quite the contrary. Usually the mission of police is to de-escalate situations. Often, an arrest is required because of the nature of an activity in which an individual is participating. Other times, an arrest can be prevented and arrest avoidance can be the preferred response, as arrests are time-consuming activities and if a better alternative is available, it is generally utilized.

Both departments use civil citations for issues such as public drinking and other “quality-of-life” offenses. Even the tracking of civil citations will not provide an adequate picture of what the police activity is and its effectiveness.

The method of data gathering used in this study was the participant-observer model. The criterion constituting a data entry was the police having contact with a member of the public. A tally of all these contacts and a brief description, as well as the time and number of people involved was recorded during a total of 10 tours of duty between Charlotte, North Carolina, and Hartford, Connecticut. Half of the patrols observed were in a car, and the other half were on a bicycle. The bicycle patrols were the same or similar in area, hours, and day of the week to the car patrols that were observed. The police officers were asked not to do anything special, simply to conduct their tour of duty as they would normally had an observer not been present. Judging from the use of discretionary behaviors, the observation seemed generally unobtrusive.

Access to these departments was secured through contact with the Law Enforcement Bicycle Association (LEBA) for Charlotte and the International Police Mountain Bike Association (IPMBA) for Hartford. These observations took place during July and August of 2005. Data was gathered by note taking on-site, often as the contacts
were transpiring. Subsequently, the notes were transcribed into a narrative and the numbers entered into a database. All contacts were recorded as accurately as possible from saying hello to a passerby or store clerk to an arrest. Contacts fell on a continuum of seriousness ranked as follows: 1 for not serious at all; 2 for having some impact on the person’s knowledge or movements; and 3 for having a serious effect. How a person’s situation or attitude was affected by the contact determined whether the contact was classified as positive, neutral, or negative contact. Calculating the number of contacts and the total number of people contacted was divided by the mode of patrol conveyance, whether it was a car or a bike.

Table 1

<table>
<thead>
<tr>
<th>Sessions</th>
<th>Car Contacts</th>
<th>#People</th>
<th>#Hours</th>
<th>Bike Contacts</th>
<th>#People</th>
<th>#Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>11</td>
<td>46</td>
<td>8</td>
<td>3</td>
<td>25</td>
<td>53</td>
</tr>
<tr>
<td>2</td>
<td>25</td>
<td>54</td>
<td>8</td>
<td>5</td>
<td>27</td>
<td>122</td>
</tr>
<tr>
<td>4</td>
<td>11</td>
<td>46</td>
<td>8</td>
<td>7</td>
<td>51</td>
<td>147</td>
</tr>
<tr>
<td>6</td>
<td>13</td>
<td>39</td>
<td>9.5</td>
<td>8</td>
<td>44</td>
<td>322</td>
</tr>
<tr>
<td>9</td>
<td>49</td>
<td>131</td>
<td>10.5</td>
<td>10</td>
<td>43</td>
<td>212</td>
</tr>
<tr>
<td>Totals</td>
<td>109</td>
<td>316</td>
<td>44</td>
<td>Totals</td>
<td>190</td>
<td>856</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contacts/Hour Comparison</th>
<th>People/Hour Comparison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car</td>
<td>Bike</td>
</tr>
<tr>
<td>Mean</td>
<td>Mean</td>
</tr>
<tr>
<td>S.D.</td>
<td>S.D.</td>
</tr>
<tr>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>df</td>
<td>df</td>
</tr>
<tr>
<td>T Comparison</td>
<td>T Comparison</td>
</tr>
<tr>
<td>Significance</td>
<td>Significance</td>
</tr>
</tbody>
</table>

As illustrated in Table 1, bicycle patrols had a far greater amount of contact when compared to the car patrols. This calculates into, for cars 2.38 contacts per hour compared to 3.95 contacts per hour for bicycles. When it is broken down on a per person level, the car patrol has contact with 6.97 people per hour, and the bike patrol has contact with 16.67 people per hour. From the point of view of having contact with the public, the bicycle is obviously superior in this category.

In classifying whether the contact with a member of the public was positive, negative or neutral, a judgment was reached by the observer on the attitude of the principal individual involved in the contact based on body language, language, and the nature of the contact. Considering the amount of contact by the bicycle patrols, which almost doubled that of the car patrols, these figures for positive, negative, or neutral contact seem similar. When the tenor of the contact could not be judged, a rating of neutral was assigned.
Table 2

<table>
<thead>
<tr>
<th>Contacts (Positive/Negative/Neutral)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car</td>
</tr>
<tr>
<td>Positive</td>
</tr>
<tr>
<td>Negative</td>
</tr>
<tr>
<td>Neutral</td>
</tr>
</tbody>
</table>

Positive/Negative/Neutral Encounters

Note: positive = 1, negative = -1, neutral = 0

<table>
<thead>
<tr>
<th>Car</th>
<th>Bike</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mean</td>
<td>0.209</td>
</tr>
<tr>
<td>S.D.</td>
<td>0.767</td>
</tr>
<tr>
<td>n</td>
<td>110</td>
</tr>
<tr>
<td>df</td>
<td>109</td>
</tr>
</tbody>
</table>

T Comparison: 0.65, Significance: Not statistically significant (cannot reject null hypothesis that bike mean is equal to car mean)

<table>
<thead>
<tr>
<th>Car</th>
<th>Bike</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mean</td>
<td>-0.191</td>
</tr>
<tr>
<td>S.D.</td>
<td>0.697</td>
</tr>
<tr>
<td>n</td>
<td>110</td>
</tr>
<tr>
<td>df</td>
<td>109</td>
</tr>
</tbody>
</table>

T Comparison: 3.20, Significance: Significant at the alpha = .01 Level (accept alternate hypothesis that bike mean is less than car mean; bike encounters are on average less serious)

Table 3

<table>
<thead>
<tr>
<th>Seriousness of Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car</td>
</tr>
<tr>
<td>Not Serious</td>
</tr>
<tr>
<td>Somewhat Serious</td>
</tr>
<tr>
<td>Serious</td>
</tr>
</tbody>
</table>

Seriousness Note: serious = 1, not serious = -1, somewhat serious = 0

<table>
<thead>
<tr>
<th>Car</th>
<th>Bike</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mean</td>
<td>-0.191</td>
</tr>
<tr>
<td>S.D.</td>
<td>0.697</td>
</tr>
<tr>
<td>n</td>
<td>110</td>
</tr>
<tr>
<td>df</td>
<td>109</td>
</tr>
</tbody>
</table>

T Comparison: 3.20, Significance: Significant at the alpha = .01 Level (accept alternate hypothesis that bike mean is less than car mean; bike encounters are on average less serious)

Seriousness of the contact was determined by how much of an effect the contact had on the member of the public. Nonserious contacts were contacts that involved salutations or chatting. Any contact that affected the person’s knowledge or behavior or had a consequence on that person was classified as a somewhat serious contact. This would include asking for and receiving directions, receiving a civil citation, having a conversation about a citizen concern regarding a public order issue such as discussing the presence of individuals in the neighborhood who are in possession of firearms. A serious contact would be an event that alters that person’s behavior. This would include an arrest, a moving violation, impoundment of a motor vehicle, resolving a domestic violence issue, or an order to leave a motel room.

As can be seen in Table 3, serious contacts were similar between the bicycle and the automobile patrols. Somewhat serious contacts were a bit higher in the bicycle patrol. Nonserious contacts were significantly higher in the bicycle patrols, nearly three times higher, than for the automobile patrols. One might ask why we would want the police to bother with nonserious contacts given that it may detract from their
ability to do the serious duties. Yet, this information does not reveal detraction from serious contacts, simply an enhancement of nonserious contacts. These contacts, in many ways, may have a positive effect on the public perception of police, particularly in the areas that are patrolled. These areas were downtown areas or areas of modest socioeconomic means and often, predominantly racial minority communities. Contacts in which little or nothing is at stake might serve to promote the concept of the police as approachable in more serious future happenings.

The measures given here, frequency of contact, character of contact, and seriousness of the contact, are not negatively affected, and in some cases, are positively affected, by the use of bicycle patrols. This should give cause for reflection. The other advantages of bicycle patrols will be discussed later, but at this point, the sheer contact with people clearly is superior on bicycle patrols, with the exception of one area.

<table>
<thead>
<tr>
<th>Table 4</th>
<th>Number of Radio Calls Answered</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Car</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td></td>
<td>30</td>
</tr>
</tbody>
</table>

In this category, all contacts were classified in terms of whether they were initiated by a radio call, a citizen flagging down a police officer, or the police officer. In this study, when a citizen flagged down a police officer, that contact was not listed as a call; although, in some of these cases, these incidents would rank as somewhat serious.

Patrol cars in this study answered 30 calls. Bicycle patrols answered 13 calls. On the face, these numbers would seem to indicate that police on bicycles cannot answer as many calls. Certainly this is the logic that often seems to be employed when we think about calls for which officers must traverse great distances. In densely populated areas and in downtown areas, this is generally not the case, and either by habit or by deployment policy, police on bikes are not given as many calls as police in motor vehicles are given. It is not that the police on the bicycles received and refused calls or received and were unable to respond to those calls. They simply were not called as often as motor patrols.

In some cases, the calls to which the police officers responded were some distance away—a mile or more. The police officers traversed that distance on bicycles in a very short period of time. Officers on bikes sprinting to the scene of an important call can arrive there in a relatively short amount of time. Often, the calls to which the cars responded were longstanding calls regarding a crime that had taken place, perhaps the night before. The issue of whether bicycle patrols should be responding to calls has been indirectly addressed by Pate, Bowers, Ferrara, and Lorence (1976). Theirs and subsequent work questions the urgency of many calls and has led to classifying of calls. Further examination might yield information that demonstrates that bicycle patrols may be as effective if utilized with certain types of calls.
Training

In both Charlotte and Hartford, officers assigned to bicycle patrols must first attend a training program certified by a national police cycling organization. Charlotte uses a curriculum developed by the Law Enforcement Bicycle Association, which includes riding technique training, interaction with vehicles and criminal suspects, as well as attention to physical health maintenance. Hartford uses the IPMBA curriculum, and all of its bicycle patrol officers are IPMBA-certified.

The use of a bicycle as a vehicle for patrol changes the character of policing and requires officers to be properly skilled and physically fit. Training is a start in addressing these issues.

Equipping officers to do patrols on bicycles involves the cost and maintenance of bicycles, accessories, and clothing. Storage, maintenance, and staging areas are also needed for bicycle patrol units. The equipment and accommodations vary from unit to unit. Generally, a maintenance/storage space was available. Major maintenance was contracted out while small repairs and adjustments were done by the officers themselves, often while on patrol, taking a moment to fix a flat tire or make a slight adjustment.

Standard equipment included a quality mountain bike with a chain-stay kick stand, a rear rack with a bag, lighting systems, water bottle, and flat tire repair capabilities. Outfitting an officer to patrol on bike is quite different than outfitting an officer in a patrol car. For example, there are seasonal change considerations. Jackets, coats, and long sleeve shirts are the usual clothing differences for a motor patrol officer based on the seasons. Seasonal changes for a bicycle officer include gloves, trousers versus short pants, wind jackets, and footwear. Footwear needs to provide stiff lateral support for pedaling as well as flexibility for standing, walking, and running. Generally, outfitting bicycle patrol officers requires equipment that is protective, lightweight, and flexible. Protective gear must be designed for both crashes and violence. All officers observed wore protective vests, bike helmets, and gloves. Helmets and gloves were standard bicycling equipment and provided some collateral protection from noncrash violence.

Equipment belts must secure the same items that automobile patrol officers use. This equipment consists of those items that are required and permitted by a specific department. The belt and securing devices are required to be leather in Class B patrol uniforms. Mesh belts and securing devices are less inhibiting to body movement and are overwhelmingly used by the bicycle patrol officers.

Riding Skills

A common impression exists that riding a bicycle is an unskilled activity. That practically anyone can ride a bike may be true; however, riding a bicycle safely and effectively on patrol entails a number of techniques and skills. Training and experience can hone these skills.

These skills include preliminary safety checks before going out; the ability to shift, brake, and steer appropriately; route selection; obstacle management (e.g., stairs and curbs); mounting and dismounting; and placement of the dismounted bike.
These, and other capabilities, allow officers to quickly and quietly appear on the scene. Smooth shifting, braking, and steering allow for quick and safe riding. Route selection, both on an immediate (micro) level and a destination (macro) level, allow for the safest and most appropriate distances to traverse. The ability to manage obstacles further enhances the ability of the officer to get to the scene or cover territory more effectively. Mounting, dismounting, and placement of the bicycle will vary according to the situation with which the police officer is confronted. Again, training and experience will inform the police officer on the best strategy to employ in specific circumstances.

Routes including alleyways, footpaths, paths through parks, and other parkways and walkways are accessible to bicycles and not to cars. Bike patrol officers have made it their business to know and use these cut-throughs and footpaths, which allow them to be present from unexpected directions. Nonroadway access to hotspots were commonly employed by the bicycle patrol units.

In one specific incident, after responding to a domestic violence call for which motor patrol officers had also responded, the bicycle patrol unit was asked by the sergeant to go to a specific address where gun and drug activities were suspected. One motor patrol officer lamented that every time his car rolled into the apartment complex, he was spotted by a lookout that was three buildings down and the activity, and therefore probable cause, ended. The bicycle patrol unit, which consisted of three officers at the time, came around the corner of the apartment building where the activity was taking place, and was in front of the lookout who quickly tossed something into the apartment and then tried to close the door. This constituted a suspicious activity, and though there were no arrests made, the activity was disrupted for then, and possibly for good because of subsequent discussions with the person who held the lease and that person’s parents. A small amount of drugs and drug and gun paraphernalia were confiscated. The apartment was secured, and it appeared that the keys were taken away from those persons who had been using the apartment without authorization.

Incidents of public drinking and pot and crack smoking were more readily discovered and dealt with by bicycle riding officers. In most cases, a simple civil citation was issued. This provides an immediate and potentially long-term deterrence: immediate deterrence by the confiscation and citation and a potentially long-term deterrence through violators’ knowledge that the police can virtually appear from nowhere with the bicycle’s stealth capabilities.

The response by many members of the public in the areas patrolled by bicycles was quite positive. It seems to provide an opportunity for people to express their positive feelings for public safety personnel. On occasions, individuals or groups would stop or approach the bicycle officers to report an event or to tell them a specific time to come back when illicit activity would be taking place.

In Charlotte, in addition to observing patrols in low socioeconomic residential areas, observation of bicycle patrol units deployed as a major component to a saturation patrol of the downtown entertainment area was conducted. A few weeks prior to the observation sessions, the downtown area was the location of a civil disorder after a Fourth of July celebration. The disorder took place, partially, because too few police officers were present after the celebration. This area, approximately four by seven
city blocks, contains a number of restaurants, clubs, and bars. The main drag has become a cruising event on weekend evenings, with heavy, slow traffic moving in both directions. The sidewalk on the main drag in places is extra wide, with park benches perpendicular and abutting the streets. Other sitting areas are available in front of set back, high rise buildings. The bicycle patrols initially assigned to the area patrolled in two pairs, from 3:00 PM to 7:00 PM, when redeployed officers from other districts on bicycles, motorcycles, cars, and foot, were briefed and assigned to the area. Two officers on foot were assigned to each intersection on the main drag. Motorcycle officers were directed to traffic enforcement within the grid. Two patrol cars were assigned to remain on the perimeter to deploy for prisoner transport when arrests were made. About 25 officers in all were redeployed to this operation.

Because this operation depended heavily on officers not usually assigned to the central district, the four officers on the bicycles who were regularly assigned to the downtown area circulated continuously and advised, prodded, and modeled what the officers unfamiliar with the area should do.

Large numbers of people congregated away from the intersections, on the benches provided. There was almost constant social control present with the additional bike units from other districts. The ongoing order maintenance was under the supervision of a captain and a sergeant. A plan methodically developed by the downtown bicycle officers was carried out in large measure by these bicycle officers.

The plan was executed as follows: The cruising of cars was disrupted prior to the bars closing by closing off the main drag and rerouting traffic to the secondary roads. This disruption effectively deterred people from continuing to cruise the downtown area. When the bars closed and the patrons emerged from the drinking establishments, it was to a quieter environment with a large police presence. A reasonable time after last call, the bicycle patrol officers started to patrol the parking lots, eventually denying vehicle egress and mostly gently urging folks to go home. The message from the bike units was lower key yet as serious as any approach by a police officer in a motor unit with flashing lights and loud sirens.

**Limitations of This Study**

One hundred hours of observation is a limit to this study; however, the data gathered was more detailed. More than arrests, calls, and citations were counted. By comparing the number of contacts with the public by officers on bicycles to those by motor patrol officers, we see that officers on bikes can address situations more easily and seem more approachable to the public. In order to develop a practical comparison, the same or similar shifts, days of the week, and patrol areas were observed. In all cases, shifts and days of the week were exact matches. The small amount of data collected was influenced by the allotted length of time. Additional observations are taking place as this work is being submitted.

The deployment of bicycle patrols has substantial differences from that of motor patrols. These differences constitute a double-edged sword. For emergency calls more than two miles away from a bicycle patrol officer’s location, it may be impractical to expect him or her to constantly be the first responder. On the other hand, bicycle patrols can insert themselves more deeply and quietly into a situation.
Other Limits to Bicycle Patrols

Bicycle patrols cannot transport arrestees, witnesses, or other citizens. They cannot generate the imposing presence of a motor patrol with flashing lights and sirens, although oftentimes that is not necessary. They can, however, transport small amounts of evidence and lace through congested traffic areas more quickly than a car or on foot.

Who Rides Bicycle Patrols?

Police officers who ride bicycle patrols are predominantly male, as are the police departments that were observed. The nature of the activities of this duty assignment requires and attracts officers who are in good to excellent physical condition. The riding I observed took place in 90 to 100+ degree temperatures, yet officers were able to sprint to the scene, and in one case, chase down a car. Officers doing this will naturally have a high level of exposure to the public and therefore, at some level, must have an affinity towards high visibility and accessibility.

All of the officers riding bicycles were volunteers who were certified by a national organization. Many of the officers were assigned part-time to the bicycle patrol and in some cases, even had the option of using motor patrol instead of bicycle patrols. Generally speaking, bicycle patrol assignments were sought after positions, and being reassigned to motor patrols or other duties was generally a cause for disappointment.

Conclusion

Bicycle patrol units perform effectively in most dimensions of patrol duties. They also perform more effectively in some dimensions of patrol duties. Under community policing philosophies, closer relations with the public is an objective. Bicycle patrol units provide those closer exposures and relationships with the public. This study provides evidence that is consistent with assumptions based on departmental crime statistics, anecdotal observations, and intuitive conclusions. Bicycle patrol officers are more approachable for pedestrians and for those members of the public in motor vehicles. Bike patrol officers are more likely to roll up on illicit activities or situations in which people are in need because they can see and hear better from their perch which is over 6 feet high and unimpeded by air conditioning fans and the cage construction of a motor vehicle. Their views are unfettered as is their hearing.

In one situation in which suspects in a stabbing were located in a slight blind in a downtown area, a motor patrol officer was overhead saying, “I didn’t even know this place existed.” There were four homeless men who had been camping out in that blind and either witnessed or were participants in a beating and stabbing incident, which sent another man to the hospital.

How bicycles are used and the strategies of their deployment should be integrated considerations in patrol strategies. Although not all officers on motor patrol and other assignments felt that bicycle patrols were safe, and in some cases, they believed they were not as effective in providing a show of force, the overwhelming relationship between motor patrol and bicycle patrol was that of mutual assistance and respect. One motor officer asserted that there should be no foot patrols; they
should all be converted into bike patrols. Another lamented that the call he was going
to for a second time that evening for reports of shots fired was going to continue to
be ineffective because the people who were involved would simply slip through
the backyards and end up on the next street over which was not easily accessible
from the call site. He said that bicycle patrols could easily address this issue. In a
prior example sited, a motor patrol officer asked for the bicycle patrol to assist in
shutting down an apartment seemingly dedicated to illicit activities.

In an interview with the president of the Law Enforcement Bicycle Association
and another with the executive director of the IPMBA, both individuals talked
about the increased use of bicycle patrols in a number of other fashions for crowd
control and tactical purposes. In Boston, bicycles are used for gang suppression and
crime suppression. The bicycle unit is deployed in response to incidents in specific
neighborhoods. Their patrol was tantamount to a saturation patrol strategy. Perhaps
bicycle patrols responding to more calls and taking more calls may increase their
profile in patrol command strategies and strengthen their position as an integrated
component of policing in metropolitan areas.

Acknowledgments for Cooperation, Assistance, and Guidance

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Association of Chiefs of Police.

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Classifying Urban and Rural Law Enforcement Research: Individual Fields of Ecology

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Introduction

As the study of law enforcement continues to develop, it is interesting to observe a related line of research emerging in the literature and in the field by practitioners. Research in the 20th century into law enforcement and the study of how the intersection of law enforcement behavior impacts crime rates and public fear of crime attempted to use scientific methodology to answer research questions. Scientifically, little attention was given to differences in urban and rural ecology.

Schmalleger (2001) highlighted 19 scientific studies “of special significance to law enforcement” that occurred from 1974 to 1999 (p. 175). These studies occurred in geographical areas with population concentrations of well over 250,000 persons, generally the threshold considered urban as exemplified in the reporting of crime data in the FBI Uniform Crime Report. The studies were conducted in densely populated areas like Kansas City, San Diego, Cincinnati, Newark, Minneapolis, Houston, Madison, Miami, New York, and Indianapolis. Many of these studies postulated a hypothesis and then used experimental designs to survey, observe, and collect data for analysis. This is entirely consistent with the scientific method.

While many of these studies noted the exclusivity of the study population as a limitation, the possibility for misinterpretation and misapplication of findings was always present by those who did not understand research methodology or chose to ignore the significance of differing populations on outcomes. A classic example of this is the findings from the 1974 Kansas City Preventive Patrol Experiment (KCPPE) that are widely applied across law enforcement. According to the introduction of the KCPPE, however, experimental areas were designed to replicate problems in other urban cities like Detroit, San Francisco, Los Angeles, Denver, Cincinnati, Boston, and Birmingham (Kelling, Pate, Dieckman, & Brown, 1974, p. 4). No suburban or rural agencies were identified for experimental comparisons; therefore, interpretation of the findings should be restricted to the representative population. Yet, evidence of practitioners’ broad application can be seen in requirements for Peace Officer Standards and Training (POST) Learning Objectives. An example of this is the State of Minnesota POST Board (2002), which requires the practitioner to know about the KCPPE without any explanation required of the significance of the findings, limitations, or applications to the type of environment of the study. Since this is a POST learning objective requirement, practitioners going to work in a suburban or rural environment may erroneously assume that the findings from the KCPPE apply to their jurisdiction, which is clearly not the intent of the study.

In their study, Payne, Berg, and Sun (2005), cite seven researchers who have produced studies on policing rural areas from 1994 to 2002 (p. 31). Furthermore, they observed,
"In the end, law enforcement policies examined in urban departments might erroneously be seen as feasible in rural departments” (p. 31). This suggests that an emerging area of research on rural policing is gaining attention from academics.

Perhaps the most significant academic and practitioner cooperative investment in supporting the classification between rural and urban law enforcement is evidenced in the establishment of the University of Arkansas, Criminal Justice Institute, National Center for Rural Law Enforcement. No similar center or institute could be found to support urban policing operations; however, as stated previously, many of the scientific studies were conducted in urban settings.

Discussion of the Problem

It could be reasoned that the ambiguity between urban and rural policing classifications was related to the ambiguity of the principal policing philosophies to emerge from the 1970s and 1980s: community policing, community-oriented policing, and community problem-solving. Kobolt and Tucker (2004) observed by the late 1980s that the terms community policing, community-oriented policing, and community problem-solving were being used almost interchangeably in the literature without essential clarification. They presented evidence of this by observing Herman Goldstein’s (1993) displeasure in the way the community policing label was being applied by police and elected officials to any developed program. “Again, this ambiguity caused confusion and a lack of an occupation-wide consensus on the relationships between the definitions of community problem-solving, problem-oriented policing, and community policing” (Kobolt & Tucker, 2004, p. 62). The unintended occupation-wide result may have been that all policing was essentially the same if the terms community policing, community-oriented policing, or community problem-solving were applied. While it is clear from the literature that most researchers in the law enforcement area were digging deeper for other variables, the preoccupation with the concept of community policing, community-oriented policing, and community problem-solving as essential labels was also apparent. Speculation on these shared labels by police and elected officials across the population and spatial spectrum may have impeded efforts to narrow the focus on other more scientifically acceptable solutions to crime frequency and fear of crime issues in both urban and rural environments.

Another driving force in the ambiguity between urban and rural policing, not studied in this article but present none the less, was the drive for standardization of many police protocols and tactics through state-level officer certification or licensure boards, like Peace Officer Standards and Training (POST) boards. These boards normally oversee the entry-level training and set standards that all persons entering or practicing law enforcement in the state must meet. Often, these boards certify the entry-level training, and everyone must demonstrate through a written test and in some cases a practical application test, a minimum level of proficiency prior to earning certification or licensure. According to the website for the International Association of Directors of Law Enforcement Standards and Training (IADLEST) (n.d.), all 50 states in the United States and the District of Columbia have membership representation, with North Carolina having two memberships. The implementation of training standards at the tactical level, while attempting to achieve a minimum standard for proficiency, also runs the risk of assuming one method or tactic should be applied in like enforcement situations across each state. In reality, the variables that an urban officer might encounter in a situation (with ample assistance but concentrated populations) might be radically different from
the variables a rural officer might encounter. The push to “standardize” tactics for the purposes of certification or licensure may allow for measurement of some knowledge, but it may not allow for differences between rural and urban policing.

This article reviews literature for combined and exclusive studies and explores whether there is evidence to support separate classifications in law enforcement research that focuses on urban ecology and rural ecology. The hypothesis of this study is evidenced in the selected literature to suggest a research classification for urban law enforcement and a separate classification for rural law enforcement. Researchers should be cautious when applying the results from a study on one classification area of law enforcement to another classification area, distinguishing between urban, suburban, and rural ecologies.

Theory

Ecology theory was initially considered to determine whether urban and rural law enforcement are separate research classifications. Hagen (1998) identified the ecological school of criminology as also being called the statistical, geographic, or cartographic school of criminology, inferring that their meanings are the same. Hagen defined ecology as “. . . that branch of biology that deals with the interrelationship between organisms and their environment” (p. 107). Hagen then defined human ecology with a similar description, only modifying the definition to be the “interrelationship between human organisms and their physical environment” (p. 107). Much of this theoretical development relied on the use of 19th century European crime data and their application to maps.

Andre-Michael Guerry was an early 19th century French lawyer and theorist in this area. Vold, Bernard, and Snipes (1998) noted that Guerry had pioneered “scientific criminology” (p. 28). Using crime data published by the French government, Guerry developed maps that showed various crime rates in relation to various factors. Using the combination of statistics, geographic, and cartographic tools, Guerry was able to challenge some widely held beliefs, such as a relationship between crime and poverty. His analysis showed that the wealthier geographic areas of France had a higher frequency of property crimes. He postulated that crime was tied more closely to opportunity than poverty. He showed that property crimes tended to occur in areas where there was more to steal.

Vold et al. (1998) also identified another ecological school of criminology pioneer as Adolphe Quetelet. Quetelet was a Belgian mathematician who went to France to do some work for the Belgian Royal Academy. While there, he developed an interest in the social data being collected in France. He applied astronomical statistical techniques to the social data and called it “social mechanics,” a variation on the “celestial mechanics” from his astrological work. With his analysis of the French crime data, Quetelet discovered regularity in the frequency of the French crime rate, persons accused of crimes, conviction rates, male/female ratios, and age ratios. Anselin, Cohen, Cook, Gorr, and Tita (2000) summarize Guerry and Quetelet’s contribution to the ecological school of criminology as follows:

These historical works are among the earliest examples of a type of empirical social research that falls within the tradition of ecological studies of crime—that is, studies in which the units of analysis are spatially defined population aggregates. (p. 217)
Discussion of human ecology turned to the social process theory in mentioning the Chicago School of Sociology. The Chicago school used empirical data and observations to correlate the characteristics of urban neighborhoods to identify environmental causative factors of crime. The research was modeled after human ecology theorist Robert Park’s research on plant ecology (Vold et al., 1998). In the discussion of the Chicago school, Hagen identified that many of the Chicago school theorists built on the research and developed a “comprehensive theoretical system—urban ecology—that would generate a number of urban life studies” (p. 143). Urban ecology was described as “the study of the link between the physical and social dimensions of cities” (Macionis, 2002, p. 418). This work led to the development of Louis Wirth’s theory of “urbanism” (Hagen, 1998). Urbanism, or urban sociology, is discussed by Anderson and Taylor (2004) who observe, “The study of the urban, the rural, and the suburban is the task of urban sociology, a subfield of sociology that examines the social structure and cultural aspects of city in comparison to rural and suburban centers” (p. 589). Since the United States was undergoing a strong urban expansion in the 20th century, many of the studies compared the characteristics of urban life to the characteristics of rural life. Hagen (1998) observed, “The ‘Chicago school’ expressed an anti-urban bias in analysis and nostalgia for the small Midwestern towns in which most of the theorists had originated” (p. 143).

In this very brief overview of criminological and sociological theory, we can see the roots of scientific criminological studies bridging back into the 19th century and making this distinction between diverse ecologies. The theoretical construct of urban and rural comparisons significantly advanced within the Chicago School of Sociology. It is important to note one theory, urbanism, encompasses the study of the continuum between urban and rural characteristics or dimensions. There is not a separate theory for urban and rural life.

Within this timeline, it is perhaps anecdotally interesting to observe the FBI Uniform Crime Report started in 1930, which was within the general time frame as the Chicago school. One method to segregate the crime data was by population; while it isn’t studied in this report, it would seem intuitive that the segregation of crime report data by population had some influence on research design.

Analysis of theory shows a clear learning curve and history of data collection, development of rates and ratios, spatial analysis, and eventually comparisons between urban and rural ecologies. The comparison of the ecologies suggested that urban and rural ecologies were somehow different. This led to the hypothesis for this article.

**Methodology**

While many studies of urban and/or rural crime used a comparison, case study, or measurement and estimation research design or some combination of these; this article used a classification design. Classification allows the researcher to sort people or objects into categories, which can be compared, stand alone, or be divided into subcategories. Classification research may not provide the analytical insight of a scientific study, but it does provide a construct for later scientific inquiry once tested and accepted.

This study examined 30 existing articles and studies obtained from keyword searches in academic databases in an attempt to identify some similar and distinctive traits between urban and rural law enforcement. These traits will be used later to see
whether there is sufficient evidence to warrant a distinction in classification between urban law enforcement and rural law enforcement.

The articles were obtained by searching academic databases using the keywords “urban rural policing.” An additional search was conducted using the keywords “urban rural law enforcement.” The following academic databases were searched: Ebsco Host Research Databases, CSA Illumina, ProQuest, and Google Scholar. Articles were randomly selected after reviewing their abstract or introduction with the only requirement being relevancy to this area of inquiry and the availability of a full-text document; either immediately or digitally within five days of request.

Information gathered from the articles included article title, author(s), urban focus with a population equal to or greater than 250,000, suburban/rural focus with a population less than 250,000, and findings from the abstract.

**Findings**

Sorting the data for meaning resulted in dividing the articles (n=30) into three primary categories for classification: (1) exclusive research, (2) combined research, and (3) not specified/not applicable. The exclusive research category was used when an article or study exclusively covered either urban or rural policing. The exclusive research classification was divided into subclassifications of urban ecology and rural ecology, and the frequency of each subclassification was obtained. The combined research classification was used when research included both urban and rural policing environments in the research. The not specified/not applicable classification was used when the research looked at policing holistically or historically without separation of the data into exclusive or combined categories.

Of the 30 articles/studies, 20 (67%) focused exclusively on either urban or suburban ecology. Within the exclusive classification, 9 (30%) contained exclusively urban ecology, and 11 (37%) contained exclusive rural ecology.

Of the 30 articles/studies, 7 (23%) were combined studies, which included both urban and rural variables in the research. The remaining 3 studies (10%) were either not specified or not applicable.

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Additionally, findings were collected from the abstracts, and relevant areas are covered in the discussion section of this article.
Discussion

The hypothesis considered whether there is evidence in the research to suggest a law enforcement research classification for urban ecology and rural ecology and whether researchers should be cautious when applying the results from a study on one subclassification area to another subclassification area.

The findings relating to the articles/studies that met selection criteria revealed that the majority of the articles (67%) exclusively focused on urban or rural ecology but not both. While some might consider this a research bias, it is entirely possible that the problems studied did not lend themselves to a combined study. Within the scope of the articles collected, researchers Ralph Weisheit, L. Edward Wells, and David Falcone have provided a considerable research base, arguing that rural policing is distinctly different from urban policing. Five of the 30 articles (17%) were articles from one or more of these researchers. No other researcher appeared more than once in the 30 articles. This advocacy cannot be ignored.

The strong separation of urban and rural subclassifications into the exclusive classification research was evident in this data. Any hope for finding a convergence of research for ecology similarity would likely be in the combined classification; however, of the seven articles/studies that fell into that category, at least four presented comparative research identifying significant differences between urban and rural subcategories. Surrette, Ebert, Willis, and Smallidge (2003) identified significant differences in three of five personality dimensions measured by the Employee Personality Inventory (EPI) between urban and rural law enforcement officials. O’Shea (1999) compared the attitudes of officers from a large urban agency to the attitudes of officers from five rural agencies. The findings revealed significant differences in attitude between urban and rural officers. Weisheit and Wells (2005) used FBI Uniform Crime Report data on homicides and concluded . . .

Although homicides display some general patterns across the United States, rural-urban differences modify the typical attributes of homicide incidents as well as the community dynamics of homicide rates. The analysis shows that models with very high predictive power in the largest metropolitan areas have much less success in accounting for homicide differences in the most rural areas (p. 55).

And finally Kposowa, Breault, and Harrison (1995) presented their findings as follows:

Urbanity is the main determinate of property crime; urbanity and population density are important factors in violent crime; poverty, divorce, and density figure . . . strongly in homicide. Poverty and divorce continue to be the strongest determinates of homicide in rural counties, while population mobility and urbanity are the strongest factors in both rural violent and property crime. Unemployment also plays a strong role in rural property crime (p. 79).

These four articles/studies showed significant differences between urban and rural ecology variables within the combined research classification. Therefore, if these four articles/studies are combined with the 20 articles/studies that isolated either rural or urban subclassifications, it could be concluded that within this research population, 24 (80%) of the articles/studies are classified within the exclusive research classification or combined research classification with significant identified research differences between urban and rural law enforcement. It can then be asserted within the scope
of articles/studies reviewed that sufficient evidence existed within these articles to suggest consideration of separate research classifications for urban and rural law enforcement; however, this generalization should be limited at this point only to these articles. Both lines of research appeared to be worthy of their own recognition and research base, without the ambiguity of combining research efforts or assuming research conducted on either rural or urban law enforcement research subclassifications would be applicable to the other subclassification.

**Conclusion and Recommendations for Future Study**

This study identified the development of the ecological school of criminology, scientific criminology, and urbanism as theories that led to the comparison of urban and rural ecology factors. These theories also provided the basis for separate classifications between urban and rural ecologies.

The hypothesis implied that there was evidence in the selected research to suggest a research classification for urban law enforcement and a separate classification for rural law enforcement. Researchers should be cautious when applying the results from a study on one classification area to another (urban, suburban, or rural).

Using 30 articles/studies identified with specific key word searches in four academic search engines, the articles were sorted into classifications of exclusive research, combined research, and not stated/not applicable research. The findings supported the first part of the hypothesis that within the scope of the research selected, there was evidence to support the establishment of separate urban and suburban research classifications within these articles/studies.

The one area not supported in this article is the second part of the hypothesis, which stated that researchers should be cautious when applying the results from a study on one classification area to another (urban, suburban, or rural). A study was identified by Payne, Berg, and Sun (2005) that concluded that policies in urban departments may not be feasible in rural departments. Based upon the outcome of the first half of the hypothesis, one might assert this is true; however, no classification evidence was offered to support this second assertion of the hypothesis.

Future consideration should be given in scientific studies to identifying specific variables that are unique to each subclassification of research, urban and rural law enforcement. Additionally, future consideration should be given to identifying how findings from one subclassification (urban or rural) may have questionable application to the other subclassification. Wells and Weisheit (2004) appear to have started this line of research by identifying that ecological and structural factors used in predicting urban patterns of crime did not provide the same level of prediction in rural areas. The implications of identifying areas of specialized study within urban and rural ecologies allow for the eventual development of specialized law enforcement practices and tactics to meet situations in differing ecological settings, rather than assuming practices and tactics applied across a variety of ecological settings will yield similar outcomes.
Bibliography


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The Future of Law Enforcement: Can Community Policing Survive a Post 9/11 Era?

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Introduction

An organization’s survival depends heavily on its mission for the future. In the United States, the law enforcement community is an important example of this idea because it provides the peace and stability that our society needs for a continued existence. American policing consistently remains a part of our daily life. It allows us to go about our everyday routines. “[This makes it] . . . difficult to overstate the significance of the police . . . [officers]” (Harring & Ray, 1999, p. 2). Because American law enforcement continues to be the foundation for an open and free society, the way in which the industry carries out its mission is crucial to the safety of our people and our nation. The majority of the American public views the police as protectors of a democratic society (Bohm & Haley, 1999). Support of the police dramatically increased after the horrific events of 9/11. The media blitz of this epic world event allowed us to view firsthand the brave acts of the men and women of the NYPD and NJ/NY Port Authority Police. Prior to 9/11, the NYPD has overcome some major scrutiny from the public, federal government, and mass media for incidents that involved allegations of mistreatment of minorities. When the attacks began on September 11, 2001, at approximately 8:46 AM, however, seemingly all was forgiven because the public needed and wanted the boys and girls in blue to respond to the crisis. We were glad they were there!

The NYPD, FBI, CIA, and other public safety partners’ stellar work still produce segregated and uncoordinated results, even after the tragedy. The issue of a coordinated response from the whole law enforcement community has been at the forefront of the reform debate prior to September 11, 2001. Now the discussion is even louder. Typically the local and state police authorities have worked well together. This is not to say that they have not engaged in territorial disputes. Still, the focus has been on the federal law enforcement and its multiple agencies with overlapping jurisdiction. The FBI, DEA, BATE, Secret Service, Marshal Service, and many others have actively participated in “turf wars,” asserted a narcissist attitude, and minimized the importance of sister agencies’ law enforcement mission (The Commission Report to Restructure Federal Law Enforcement, 2000). The FBI and CIA have been at the center of the criticism for not working together on matters of national security. Both agencies have been blamed for missing vital clues that may have given some indication that an attack was imminent. There is a belief that if the lines of communication and cooperation between “the Bureau” and “the Agency” were open, that 9/11 somehow would have been prevented. Although federal law prohibited federal law enforcement agents and intelligence officers from sharing certain information, the FBI and CIA used the same bureaucratic defense of holding each other responsible for not ensuring that proper information was legally passed on in a timely fashion. The attack on the FBI and CIA maybe unfair, but they have
exclusive statutory authority for investigating violations of federal statues and threats from foreign and hostile governments respectively. This tremendous level of responsibility bares unwavering criticism when things go wrong.

The warlike atmosphere has forced American law enforcement to conceptually redefine the way it carries out its mission of crime fighting in the new and unpredictable surroundings. The task of examining the police to see whether removing organizational barriers could produce change in management style has been explored in the past but must be reexamined. Non-law-enforcement officials (mostly academics and those who dared to be called “pracademics”) have conducted quantitative and qualitative research to examine the organizational influences within the police vocation that may have caused the development of a culture and subculture that encourages conformity and very little cooperation with those on the outside. Their conclusions are that the organization culture creates an impression that allows officers to believe that they are more important than the public they serve, are above the law, and can do what they please with little fear of being punished (Crank, 1998; Johnson, 2001; Klockars, Ivokorich, Harver, & Haberfield, 1997, 2000).

Since 9/11, it has become immensely important for all police agencies (and some intelligence agencies) to work together to prevent another tragic event; we need to focus on tearing down barriers so that the entire public safety community can practice what it preaches: community policing. We must find a way to change the culture and subculture of policing and its self-imposed organizational defense mechanisms so that all law enforcement—local, state, and federal—can work with not only the civilian community but also with each other. The goal ahead is a difficult one and may mark how free we are in the next decade. It is solely for this reason that we must broach this subject once again. It is not necessary to rehash or even further explore the problems between police agencies and the community but rather to examine the cultural aspects of the police vocation and the leadership style that carries out the organizational objective. Do these factors help produce the “silent blue wall” of policing that affects how the public safety community as a whole attempts to “protect and serve”?

The American Dream and the Police Culture

The elements of the American culture have contributed to the values of police organizations. According to Roberson & Wallace (1998) and Regoli & Hewitt (2006), Cesare Beccaria of the Classical School of Criminology explained that segregated individuals united to start a community because they were tired of the violence involving feuds between individuals that resulted in an uncertain future. The belief was that if one gave up some of his or her freedoms to join a society, the uncertainty of a chaotic environment would dissolve when the state assumed the task of apprehending violators (Doerner & Lab, 1998, 2003; Roberson & Wallace, 1998). The citizen relinquished certain rights to a sovereign state so that it could establish control through legal authority. This allowed the state to establish and maintain peace and tranquility while the individual pursued his or her prosperity (Gerth & Mills, 1946; Roberson & Wallace, 1998). Out of Beccaria’s ideas, The French Code of 1791 and the United States Constitution were established, especially the most noted portion of the Constitution: the Bill of Rights. The belief emerged that there should be a balanced government with separate and equal roles: the legislature should develop laws to address crimes and affix punishment, the executive government
should prosecute offenders under specific guidelines, and judges should pronounce sentence as part of a fair and just legal process (Roberson & Wallace, 1998).

The process of making law tends to be the foundation for many of our problems in America (Walzer, 1973). We in the United States practice the art of utilitarianism to decide what is best for the majority of the people (Roberson & Wallace, 1998). MacKinnon (1998) and Robertson and Wallace say that utilitarianism is calculating the greatest good for the greatest number of people in the pursuit of pleasure in society. With respect to deciding what a crime is, Jeremy Bentham who is Beccaria’s counterpart in the Classical School explains that utilitarianism is used to logically designate what is acceptable behavior through measuring the responses of the majority in a social order. An act must have usefulness so that it can produce something good or bad. Bentham believes that human beings are motivated to seek out happiness and avoid unhappiness; therefore, laws should be made using the same criteria to regulate their behavior. The level of pain that makes up a punishment is needed for those who break the law because of some uncontrollable need to commit crimes. Regulations should be made to penalize those who break the law, without vengeance. If the majority of the people agree, tactics that are themselves evil, or worse, are employed to achieve the goal of removing the “riffraff” from society. The statues are carefully measured to define unacceptable behavior and remove those who “willfully” engage in bad activity by employing techniques that are sometimes immoral or unethical to achieve the intended goal of prosperity for all (Bok, 1999; Johnson, 2001, 2005; Johnson & Cox, 2004/2005).

Walzer (1973) describes the practice of making law in the United States as being founded in the utilitarianism concept and resulting in unclear rules and regulations, which are given to the police to interpret and enforce. The vague laws given to law enforcement personnel so that they may carry out the goal of keeping the public safe helps to produce the wrong idea of how “to protect and to serve.” The adoption of a police curriculum that heavily focuses on shooting, fighting, and combat techniques is an example of the misinterpretation of the mission given to the police (Johnson, 2001, 2006; Johnson & Cox, 2004/2005). The focus is on preparing police officers for potential violent confrontations with the public by emphasizing to cadets the need to shoot, perform self-defense techniques, develop driving skills, and master riot control techniques as the most important aspects of training. The course study converts an officer into an authoritarian person during training (Brizer, 1999; Grubb, 1999; Neiderhoffer, 1967; Shaw, 1992). The mental and physical development extends into the officers’ actions on the street. Consequently, the longer police officers are on the force, authoritarianism is likely to increase (Crank, 1998; Crank & Calde-ro, 2000; McNamara, 1967). A number of authors (Carlson & Sutton, 1975; Hageman, 1979) concur with this idea; however, Carlson and Sutton add that this autocratic attitude also results from demands for the department to demonstrate effective crime-fighting techniques.

The Bureaucratic Structure of Policing and the Consequences

In response to perceptions (and realities) of political influence over the police, a group of police chiefs designed a model professional organization that promoted a clear mission (“to protect and serve”). The objective was to rebuild the moral tone and standards of law enforcement. The organizational manifestation of this new mission of police professionalism was to control law enforcement agencies and their
officers through a paramilitary system with a bureaucratic hierarchical structure. Departments instilled an understanding of correct behavior through training, which occurred at the beginning of their employment, and provided experiential learning while on the job. This strategy of control begins with indoctrination and a team-building concept to condition people to do as commanded when supervision is impossible (Wilson, 1989; Zupan, 1991). The sense of *esprit* is reinforced in the field by pairing new officers with experienced mentors, who can relay the folk-wisdom of how things are really done. The third leg of professionalism was to isolate the officer further through a de-emphasis on foot patrols and other contact with the public and the use of the automobile. The new officer learns quickly about the importance of reliance upon fellow officers and the more vital lesson of avoiding contact with the public.

**The Professional Cop Dressed as a Gladiator in Seclusion**

An unintended consequence of segregating the police from the public has been that often when the public engages in protest and the police respond, the results are violent. The “we versus them” mentality comes into play as officers see themselves fighting for the *noble cause* of keeping the peace or being the Guardians or New Centurions each time a public disturbance occurs. Many in the “mainstream” community found it easy to blame the “white radicals” and “black agitators” for the moral decline in America and the widely destructive riots of protest. Seemingly, the “establishment” condoned brutality of those (e.g., poor whites and blacks) who resented their authority.

These factors further contributed to a confrontational atmosphere between law enforcement officials and dissidents that is still present today. The 1960s and 1970s were also periods when the police removed its paramilitary dress and fully implemented an overt military attire and mode of operating through special anti-terrorism units. These special police squads were set up to deal with anti-terrorism measures (Kappeler, Sluder, & Alpert, 1994); however, these units and programs increasingly became part of the routine. No department, no matter how small or isolated from the “unrest” of urban areas, was complete without its SWAT team and the capacity to overcome the public with physical force. It was not merely a case of meeting force with force but a standard element of department operations based upon the perception of the need for force.

The image of the professional police officer was of a gladiator capable of matching the violence and ferocity of the criminal. The image was also vaguely reminiscent of the television hero the “Lone Ranger” fighting overwhelming odds against an entire society, not merely a subclass of criminals. This image of the police officer was affirmed by the practices and policies of departments that relied upon the distance between the public and the police to ensure the purity of the police commitment to its vision of the world (the “streets”). The emerging subculture sought to ensure isolation and distrust. The police organization is so insulated by the bureaucratic structure that it is difficult for outsiders (and even insiders) to penetrate.

**Police Subculture: The Secret Society**

The following definition of *subcultures* is applicable to police culture: a “subdivision of a national culture . . . forming . . . a functioning unity [.] which has an integrated
impact on the participating individual” (Arnold, 1970, p. 32). The idea of police subcultures develops from an analogy to street gangs. The gang members voluntarily separate themselves from the rest of society (Cohen, 1955) to form a special bond. Cultural norms take into account the various subnorms: secrecy, police loyalty, and danger of the job (Thibault, Lynch, & McBride, 1985). Factors such as danger, authority, and the need to be efficient and look busy help support this concept (Skolnick, 1967, 1975; Skolnick & Fyfe, 1993).

Law enforcement officers belong to a special brotherhood that most of society does not comprehend. This value-based association ties together the subculture and allows a police jargon to develop. Thibault et al. (1985) explain that the dialect extends from normal communications between police officers, as they spend considerable time together, including during nonworking hours.

The Tough Guys

Skolnick’s theory or model includes a “cult of masculinity” that dominates the working personality of police (Smith & Gray, 1983). The result is a “special construction of manliness,” such as heavy drinking and physical tests of courage (p. 373). These activities cement the macho-man image (Fielding, 1994; Reiner, 1991). Sheptycki (1993) challenges Skolnick’s theory on two accounts: masculinity is not found in policing and it is not available for credible analysis. Additionally, the hierarchical law enforcement environment only “reinforces, promotes, or exaggerates this tendency, not creates it” (p. 233). Ironically, Cohen’s belief that subcultures develop out of a street gang or thug mentality describes police subcultures (Skolnick, 1967).

All Blue Brethren

As explained by Thibault et al. (1985), the pressure to remain loyal is so great that some officers perjure themselves rather than go against a fellow officer or the profession. The closeness that exists with peace officers sets the stage for them to cover-up for each other regarding errors in judgment and willful misconduct. Accordingly, Johnson and Gill (1993) explain that conformity to the group and peer pressure may produce many social rewards, but it is at the expense of the financial rewards of being promoted above those defined by the group output norm. Hopwood (1987) considers this a dilemma in which the answer lies in the individual personal motives and desires regarding what they want or need out of the job.

“Us Versus Them”

The subculture of policing results in the isolation of police officers from the public and fosters mistrust. The police are intentionally isolated from the American public for control purposes (Thibault et al., 1985). There is a real belief among segments of the law enforcement community that the public is the enemy. Thus, public safety officers segregate themselves from the public (Niederhoffer; 1967; Skolnick; 1967, 1975; Westley, 1970). Police officers view themselves as the only ones who understand their mission. They support each other just like any group of people that believe they are under attack. This belief causes a seemingly insurmountable barrier between the public and the police (Banton, 1964; Cain, 1973; Graef, 1989). A unique “subgroup” (Herbert, 1998, p. 1), forms “a we/they” mentality among
officers (Kappeler et al., 1994). Glick (1985) calls this a closed system; the organization and its participants are secretive, even with other insiders. This process is deep-rooted in the organizational structure (Crank, 1998) and acts as a protective barrier to outside influences (Crank & Caldero, 2000).

Preparing for the Altercation

The break from the public and the mistrust of them leads some law enforcement professionals to view strategic planning as preparing for a physical confrontation with the public. At an April 1991 conference, Future Trends in Policing, presenters offered evidence that a violent confrontation between the police and the public was likely (DeLong, 1994). The increase of national and international civil disturbances that occurred during the 1980s is the reason cited for this matter. It was believed that the preparation for riots would actually prevent them from happening.

Conference participants offered data from the Los Angeles and Miami riots that provided patterns for this kind of behavior (DeLong, 1994):

- A situation that the community sees in a negative light
- A small part of the population that participates in violent and sudden acts of violence
- Small incidents of looting by this group
- An increased possibility that this activity will occur as more people join the protest
- Number of incidents in which people and law enforcement officers are attacked
- Invitations for more people to join seen as creating a “carnival” environment
- After a few days, a reduction in activity because the police are able to assume control

At the same forum, the Miami Police Department presented seven ways to prevent these activities from occurring (DeLong, 1994):

1. Time – Police must move in quickly to stop the violence.
2. Resources – The department must provide adequate resources.
3. Goals – The police should decide how to respond to this activity before it occurs.
4. Specialized Tactics – The department needs to form special tactics to deal with these situations.
5. Plan of Action – The department must construct written policies and procedures on how to deal with these situations, the personnel allocated, and management’s responsibility.
6. Training – Inservice training should be conducted on riot control.
7. Critique and Update – Continuous critiques and updates of planning and training need to take place.

The Terrorists Have Invaded Freedom

The police will react differently because of the events of September 11, 2001. Renewed calls for more training in anti-terrorism and military techniques for the police and compromises on fundamental constitutional civil liberties of the public are at the
forefront once again. The main concern is that police will employ the old “we versus they” attitude when dealing with the public. The minority community has always been leery of the police and voices its concern as the public safety community intensifies its efforts in order to identify the perpetrators.

This is of particular interest within the Arabic and Muslim communities because of public perceptions of the ethnicity of the 9/11 attackers and the less substantiated perception of the ethnicity of those who have distributed anthrax. According to a media blitz on this subject, there is a fear that the police will overreact to the added pressures of solving these new homeland security crimes through racial profiling of all Arabs and Muslims. There are many documented stories that Arabic and Muslim communities are experiencing the same aggressive police tactics that law enforcement traditionally uses in minority neighborhoods when investigating crimes. Even though many Arab and Muslim Americans have voluntarily cooperated with law enforcement in the aftermath of the terrorist attacks, they are targets for surveillance. They are subject to random and frequent stops and pat downs, and some have been arrested under “material witness” warrants because of accusations of being associates of terrorists.

A New Vision and Mission Through Community Policing

There seems to be a shift in thinking on the part of police executives to support a shared partnership with the public in crime-fighting endeavors. There are, however, a number of leaders that refuse to share power (Garner, 1993). One justification is that leadership will lose control over the organization. The current mechanistic style of policing does not allow for any change and ensures the potential for oversight. Nevertheless, the hierarchical structure prevents the profession from adopting a new organizational tactic.

Transformational Policing

The idea of changing an organization’s culture (and subcultures) to effect change to ensure a different way of operating is not new. Transformational leadership theory perhaps is the way to change the organizational culture from the current rigid hierarchical structure to a more relaxed environment that not only accepts ideas from rank-and-file but from the community (Burns, 1978). Transformational leadership changes the organization by having all the stakeholders agree to the change. The foundation for the theory is that today’s efforts result in change for tomorrow. The “change agents” of ethics, training, leadership, and management can be put to the test to reduce police misbehavior. This aligns itself with the idea that in order for the police vocation to be successful at crime prevention, it must involve the community (Ortmeier, 1997). The idea of a shared crime-fighting objective with the community ensures its vested interest (Seagrave, 1996). Since the community-policing theory is somewhat accepted (Breci & Erickson, 1998) and its theoretical foundation ensures a smooth organizational transition when applied (Bass, 1993; Burns, 1978), it is important to examine its effectiveness.

The Theoretical and Practical Definition of Community Policing

The theoretical foundation for community policing comes from transformational leadership. The theory allows the manager to recognize and foster the humanistic
aspects of the stakeholders in order to influence change in the organization (Bass, 1985; Burns, 1978; Girodo, 1998). According to Burns, change occurs when the leader places an emphasis on the “vision, mission, empowerment, and participation” of the organization. It is futuristic and involves bringing people together toward a united goal and uses influence to do so.

There is no one dominant definition of community policing. Perhaps we should begin with defining the term community. Palmiotto (2001) says the phrase has been used loosely and therefore has a number of definitions. Wilmont (1987) believes that the definitions of community may be varied because of a geographic recognition of home to a specific group of people that is defined by ethnicity, race, or religious associations. Weatheritt (1987) believes that the unclear definition for community policing is something that is good. Trojanowicz & Bucqueroux (1990) say that community policing is a fresh perspective of the crime-fighting goal. The police and the community work together as equal partners, not only to solve random crime but also to address community issues before they explode. Community policing is “a strategy that promotes community engagement, participation, and problem-solving; an action that leads to the discovery and implementation of solutions to community problems” (Ortmeier, 1997, p. 89). Therefore, community policing means leaving the old style of centralized management controlling the beat officer (Palmiotto, 2001). Johnson (2005b) concurs with his colleagues but believes that members of the local law enforcement community should not be the only government officials at the table with the community. Perhaps in this new and ever-changing hostile environment, the term community policing needs to include the entire public safety community (local, state, federal, and, even the intelligence agencies) working together with each other to form a coordinated effort in the war on crime, especially terrorism.

Community policing has two additional meanings: (1) philosophy and (2) activities and programs (Breci & Erickson 1998; Seagrave, 1996). It entails a major shift in leadership techniques from the closed society mindset of the past to an openness and participatory belief for the future (Ford, Boles, Plamondon, & White, 1999).

The organization sets the course for its direction. The organizational vision provides a map for this journey, road marker signs, and “achievable, challenging, worthwhile long-range targets [for] personnel . . . [to] direct their energies [to the intended objective]” (Garner, 1993, p. 1).

Confronting Change

The traditional police organization structure, which ensures an authoritarian management style (Topp & Kardash, 1986), remains a barrier to change. “[The police . . . with its hierarchical rank structure and overt military influence has . . . its own ideas on leadership [and refuses to change]” (Gibson, 1994, p. 6). In order to preserve freedom and prosperity for the future, however, a change in police leadership needs to occur (Bennett, 1992). Consequently, there is a call for a new management technique for law enforcement.

The literature on police leadership points to the community-policing concept as the proper administrative tool for police executives to direct change in their organizations for strategic priorities. “Experience and research reveal that ‘community institutions are the first line of defense against disorder and crime [in
Thus, it is essential that the police work closely with all facets of the community to identify the concerns and find the most effective solutions [to fighting crime]” (Kelling, 1988, p. 25).

Organizational Roadblocks

What happens when events dictate that practices and procedures need to change? Klockars (1999) indicates that the culture and subculture of policing prevent any change from occurring. He contends that many of the efforts to improve policing, such as the idea of community policing, have had very little effect on the profession. The problem is not a “few bad apples” but rather an organizational climate that molds new officers into thinking and doing as the organization wishes.

According to Klockars et al. (2000) and Johnson (2001), the idea of misconduct is difficult to directly examine in an empirical manner. Most occurrences of police corruption are not reported and are seen through the organization’s effort to stop this type of behavior by the individual officer, the actual of scope of the problem is not addressed. The organizational/occupational approach is much more amenable to systematic, quantitative research techniques (p. 2). The organizational/occupational idea examines malfeasance through opinion and fact that can be measured without causing the subject to become concerned about the direct adverse effect on the study and the defense barriers that often occur.

Even with these obstacles, Klockars et. al. (2000) conducted studies that centered on the longitudinal effects of organizational culture on police officers. Both surveys gathered data on police integrity and revealed the personal and organizational attitudes of police officers on corruption. The two studies were combined as a single publication entitled The Measurement of Police Integrity. It presents evidence that police officers overwhelmingly rejected misconduct by their brother officers and were willing to report it when it occurred. The research was framed around the officers’ understanding of their organizations’ policies and procedures on wrongdoing and their support of them. The study also covered the police officers’ opinions on the scope of punishment that was associated with police malfeasance, their understandings of supervisory adverse actions, their perceptions of fairness, and their willingness to report bad behavior of their colleagues.

Johnson’s (2001) use of the idea of Klockars et al. (2000) reveals some new enlightenment on the organizational cultural influence over police officers. Police officers and candidates that just completed their basis training were administered a questionnaire that not only gauged their opinions about police misconduct but looked at their perception of what their organizations would do if allegations of malfeasance arise. The responses of both groups were almost identical. As in the Klockars et al. (2000) studies, the respondents thought that certain actions by their comrades were wrong, but they were inclined not to report them. Both sets of interviewees believed that, in most cases, even involving serious offenses, the discipline did not equal the infraction. Furthermore, if the department took action, it would be nothing more than a slap on the wrist.
Using Leadership to Bridge the Gap

Law enforcement concedes that change is occurring in the police environment; however, only a few models dealing with how to convert a police organization to a less structured environment, such as community policing, exist (Ford et al., 1999). These are two different ideas, one about community policing and one about the change agent. There are very few examples of how to change the traditional police organization to one that is inclusive. One model explains that the process of change involves six steps: (1) exploration, (2) commitment, (3) planning, (4) implementation, (5) monitoring revision, and (6) institutionalization. An overview of the six stages reveals that the leader plays an integral part in the entire process. This is true of the commitment and planning stages when the goals to be achieved through change are defined.

According to Ford et al. (1999), the implementation stage is crucial because it contains a plan of action. Managers should “invigorate” their employees and maintain a high level of morale to assure that change remains a serious commitment (p. 16). The monitoring and institutionalization stages entail refinement and reassessment of the direction of the organization and the resources needed to achieve the goal of change.

As explained by De Paris (1998), in order to create and maintain change, there needs to be an organizational shift using a “top-down approach” because the basic ingredient for change “is the boss.” Thus, the implementation of change in policing requires the police chief to begin the modifications. Although input from rank-and-file personnel is critical to successful change, in essence, this activity only works in an environment with a supportive executive, “not the tactical actions of the workforce” (p. 68).

Toward a Rooted End

The vision helps shape and define an organization; however, the mission statement reveals what leadership really considers important (Garner, 1993). The decision-making aspects of an organization are found in its goals that the mission helps to establish (Gaebler & Osborne, 1992). This process is value-driven in nature. The value aspect of organizations defines attributes such as honesty, customer satisfaction, ethical conduct, innovation, teamwork, community awareness, self-directed work, tolerance of dissenting views, and public relations (Garner, 1993). This is how a community can tell whether its police department really wants its involvement in public safety issues.

The vision, mission, and values statements are individually important to the organization. Nonetheless, when fused together, they create management’s thesis for decisions. The policies and procedures, therefore, are accepted as legitimate and support the organization’s course (Garner, 1993).

The next connection is empowerment of others within the organization. This term is defined as allowing others within an organization to have an active role in the change of the organization. This means a sharing of the authority with subordinates and allowing them sufficient flexibility to attain objectives (Garner, 1993). This is the principal way to achieve real input from people that are not normally in the decision-making arena.
Summary and Conclusion

Will the events of September 11, 2001, change the efforts to reform the police? Will those that wish to see things remain the same get their way? Much has been written about community policing and its potential to bring the police and community closer together, but there is a much larger question to pose: How do we bring the entire public safety community together so that it can work in harmony? At the beginning of this article, I spoke of the problems of cooperation between the FBI and CIA as an example of the need for agencies with competing and overlapping responsibilities to work together. For years, the FBI has developed a reputation for interfering in local and state law enforcement investigations. The FBI mysteriously appeared on the scene and asserted federal jurisdiction in local and state matters after the “locals” did all the work. Furthermore, after September 11, 2001, local and state law enforcement begged the FBI to help in the investigation, but their requests fell on deaf ears. One of the biggest complaints made to FBI Director Robert Mueller when he met with the International Association of Chiefs of Police has been how his agency continues to practice this lack of cooperation and maintains an aura of superiority.

Other federal law enforcement agencies have exhibited the FBI’s behavior when dealing with local and state law enforcement. This problem may have been an unintended consequence of the positive impact that J. Edgar Hoover had on the law enforcement profession. Lyman (2002) and Peak (2000) note that until J. Edgar Hoover assumed the directorship of the FBI, federal law enforcement had been as bad as local and state law enforcement. Special agents have been appointed based on political connections rather than merit (Peak, 2000). Director Hoover’s insistence that FBI special agents be appointed on their qualifications: education, prior experience, and high moral character set the stage for how the entire law enforcement community recruited, hired, and trained its law enforcement personnel (Lyman, 2002). The FBI has been the “premier” example of a professional law enforcement organization not only in the United States but abroad (Lyman, 2002; Peak, 2000). With the FBI lending assistance to local and state police agencies, providing professional training for police executives and officers, the compiling of crime states on an annual basis to identify the crime patterns in the United States, the FBI has been placed on a pedestal where it still remains segregated from other federal law enforcement agencies. Moreover, we had always expected the absolute best from the FBI, even when incidents may have been better investigated by other agencies.

Director Hoover exhibited great leadership at a time when all American policing was considered unprofessional and incompetent. He transformed the culture of the FBI from one of ineptness into a world-class professional police agency through good leadership skills. Does the public safety community take note of the accomplishments of Mr. Hoover? Quality leadership is available, and the vision and mission idea is ready to be implemented; however, he may have contributed to the very culture and subculture of policing that has been blamed as a roadblock to change. In pursuit of investigative integrity, he installed a policy that made it clear that unless special agents had a direct relationship with an investigation, they had no “need to know.” This secretive type of thinking isolated FBI agents and infused an atmosphere of secrecy and mistrust of each other and those on the outside. From this concept, a belief was formed that the highly educated and specially trained FBI special agents were better than all others. At the time, perhaps they were. Nonetheless, this type
of management style was engrained into other federal agencies and local and state agencies that model their operations after the FBI. The training that the FBI provided to these same agencies further instilled this kind of thinking.

Congress is giving the FBI greater leeway in obtaining court-ordered wiretaps of terrorists’ telephones and intercepting their e-mail communications (see the Patriot Act, P.L. 107-56, 115 Stat. 272 2001). Is this the answer? Perhaps an expansion of the idea of community policing should first include all aspects of policing (local, state, federal, and even the intelligence community) working together. After that, Trojanowicz & Bucqueroux’s (1990) idea of the whole law enforcement profession working with the public not only to solve crimes but also to prevent from occurring can be truly realized.

The terrorist assaults have forced some reformists to back off, yet the term terrorist is undefined and can be manipulated by a hard-hitting law enforcement agency bent on the idea “to protect and serve.” This is a serious attempt at creating a new conception of policing that requires a less hierarchical approach, and, therefore, may be the only way to break through the cultural barriers of “them versus us.”

The number 911 stands for an emergency response, but will our heightened sense of emergency render the concept meaningless, as we shift to a world in which every call is an emergency? Confrontation and antagonism across a seemingly widening cultural gap need not be the result. To avoid that abyss, however, the cultures of a civil society need to be protected, and a thin blue line of police officers must find common ground. Policing cannot be conducted without the exercise of some measure of force, but that must be in service to and defined by the citizenry, not by isolated and alienated officers who are taught to resort to force first and ask questions later. Community policing may not be the answer, but at least it begins by asking the right questions and seeking the right goals.

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Understanding the Decision to Seek Law Enforcement Accreditation

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Introduction

Stimulated by the President’s Commission Reports in 1967, the law enforcement community began to make sweeping changes in training, management principles, policy development, and operational innovation in an effort to enhance professionalism and protect against emerging liabilities fostered by the courts (Carter & Sapp, 1994). The collective influence of these factors prompted a national effort to standardize law enforcement practices in order to improve the delivery of police services (Carter & Sapp, 1994), professionalize policing by increasing the number of college-educated police officers, and increase the sophistication of police management practices. As such, the Commission on Accreditation for Law Enforcement Agencies (CALEA) was formed in 1979, and several state accreditation initiatives followed in the 1990s. Since then, its proponents claim accreditation has contributed to the reform in law enforcement that it was envisioned to achieve (CFA, 2001).

Seeking to obtain law enforcement accreditation is a lengthy and arduous task that often involves years of planning and requires significant expenditures. Many studies conclude that seeking accreditation is an expensive and time-consuming undertaking (Baker, 1995; Carter & Sapp, 1994; Cheurprakobkit, 1996; Falzarano, 1999; McCabe & Fajardo, 2001). Substantial fees must be paid to the accrediting body along with the assignment of personnel dedicated to ensure that the agency achieves and retains compliance minimums. Seeking and retaining accredited status is such a challenging task that many agencies are forced to dedicate full-time personnel to the process.

Agencies spend an average of $89,568 to achieve CALEA accreditation in both primary and secondary fees and take an average of two years to complete the initial process (Baker, 1995; Bizzack, 1993). State initiatives have emerged as a low-cost alternative to CALEA. While an agency seeking state accreditation must comply with standards very similar to the national process and invest an equal number of personnel and resources, administrative fees paid to CALEA by agencies seeking national accreditation are estimated to be 40% more than those paid by agencies seeking state accreditation (Bizzack, 1993). Secondary costs related to achieving accredited status, such as upgrading physical facilities, purchasing and installing security systems, or upgrading equipment, are often significantly more costly than the primary administrative fees paid to the accrediting body. Many accreditation standards directly relate to the security of physical facilities, such as Records, Communications, and Evidence. As such, agencies seeking accreditation are often forced to spend significant dollars beyond the primary costs in order to meet compliance.
Problem Statement

Although accreditation was established and implemented in law enforcement 27 years ago by CALEA, little empirical research exists. The extant literature fails to identify the reasons law enforcement managers cite for participating in this voluntary process and expending tax dollars that would otherwise be directed at more traditional law enforcement efforts.

Purpose of the Study

This study attempts to identify the primary reasons law enforcement executives cite for choosing to seek accredited status and, conversely, for choosing to remain unaccredited. Additionally, the study attempts to identify executives’ perceptions of variables between accredited and nonaccredited agencies.

Significance of the Study

As CALEA celebrates its 27th anniversary, the extent of accreditation’s effectiveness remains undetermined. Fewer than 500 agencies, or less than 3% of the nation’s nearly 18,000 local, state, and federal law enforcement agencies, are accredited by CALEA, and many law enforcement executives question the value of accreditation (Bizzack, 1993; Carter & Sapp, 1994). As budgets tighten, law enforcement executives are increasingly challenged to justify participating in this costly, voluntary process to their city councils, county commission, and communities.

Identifying the primary elements of the decision-making process is a critical first step in understanding the effects of law enforcement accreditation. Before CALEA and other state accrediting bodies can begin to encourage the remaining 97% of the nation’s nonaccredited law enforcement agencies to participate in the process, we must explore the rationale behind the decision to accredit or not accredit and determine whether executives perceive the process to have its intended effect. If it can be established that accreditation provides the desired result, law enforcement executives should be able to more easily justify participating in the process and expending the required funds.

Data Collection

Data for the study was collected through the use of a survey instrument. The survey instrument was mailed in December 2003 to the 122 accredited agencies in Florida and a randomly selected sample of 122 nonaccredited agencies. The survey was addressed to the agency’s chief or sheriff. A total of 104 surveys were returned (65 accredited and 39 nonaccredited) for an overall response rate of 42.6%.

Data Analysis

First, we wanted to establish the top three reasons most frequently cited for seeking accreditation. Respondents were asked to choose from the following response options: enhanced policies, enhanced procedures, reduced liability, increased professionalism, enhanced public image, increased grant opportunities, improved budget process, or other. The results are presented in Table 1.
Table 1
Frequency Distribution of Top Three Reasons Cited for Seeking Accreditation

<table>
<thead>
<tr>
<th>Reason 1</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increased Professionalism</td>
<td>21</td>
<td>53.8</td>
</tr>
<tr>
<td>Enhanced Public Image</td>
<td>8</td>
<td>20.5</td>
</tr>
<tr>
<td>Improved Policies</td>
<td>5</td>
<td>12.8</td>
</tr>
<tr>
<td>Reason 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reduced Liability</td>
<td>13</td>
<td>33.3</td>
</tr>
<tr>
<td>Improved Policies</td>
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<td>25.6</td>
</tr>
<tr>
<td>Enhanced Public Image</td>
<td>7</td>
<td>17.9</td>
</tr>
<tr>
<td>Reason 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reduced Liability</td>
<td>21</td>
<td>53.8</td>
</tr>
<tr>
<td>Improved Policies</td>
<td>6</td>
<td>15.4</td>
</tr>
<tr>
<td>Improved Procedures</td>
<td>4</td>
<td>10.3</td>
</tr>
</tbody>
</table>

The results presented in Table 1 suggest the top reasons law enforcement executives choose to become accredited are to increase the agency’s level of professionalism and reduce the agency’s potential for liability. This is an expected finding since both concepts are heavily marketed by CALEA and CFA.

Next, we wanted to determine the top three reasons cited by law enforcement executives of nonaccredited agencies for choosing not to seek accredited status. Respondents were asked to choose from the following response options: too expensive, requires too much staff, benefits not determined, too time consuming, cannot pass an assessment, required records are not maintained, not needed, and other. The results are presented in Table 2.

Table 2
Frequency Distribution of Top Three Reasons Cited for Choosing Not to Seek Accreditation

<table>
<thead>
<tr>
<th>Reason 1</th>
<th>Frequency</th>
<th>Percentage</th>
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<tr>
<td>Requires Too Much Staff</td>
<td>31</td>
<td>79.5</td>
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<tr>
<td>Too Expensive</td>
<td>4</td>
<td>10.3</td>
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<tr>
<td>Benefits Not Determined</td>
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<td>Benefits Not Determined</td>
<td>17</td>
<td>43.6</td>
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<tr>
<td>Too Time Consuming</td>
<td>10</td>
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<tr>
<td>Too Expensive</td>
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<tr>
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<tr>
<td>Benefits Not Determined</td>
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<tr>
<td>Too Expensive</td>
<td>6</td>
<td>15.4</td>
</tr>
<tr>
<td>Not Needed</td>
<td>5</td>
<td>12.8</td>
</tr>
</tbody>
</table>

The results presented in Table 2 suggest the top reasons law enforcement executives choose not to seek accreditation are the requirement of too many staff members and that the benefits of accreditation have not been determined. These responses are supported by the literature.
Finally, we wanted to determine whether the process had the desired effect. Respondents were asked to rate the level of professionalism of accredited and nonaccredited agencies. The results of this test can be found in Table 3.

First, we wanted to determine whether an agency’s accredited status had an effect on the executive’s perception of his or her agency’s level of professionalism. This effect was measured by using an independent t-test. The results of this test are $t(101) = -2.90$, $p < .05$.

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>df</th>
<th>t</th>
<th>p</th>
<th>N</th>
<th>M</th>
<th>SD</th>
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</thead>
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<td>.57</td>
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<tr>
<td>Nonaccredited</td>
<td>39</td>
<td>4.51</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Not all respondents completed every survey item.

These results suggest that executives of accredited agencies perceive their agency as more professional than executives of nonaccredited agencies. While both groups perceived their agency as a professional agency (as indicated by the mean score), managers of accredited agencies rated their agency higher than their nonaccredited counterparts.

Next, we explored the respondents’ belief that an accredited agency is more professional than a nonaccredited agency. Unlike the previous analysis that explored respondents’ beliefs toward their employing agency, this analysis explored the idea that accredited agencies as a whole are more professional than nonaccredited agencies.

The results of the test were $t(101) = -6.24$, $p < .05$. The results of this test can be found in Table 4.

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>df</th>
<th>t</th>
<th>p</th>
<th>N</th>
<th>M</th>
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</thead>
<tbody>
<tr>
<td>Accredited Status</td>
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<td>-6.24</td>
<td>.00</td>
<td>64</td>
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<td>.98</td>
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<td>3.88</td>
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<tr>
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<td>39</td>
<td>2.49</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Note: Not all respondents completed every survey item.

Table 4 suggests that managers of accredited agencies believe an accredited agency is more professional than a nonaccredited agency.

Next, we attempted to determine whether accreditation had the intended effect in the area of reducing an agency’s liability. An independent samples t-test was used to
test the effects of accredited status on respondents’ beliefs that accreditation reduces lawsuits. The t-test revealed a significant difference between conditions, t (100) = -2.12, p < .05. The results of this test can be found in Table 5.

### Table 5

**Independent T-Test Comparing Beliefs of Executives from Accredited and Nonaccredited Agencies as to Accreditation Reducing Lawsuits**

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>df</th>
<th>t</th>
<th>p</th>
<th>N</th>
<th>M</th>
<th>SD</th>
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<td></td>
<td></td>
<td>39</td>
<td>2.95</td>
<td>1.07</td>
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</tbody>
</table>

**Note:** Not all respondents completed every survey item.

Table 5 suggests that executives from accredited agencies are more likely to believe that accreditation reduces the number of lawsuits filed against the agency. In other words, managers of accredited agencies believe accreditation reduces lawsuits.

An independent samples t-test was used to test the effect of accredited status on respondent’s beliefs that accreditation reduces dollars paid in court-ordered judgments, revealing a significant difference between conditions [t (100) = 3.75, p < .05]. The results of this test suggest a difference exists as to the belief that accreditation reduces the financial payout resulting from lawsuits.

A second independent samples t-test was used to test the effect of accredited status on respondents’ beliefs that accreditation reduces dollars paid in out-of-court settlements. This test also revealed a significant difference [t (101) = 3.61, p < .05]. Again, the results of this test suggest a difference exists as to the belief that accreditation reduces the financial amount of out-of-court settlements. The results of these tests are presented in Table 6.

### Table 6

**Independent T-Test Comparing Beliefs of Executives from Accredited and Nonaccredited Agencies as to Accreditation Reducing Dollars Paid in Lawsuits**

<table>
<thead>
<tr>
<th>Independent Variable</th>
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<th>p</th>
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<th>M</th>
<th>SD</th>
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<td></td>
<td>39</td>
<td>2.49</td>
<td>.88</td>
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</tbody>
</table>

**Note:** Not all respondents completed every survey item.

Table 6 suggests that executives from accredited agencies are more likely to believe that accreditation reduces the dollars paid from both court-ordered judgments.
and out-of-court settlements. When viewed in the context of how the variable was coded (1 = SD; 2 = D; 3 = Not Sure; 4 = A; 5 = SA), the mean values from this test suggest that managers of accredited agencies are neutral. Managers of nonaccredited agencies, however, clearly do not believe that accreditation reduces the dollars paid from lawsuits.

**Discussion**

The findings suggest law enforcement executives choose to become accredited in order to increase the agency’s level of professionalism and reduce the agency’s liability. The high responses in the categories of improved policies and procedures may indicate the means by which executives believe professionalism can be improved. The high response to reduced liability may indicate executives’ concern over the continued trend of lawsuits being filed against agencies and officers. These are expected findings since CALEA heavily markets the idea of accreditation as a means to achieve professionalism and reduce an agency’s liability.

Additional findings suggest that police managers choose to remain unaccredited primarily due to the demand of the process on their staff. Managers also felt the benefits of accredited status have not been proven. Since the majority (87%) of local and state law enforcement agencies in the United States employ less than 50 officers (Reaves & Hickman, 2002), this finding suggests that CALEA and other accrediting bodies need to find ways to attract participation from smaller agencies. Larger agencies can much more easily staff the accreditation process, and this may suggest why accreditation is over-represented by large (greater than 100 sworn officers) agencies.

Finally, the analysis revealed that executives of accredited agencies perceived that accreditation had the desired effect. Managers of accredited agencies believe that their agency is more professional than a nonaccredited agency and that accredited agencies in general are more professional than nonaccredited agencies. Additionally, managers believed accreditation reduced the number of lawsuits filed against their agency and reduced the fiscal awards in both court-ordered and out-of-court settlements.

**Conclusion**

The purpose of this study was to identify the reasons law enforcement executives cite for choosing to seek accredited status and, conversely, for choosing to remain unaccredited. Additionally, the study attempted to identify executives’ perceptions of variables between accredited and nonaccredited agencies.

The findings suggest that law enforcement executives believe accreditation has the desired effect on their agencies. Perhaps more importantly, though, is that this study for the first time identifies key reasons behind the decision to remain unaccredited. If accreditation is to truly reflect its original vision, CALEA and the state accreditation initiatives must address these concerns and tailor their programs to encourage the participation of the nation’s majority of small agencies.
Bibliography


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Dialectic Organization and Practice of Policing in the United States*

Michael J. Palmiotto, PhD, Professor of Criminal Justice, School of Community Affairs, Wichita State University

Introduction

The structure and function of every society’s institutional efforts to maintain public order must reflect the population served; therefore, it is appropriate to briefly describe the United States of America and then discuss its police.

Demographics

The United States of America is a relatively young country being slightly over 200 years old. When compared to China, Japan, France, and England, the United States is in its infancy. It became an independent country in 1776 when it broke away from Great Britain. From a country of 13 states and three million people, it has grown to a country of 50 states with a population of 281.4 million people. As a country, the United States is larger geographically than China and Brazil, and 2.5 times the size of Western Europe. The ethnic make-up of the country is approximately 74.7% white, 12.1% black, 4.3% Asian, 0.8% American Indian, and 7.9% another race or multiple races (U.S. Census Bureau, 2005). The religious affiliation of the United States is 76.7% Christian, 14.2% nonreligious, and 3.7% non-Christian (U.S. Census Bureau, 2006). The gender composition is 51% female and 49% male, and the median age is 36.4 years. Those over the age of 18 comprise 74.6% of the population, and those 65 or older comprise 12.1% of the population (U.S. Census Bureau, 2005). Seventy-nine percent of the population live in urban-suburban communities, while 21% reside in rural communities (U.S. Census Bureau, 2004).

America, a nation of immigrants continues to accept immigrants. In 1997, almost 800,000 immigrants entered the United States legally. Thirty-nine percent of these immigrants came from North America (including 18.4% from Mexico), 33% came from Asia, 15% from Europe, 6% from Africa, and a smaller number from Oceana and South American countries (U.S. Department of Immigration and Naturalization Service, 1997).

Culture

The American cultural values of great personal freedom, unusual legal protection, the emphasis on opportunity and wealth undoubtedly are the dominant factors causing . . . crime. It is incredulous but true, the U.S.A. with all its numbers of crimes, with more attorneys than any other country, with more people incarcerated per 100,000 population that any other nation, is also the most religious among major industrial states. Americans are the most likely to believe in heaven, hell, the Devil and life after death. (Geary, 1997, pp. 221-222)

One of these basic cultural characteristics of the United States, great personal freedom, manifests itself in market economy. The Nobel laureate Milton Friedman published his

* The author thanks D. Geary for recommending the title and suggestions for the first draft.
internationally famous book, *Capitalism and Freedom*, on the subject in 1962. He stated that economic freedom and political freedom are closely allied. Market economics require dispersed decisionmaking so that individual creativity and social diversity will determine what is to be produced and what prices are to be charged. Entrepreneurs, farmers, inventors, researchers, and managers have control over their own affairs (Friedman, 1962). Economic opportunity in the United States is illustrated by the fact that only 5% of those in the bottom fifth (of income) in 1975 were still there in 1991. Almost 30% of the lowest income earners in 1975 had risen to the top fifth by 1991 (Cox & Alm, 1998). Thus, it must be said that America has an opportunity culture, not an economic security culture. Over 51% of American adults are invested in the stock market and have changed the economic characteristics of the early 19th century, making the market increasingly participative for average citizens (Wattenberg, 1999).

Another characteristic, change, has always been part of American culture, not only in economics, but also in politics or where people live and work. The early and modern history of the United States is resplendent with voters who changed political parties and the rise of new and demise of old or out-of-favor politicians. Voters of the Republic moved from George Washington, our first president, to a succession of founders such as Thomas Jefferson and his political allies, all the way to contemporary times changing from Jimmy Carter and the Democrats to our 40th president, Ronald Reagan and the Republicans. Again, the population of the United States changes where it lives and works more than the population of any other country.

During the 1990s, a ratio of approximately one in six Americans changed their residence in a typical year. The mobility data show that when most people decide to move, it is because of employment. Typically, either they seek a promotion in their existing career or a new job. Most often, Americans have two destinations; the sunny South and the suburbs. In 2004, 42.5 million persons changed their residence, down from a peak of 46.5 million in the 1980s (U.S. Census Bureau, 2005). Although these numbers show the diverse religious, racial, and cultural history of the U.S. population, observers must note that in 1998 there were approximately six million illegal residents who have remained in America for more than 12 months. Illegal residents are included in this population after arriving in the United States in either of two ways: (1) by entering the country without inspection (illegal border or port of entry crossing by land, sea, or air, referred to as EWIs) or (2) entering legally on a temporary basis through one of several types of visas and then failing to leave within the allowed time period. According to the latest estimates, 59% of the total illegal population entered without inspection, and 41% overstayed the terms of their visas. While six million illegal residents do not constitute a large segment of the population in the whole country, they are a significant police problem in the states of California, Texas, and New York where most illegal residents reside (U.S. Department of Immigration and Naturalization Service, 1997). Maintaining public order among all persons in this dynamic, changing, highly mobile, multiracial, multireligious population is the challenge of American police.

**Structure of Policing in America**

**Government Police**

The structure of policing in the United States can be divided into three levels: (1) local, (2) state, and (3) federal. Modern America has law enforcement officers at all three levels. Local law enforcement officers include police officers working for villages,
towns, townships, cities, and counties. Small communities comprise the majority of police agencies in the United States. The primary mission of creating policing agencies at the local level has been to maintain public order. In contemporary America, municipal police departments are accepted as a critically important element of city government. The police mission has been defined as the “maintenance of social order within carefully prescribed ethical and constitutional restrictions” (Eastman, 1972, p. 3). This means that the police must follow the guidelines established by the United States Constitution; the decisions of the United States Supreme Court; and the federal laws, appellate court decisions, and laws of the state in which they perform policing service. Each state has laws that specify police authority and responsibility. The following example found in the Virginia Code is typical:

Powers and duties of police force – The police force of a locality is hereby invested with all the power and authority which formerly belonged to the office of constable at common law and is responsible for the prevention and detection of crime, the apprehension of criminals, the safeguard of life and property, the preservation of peace and the enforcement of state and local laws, regulations, and ordinances. (Chapter 19, 1992 Supplement to the Code of Virginia, Article 1, Sec. 152-170)

Again, federal law clearly makes local and state agencies primarily responsible in certain activities. The federal government’s Posse Comitatus Act of 1878 prohibits the use of military personnel for the purpose of assisting civil authorities in the execution of civil law enforcement (Rush, 1991).

Laws and the United States Constitution govern the United States. The Constitution adopted in 1789 and the Bill of Rights added to the Constitution in 1791 guide police behavior in maintaining public order in America. Initially, the Bill of Rights was intended to protect the American citizen from possible abuses by the federal government; however, the adoption of the 14th Amendment in 1868 and the United States Supreme Court’s interpretation that the “due process clause” of the 14th Amendment made the Bill of Rights applicable to the states led to the nationalization of the Bill of Rights.

The police are assigned to a wide variety of functions usually without any degree of government planning. In an advisory opinion that is not legally binding, the American Bar Association (1973, p. 1) has described the mission for municipal police agencies to include the following responsibilities:

- **Prevention of Criminality.** This activity views the police role in constructive terms and involves taking the police into sectors of the community where criminal tendencies are bred and individuals are motivated to indulge in antisocial behavior, and it includes seeking to reduce the causes of crime.

- **Repression of Crime.** This activity views quick apprehension as the means of discouraging the would-be offender. This certainty of arrest and prosecution has a deterrent quality, which is intended to make crime seem less worthwhile. Additionally, apprehension enables society to punish offenders, lessons the prospect of repetition by causing suspects to be incarcerated, and provides an opportunity for the rehabilitation of those convicted.
• **Recovery of Property.** This activity seeks to reduce the monetary cost of crime, as well as to restrain those who, though not active criminals, might benefit from the gains of crime.

• **Regulation of Noncriminal Conduct.** This aspect of the police mission involves sundry activities that are only incidentally concerned with criminal behavior, such as the enforcement of traffic and sanitary code provisions. The main purpose is regulation and apprehension and punishment of offenders as a means of securing compliance. Other methods used to obtain compliance are education (e.g. observance of laws) and the use of warnings, either oral or written, to inform citizens of the violations without taking punitive actions.

• **Performance of Miscellaneous Services.** This involves many service activities peripheral to basic police duties and includes, for example, the operation of detention facilities, search and rescue operations, licensing, supervising elections, staffing courts with administrative and security personnel, and even such completely extraneous things as chauffeuring officials.

The priorities or objectives of the police functions are not specified. Traditionally police operate with broad functions, responding to the influence of local, state, and federal governments. Factors that influence the police function include “broad legislative mandates to the police; the authority of the police to use force lawfully; the investigative ability of the police; the twenty-four hour availability of the police; and community pressure on the police” (American Bar Association, 1973, p. 47). American police are assigned a variety of miscellaneous functions to which no other government agencies are normally assigned. For example, police are asked to report burnt-out streetlights that they observe.

Police work deals with specific incidents. These situations involve behavior prohibited by either local or state laws. When a law has been violated, the police have the option of either arresting and seeking prosecution or informally handling the situation.

Police officers function by responding to 911 telephone calls, which is referred to as reactive policing (a citizen calls the police, and the police react to the citizen’s complaint). The current trend, however, is a move toward proactive policing in which the police initiate a specific action—“a drug buy” (purchasing illegal drugs), for example—for the purpose of making an arrest. Policing in America has a big-city focus. For example, big-city crime news is emphasized over suburban or rural crime news. In addition to the big-city and small town police departments, there are sheriffs’ departments and county police departments. County police generally provide police service in the unincorporated areas of the county (areas that have no city or town government). Generally, the sheriff’s department has charge of a detention facility, and it has the task of executing criminal warrants and serving civil papers. Another function of the sheriff’s department includes the security of the county courthouse. The full-service sheriff’s department provides patrol, courts, and correctional services.

All states, except Hawaii, have some form of state police agency. The state police patrol state highways enforcing state traffic laws, and they also have investigative powers. Many state police agencies are responsible for maintaining criminal history records, fingerprint files, and state crime statistics. They also investigate criminal complaints against local police officers and agencies. In the 1920s, many states
established another form of state police known as “Highway Patrol,” which is responsible primarily for enforcing traffic laws on state highways and state highway property. Those states that have state Highway Patrol agencies have created general investigative agencies to investigate crimes occurring in rural areas or to assist local police agencies that lack the manpower to investigate sophisticated crime.

There are approximately 50 federal law enforcement agencies. Most federal agencies have limited powers, and their investigative powers are narrow in scope. The best known of these federal law enforcement agencies is the Federal Bureau of Investigation, which has jurisdiction over interstate crimes, bank robberies, and internal security of the country. The Drug Enforcement Administration is responsible for investigating major narcotic violators and enforcing regulations governing the manufacture and selling of drugs. The U.S. Marshal’s duties include executing warrants and managing asset seizure and forfeiture programs. Other well-known federal agencies are the Secret Service, which protects the President and the Vice-President, and the Bureau of Alcohol, Tobacco, and Firearms, which investigates the criminal use of firearms and explosives (Palmiotto, 2005, pp. 53-61).

Legal Aspects of Public Order

Laws that are grounded in the United States Constitution govern the United States. The Constitution ultimately determines a law enforcement officer’s role on all three levels—local, state, and federal.

The United States Supreme Court is responsible for interpreting the Constitution, thereby establishing guidelines that the police at all levels of government are required to follow.

The 4th, 5th, and 6th Amendments of the United States Constitution have especially important implications for American police. Arrests, due process, probable cause, search and seizure, warrants, and line-ups are all under the purview of the 4th Amendment.

The 5th Amendment protects accused individuals against self-incrimination. It assures that no individual can be compelled to answer any questions if the answers could help convict him or her of a crime. The 6th Amendment gives a citizen the right to an attorney when he or she is accused of a crime. This right exists not only during a trial but also during police interrogation, arraignment, and a line-up (Palmiotto, 2005, pp. 69-81).

All three levels of American law enforcement—local, state, and federal—have as their mission the maintenance of public order with the expectation that these law enforcement agencies function within the laws of their respective states, the federal government, and the United States Constitution. The United States does not have a national centralized police agency but a decentralized police system with approximately 13,000 local police agencies, with approximately 53% of them having ten or less police officers (Palmiotto, 2005, pp. 33-34). These local police agencies along with the state police agencies and federal government law enforcement agencies are each involved in maintaining public order. The local police have the responsibility of maintaining public order within their legal geographic area. When the local police cannot handle the public order within their city, the mayor of the city contacts the governor of his or her state who has the authority to call out the state police who then have the responsibility for public order. If the state police lack sufficient manpower and/or lack the ability to maintain public
order, the governor has the authority to call out the National Guard who then takes over the responsibility of public order. If the National Guard is unsuccessful, then the governor contacts the President of the United States and requests that the Army restore public order within the location where public disorder is occurring. When American troops are assigned to a specific city, they are in command in bringing order to the city. During the 1990s, there were several public disturbances that can be referred to as riots. Probably the best known would be the Los Angeles riot of 1992. The riot was claimed to be a protest over the acquittal of four Los Angeles Police Department (LAPD) officers charged with the beating of Rodney King (Rodney King, an African-American, was repeatedly beaten by four white LAPD officers with batons on March 3, 1991. The incident was videotaped and shown throughout the world.) The riot took place over a 4-day period with large sections of the city set on fire and stores looted. The riot resulted in 52 deaths, 2,300 injuries, and $1 billion in property damage (Useem, 1997, p. 362). Obviously, the Los Angeles Police were poorly equipped to handle the riot. Another riot occurred in St. Petersburg, Florida, on November 11, 1996, when two police officers shot and killed an 18-year old African-American speeding motorist. Riots took place after the shooting incident when the two police officers were cleared by the grand jury. (The grand jury has the responsibility to investigate all shootings.) The St. Petersburg Police Department was able to reestablish public order without calling an outside agency such as the state police (Whitman, 1996, p. 42).

Terrorism

Public order offenses that local police are usually not prepared to handle are riots and acts of terrorism, such as bombings. Title 22 of the U.S. Code (Chapter 38, Section 265 F) defines terrorism as “premeditated, politically motivated violence against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience.” Title 22 further defines that the term terrorist group means “any group practicing, or which has significant subgroups, which practice, international terrorism. The United States government relies upon this legal definition for developing policy.” The federal law that gives the United States government jurisdiction pertaining to terrorists acts, Title 18 (Chapter 113B, Section 2331) of the U.S. Code, considers that terrorism means activities . . .

(A) That involve violent acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any state; (B) appear to be intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of government by assassination or kidnapping, and (C) occur primarily outside the jurisdiction of the United States; or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum.

The Federal Bureau of Investigation defines terrorism as “the unlawful use of force or violence to intimidate or coerce a government, the civilian population, or a segment thereof, in furtherance of political or social objectives” (Webster, 1986, p. 11). Terrorist organizations are involved in numerous activities, depending upon their political ideology, technological sophistication, and the resources available. Terrorists’ actions usually vary from region to region, and the police in maintaining public order must
become familiar with the behavior patterns of terrorist individuals or groups. Cris Hertig claims that terrorist involvement includes “bombings, arson, assassination, kidnapping (removing the hostage from the immediate area), hostage-taking, aircraft hijacking, bank robbery, thefts from military or police arsenals, armored car robbery, product tampering, industrial sabotage, and miscellaneous propaganda efforts” (as cited in Palmiotto, 1988, p. 237).

Although it may seem that terrorism is a recent phenomena in the United States, it has occurred throughout American history. Acts of terrorism may not have been called “terrorism” in earlier decades, but our contemporary definition of terrorism indicates that earlier acts of violence were terrorist acts. Scattered acts of terrorism have occurred throughout American history. Examples of such activities include the abolitionist movement prior to the Civil War, the post Civil War labor movement, and the anarchists of the early 20th century. Prior to America’s recent concern of terrorism, the most serious terrorists episodes took place following World War I in 1919 and 1920. In 1919, the Wall Street bombing occurred along with the Red Scare. This was followed by the Palmer Raids to control acts of terrorism. During the 1960s and 1970s, America faced terrorist groups such as the Weather Underground (National Advisory Commission on Criminal Justice Standards and Goals, 1976, p. 10). The National Advisory Commission on Criminal Justice Standards and Goals in their Report of the Task Force on Disorders and Terrorism divided terrorism into several categories (1976, pp. 3-6):

- **Political Terrorism** – Characterized by (1) its violent, criminal nature; (2) its impersonal frame of reference; (3) the primacy of its ulterior objective, which is the dissemination of fear throughout the community for political ends or purposes. Political terrorism may be defined, therefore, as violent, criminal behavior designed primarily to generate fear in the community, or a substantial segment of it, for political purposes.

- **Nonpolitical Terrorism** – Exhibiting conscious design to create and maintain a high degree of fear for coercive purposes, but the end is individual or collective gain rather than the achievement of political ends.

- **Quasi-Terrorism** – Those activities incidental to the commission of crimes of violence that is similar in form and method to true terrorism but which nevertheless lacks its essential ingredient. Quasi-terrorism is the use of terroristic techniques or tactics in situations that are not terrorist crimes per se; it is different from common crimes that involve terror for this reason.

- **Limited Political Terrorism** – Has limited objectives, either to fulfill a specific purpose or because the terrorists know they lack the strength and popular support they need for a larger attack. Most domestic terrorism is of this type.

**Hate Crimes**

The police in America are responsible for public order, and this includes hate crimes. In 1990, President George Bush signed the “Hate Crime Statistics Act,” which mandated the United States Justice Department to collect statistics on crimes against victims based upon race, religion, ethnicity, or sexual orientation.
Racism, bias, bigotry, and violence comprise hate crimes. Targets of hate groups are selected because of their skin pigmentation, ethnic origin, religion, or sexual orientation. There currently exist an unknown number of hate groups in the United States that are responsible for violence and acts, which often lead to homicide. The basis for hate crime motivation lies in religious beliefs and patriotism. Hate groups have a disdain for African-Americans, Asians, Mexicans, Jews, and gays to name a few groups against which acts of violence are committed. These groups include the Ku Klux Klan, The Order, Aryan Nations, the White Patriots Party, and the Skinheads (Palmiotto, 1988, p. 516).

Domestic counter-terrorism investigation would apply to the hate group, the Skinheads, who are known for attacking minorities, homosexuals, and anyone who opposes their beliefs. Terrorist hate groups such as the Skinheads are difficult to investigate because they are organized into tight groups that are difficult to penetrate (Clarke, 1991, pp. 15-17). The role of police to maintain public order in the early 21st century may be more difficult than in earlier decades.

The Los Angeles Police Department is one of the first agencies to create a full-time unit to combat terrorism. The LAPD’s Anti-Terrorist Division (ATD) was established in 1983 under rigid, court-ordered guidelines regarding what groups or individuals should be targeted for investigations and what constitutes a terrorist activity. The ATD is divided into four units: (1) surveillance, (2) investigative, (3) legal, and (4) intelligence analysis. The intelligence analysis unit provides the lead in innovative techniques in the fight against terrorism (Gates, 1989, p. 2). Their duties include the following:

- **Threat assessments.** Operations-oriented reports containing information on major events, visiting dignitaries, planned demonstrations, and other activities that may be targeted by terrorists

- **Officer safety bulletins.** Interdepartmental memos regarding terrorist threats, such as new weapons or tactics, that reflect directly on the police officer working the street

- **Briefing papers.** Reports covering key world and national situations involving terrorists that could ultimately affect the city of Los Angeles

- **Intelligence analysis.** Translating intelligence data into meaningful investigative conclusions for effective case management

The Anti-Terrorist Division defines *terrorists acts* as “unlawful actions, which can reasonably be expected to result in death, serious bodily injury, or significant property damage and which are intended to have such results to further societal objectives, to influence societal action, or to harass on the basis of race, religion, or national origin” (Gates, 1989, p. 2).

In the 1990s, America was shocked by two major bombings that occurred in our cities. On February 26, 1993, the World Trade Center in New York City by Islamic extremists was the first act on U.S. soil by international terrorists. The bomb explosion ripped through the parking garage of the World Trade Center at a rate of 20,000 feet a second and destroying 15,000 square feet of concrete (Fritz, 1993, pp. 68, 102). In one of the worst acts of terrorism committed by foreign nationalists on American soil, six persons were killed and over 1,000 were injured (Goldman & Wright, 1995, p. 2).
The second major bombing incident took place on April 19, 1995, at the Federal Office Building in Oklahoma City, Oklahoma. This bombing was the work of an American who was disgruntled with the federal government. The bomber left a rented truck loaded with 1,200 pounds of explosives in front of the Federal Office Building. This bombing left hundreds dead and injured.

In addition, there are bombers who use the mail for forwarding bombs to unsuspecting individuals. The most famous is the Unabomber who had been on the loose from 1978 to 1996. During this time frame, this bomber sent through the mail 16 bombs. The Unabomber killed one person and injured 23. The police, through their investigative units, crime analysis units, and bomb experts, are involved in attempting to prevent these activities from occurring. The controlling and preventing of terrorism and bombings are important aspects of public order. Many of the bombing incidents in America, although always significant, are not “extraordinary offenses.” The federal government reports a total of 14,282 bombing incidents in the 5-year period between 1991 and 1995. Eighty-one percent of the total included 3,698 “mailboxes,” 3,552 “residential,” 1,894 “vehicles,” 1,704 “commercial,” and 661 “educational” (Bureau of Alcohol, Tobacco, Firearms, and Explosives, 1996).

September 11, 2001

On September 11, 2001, the American police were given a new mission. The new mission requires them to collect intelligence data in order to prevent acts of terrorism. The police must fill this new role and responsibility since no other governmental agencies have the capabilities to perform this function.

The incidents that led to the additional responsibilities given to our police can be contributed to the following incidents: two commercial airlines were hijacked by Arab extremists who piloted the airplane into the Twin Towers of New York City in lower Manhattan; a third commercial airliner crashed into the Pentagon in Virginia; a fourth hijacked commercial airliner crashed into an open field in Pennsylvania near Pittsburgh. This crash has been attributed to passengers who heard about the other incidents and overpowered the hijackers causing the airliner to crash.

The following comment by Bernard B. Kerik, the former Police Commissioner of the New York City Police Department, reflects the way police agencies now deploy their personnel: “The way we deploy, perhaps the arms we carry, the precautions we take; we’re doing any number of things which may not disappear until we feel the threat is passed” (as cited in Jones, 2001, p. 9). Acts of terrorism appear to be a concern to America and law enforcement for years to come or perhaps for decades. Kerik further states, “Officers now have training in subway evacuation and the handling of hazardous materials” (as cited in Jones, 2001, p. 10). Not only are police in our large metropolitan areas concerned about terrorism, police in mid-size and smaller communities are concerned about terrorism, as well. Police have been given the responsibility to protect vulnerable buildings such as churches, mosques, hospitals, and government buildings. The police work with other agencies such as the fire department to deal with hazardous materials and quality air.

Technology and Technical Assistance

In maintaining public order, American police increasingly utilize technology to maximize efficiency (keeping costs down), while being as effective as possible in
performing their duties. Closed circuit television and computers are routinely used in preventing everyday street crimes and also in handling these offenses after they occur. All police agencies use computers and fax machines in their offices. Roughly 30% of all police agencies nationwide use computers in their patrol cars (Law Enforcement News, 1999b). Some time ago, video cameras were mounted in 650 New Jersey State Police vehicles. The cameras are automatically activated when a vehicle’s emergency lights are turned on (Law Enforcement News, 1999a). Most police officers on patrol in large urban areas wear new technology in the form of bulletproof vests concealed under their uniforms. Again, the use of machines to classify fingerprints and the use of DNA and other laboratory testing are common in major crime investigations. Each of the 50 states has a commission or council that provides technical assistance and consultation, as well as training expertise to local police departments. The National Advisory Commission on Criminal Justice Standards and Goals recommends that states should make such technical services or consultation available only upon the request of a police chief executive to reduce the likelihood of the services being used as a tool for political harassment of any public official or police agency (National Advisory Commission on Criminal Justice Standards and Goals, 1973).

In sum, observers contemplating the rationale and modus operandi of American police must appreciate that the limits of time and space allow only some of the most salient characteristics to be presented here. Although police in the United States, like those in every country, are limited by available resources, the circumstances, and the culture in which they operate, it is clear American police have more education, are better trained, and have more sophisticated equipment than ever before. Notwithstanding some problems, research indicates that most people believe American police are doing a good job. In the National Opinion Research Center study of 10,000 citizens and their attitudes, most of those surveyed thought the police were doing a good job (Wilson, 1985). As the level of personnel continues to improve and as funding, training, and education improve, there is reason to be optimistic about the future of policing in the United States.

Bibliography


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Policing and Social Control of Public Marijuana Use and Selling in New York City

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This article analyzes the history of policies by New York City government and police enforcement strategies to socially control marijuana use and sales in public locations—that is in the streets; parks; and quasi-public settings such as bars, restaurants, and stores. This particular article is organized around the laws, regulations, and enforcement associated with two central civic norms: (1) Users should not smoke marijuana in public settings (streets, parks) or in quasi-public settings such as stores, bars, restaurants, offices, etc. and (2) Persons should not sell marijuana in public and quasi-public settings. Occasionally, the authors make reference to marijuana use and sales in private settings, but the primary focus of marijuana policy makers and enforcement activities has always been directed towards those activities occurring in public locations.

This analysis begins with an overview of the history of marijuana policy and the growth of marijuana use and sales in public settings. Three different historical eras are largely framed by the passage of legislation and/or the development of new enforcement policies in New York City: (1) Marijuana included under statutes as a narcotic (same as heroin and cocaine) (1950-1974), (2) Marijuana “decriminalized” and enforcement limited (1975-1995), and (3) Marijuana decriminalized, but quality-of-life enforcement arrests large numbers of marijuana smokers (1996-present).

Authors’ Background

This analysis crosscuts several current and numerous previous projects by the senior author who has been active in drug research in New York City for over 35 years. Beginning with a study of marijuana use among college students in the New York area (Johnson, 1973), subsequent articles with his colleagues have focused on marijuana users and sellers (Chaiken & Johnson, 1988; Dunlap, Johnson, Sifaneck, & Benoit, 2005; Golub, Johnson, & Dunlap, 2005; Johnson & Uppal, 1980; Johnson, Williams, Dei, & Sanabria, 1990; Johnson, Golub et al., 2006; Sifaneck, Johnson, & Dunlap, 2005) and especially upon persons arrested in Manhattan for any offense (Golub, 2006; Golub & Johnson, 1999, 2001a, 2001b, 2002, 2004; Johnson, Golub, & Dunlap, 2006). Some studies have analyzed whether marijuana arrestees are different than other offenders in Manhattan (Golub, Johnson, Taylor, & Liberty, 2002; Golub, Johnson, Dunlap, &
Sifaneck, 2004; Golub, Johnson, Taylor, & Eterno, 2003). One study focused upon the impacts of quality-of-life policing initiatives (Golub et al., 2002, 2003, 2004; Johnson, Taylor, & Golub, 2006); this involved close collaboration with the New York City Police Department (NYPD) and extensive reading about major changes in NYPD strategies and tactics. During the 1980s to the present time, various research projects have been funded that rely upon ethnographic research staff to conduct ongoing studies among persons involved in street drug markets and collect information about typical prices for various cannabis products. This article and several companion papers (Golub, Johnson, & Dunlap, 2005; Johnson, Bardhi et al., 2006; Johnson, Ream et al., in press; Ream, Johnson, Sifaneck, & Dunlap, 2006) are emerging from a 5-year investigation about the important role of blunts (marijuana smoked in a cigar shell) within marijuana subculture. Previous articles have not specified what policies the police and the courts in New York City are following when enforcing marijuana statutes. This article addresses this complex topic directly.

Limitations of Data Available

The proactive policing of marijuana smoking and sales that emerged in the 1990s had a variety of outcomes that cannot be documented with existing data. [Note: Marijuana arrest statistics provide general findings that are provided elsewhere (Golub, Johnson, & Dunlap, 2006, in press).] This is both because police may not keep such data, and the phenomena of interest would generate no (zero) official statistics. That is, to the extent that blunts (marijuana consumed in a cigar shell) and marijuana smokers are complying with civic norms by consuming in private locales, they would generate no arrests or “stops” that police could count. Likewise, police do not keep good statistics upon the retail prices of marijuana nor recognize the marijuana subculture distinction between blunt and joint consumers (Ream et al., 2006). Rather, the following draws upon the authors’ observations of changes and conversations with police officials about changes in the New York City street drug scene over the past three decades. Citations to appropriate publications are included.

A key analytic theme is that public policies towards marijuana and enforcement activities in New York City have seldom been specifically directed at marijuana. Rather, they have been driven by larger political concerns about crime, combating hard drug sales, and reduction of disorder in public locations. That is, it is difficult to locate specific policies or even moral entrepreneurs (Becker, 1963) in New York City who have specifically targeted marijuana use or sales as a separate and distinct policy issue. This also means that the following summary of marijuana controls in the city cannot be easily separated out from the larger policy concerns about hard drug use, crime control, and public order maintenance.

We first analyze the history of how these laws and civic norms have been defined, enforced, and especially the impact that quality-of-life policing has had upon marijuana use and selling in public settings in the city. Top policy makers in New York City and State have never socially constructed marijuana as a “top” drug problem. Rather, the emphasis in New York City and State has been directed at heroin users, first in 1964 to 1975, and especially at crack cocaine in 1985 through 1995 (and to the present time). None of the policies described below appear to have had a measurable impact on the rates of marijuana use as reported in population-based surveys. Furthermore, evidence from several national surveys suggests that marijuana use rates among arrestee in New York City appear to be very close to the
national average' (ADAM, 2003; Golub & Johnson, 2001; Golub, Liberty, & Johnson, 2005). New York City is well below the national marijuana prevalence among school-age populations (Centers for Disease Control and Prevention, 2004).

The policing policies reviewed below have had an important impact on the patterns and visibility of marijuana use in public locations; upon its sale; prices and quantities sold; and upon the extent of tolerance of public marijuana use/sale among the general population, especially by nonusers. As documented below, only a few persons were arrested for marijuana smoking, but in recent years, very large numbers have been arrested, convicted, and given dispositions of low severity for marijuana possession and sale offenses. So these public policies have in fact had important impacts on the ways in which marijuana is used and sold in the city, especially in its public locations.

1937-1974: Marijuana as a Narcotic Drug

From 1937 to 1974, New York State penal statutes included marijuana as a felony criminal offense. The possession or transfer of any amount of marijuana in a private or public location was an arrestable offense; those convicted could be sentenced to jail or prison. These laws remain true for possession or sale of heroin, cocaine, crack, and some other drugs in New York State at the current time. During the 1960s and 1970s, thousands of persons were being arrested for heroin possession and sales, with many imprisoned for long time periods. During the 1950-1974 period, the civic norms against use or sale of marijuana in public (and private) settings were labeled as a criminal offense. If police discovered someone who was in possession of marijuana, the violator would be formally arrested and handcuffed, spend time in detention awaiting arraignment, and likely receive a jail or probation sentence. Yet few marijuana arrestees went to prison unless arrested with large quantities of marijuana.

During the 1960s, however, marijuana initiation and use was expanding rapidly among the baby-boom generation (those born 1945-1954), so that thousands of otherwise conventional and middle class youths and young adults were being arrested and convicted for marijuana possession. Several academic sources (Goode, 1970; Kaplan, 1970) as well as a major report by the National Commission on Marihuana and Drug Abuse (1972) recommended a decriminalization policy towards possession and sale of small amounts of marijuana. Many marijuana users, activists, ordinary citizens, and legislators whose children had been arrested for marijuana charges supported passage of the marijuana decriminalization policy. New York City legislators were among the leaders who passed legislation to decriminalize marijuana to a limited extent. In the 1970s, the NYPD was still reeling from documentation of widespread police corruption associated with payoffs to police officers by drug dealers (Knapp Commission, 1972). Such corruption was documented again by the Mollen Commission (1994) several years later.

1975-1994: Marijuana Decriminalized and Enforcement Limited

New York State became one of 12 American states to remove cannabis violations from its narcotics statutes (Penal Law of the State of New York, 2005, Section 220) and create separate statutes for possession or sale of marijuana and cannabis products (Section 221). Under these decriminalized statutes, persons can possess and sell small amounts of marijuana in private settings; the primary sanction is a fine. The statute (Penal Law of the State of New York 221.10 – a class B misdemeanor) provides for criminal possession
of marijuana for small amounts (under 25 grams) an offense. PL221.10 also specifically includes possession of “marihuana in a public place . . . and such marihuana is burning or open to public view” (e.g., smoking marijuana in public). Such activity was defined as an arrestable and criminal offense. Likewise, the sale of “marihuana . . . of an aggregate weight of two grams or less; or one cigarette containing marihuana” is a B misdemeanor (PL221.35). Conviction of a B misdemeanor is usually punished by a fine of $100-$500 because most marijuana arrestees after 1995 have been charged under 221.10—Criminal Marijuana Possession in the Fifth Degree (MPV)—which could also indicate Marijuana in Public View. The ethnographic evidence from both police and arrested persons is that they have been caught smoking marijuana in a public place; usually only a part of a joint or blunt is seized as evidence and is typically less than 2 grams.

Ever since (1975-present), New York police rarely attempt to locate and “raid” homes or private locations, except where multiple kilograms of marijuana may be held, or marijuana growing is alleged. Virtually all cannabis-related enforcement by the NYPD since 1975 has been directed at the possession or sale of marijuana in public places (e.g., streets, parks) or in quasi-public settings (e.g., storefronts, clubs, shopping centers, offices, bars, clubs).

This analysis necessarily relies upon legal statutes, terminology, procedures, and processing of marijuana cases by the NYPD and courts (these are more fully explained in the Appendix). An especially important distinction is between a Desk Appearance Ticket (DAT), which involves a criminal charge (such as MPV) and a C-summons, which is given for a wide range of other minor (noncriminal) code violations such as transit fare evasion, open alcohol containers, public urination, and trespassing—many of which were later to be called quality-of-life offenses. Both DATs and C-summons would appear similar to a recipient (as would traffic tickets); moreover both require the person to appear at a criminal court arraignment for disposition about a month later.

**Limited Marijuana Enforcement in New York City (1975-1995)**

During this period, enforcement against marijuana users or sellers was among the “lowest” priorities of the NYPD—in part because violent and property crime soared, homicides increased, and sales of heroin and cocaine expanded greatly (Blumstein & Wallman, 2006; Johnson, Golub, & Dunlap, 2006). Massive drug enforcement effort was primarily directed at heroin and especially at crack sellers during the 1985-1999 period.

Police officers had the discretion to stop marijuana smokers or sellers and discard their marijuana but not initiate the arrest process. To avoid possible corruption of (and payoffs to) police officers, NYPD policy also discouraged beat officers from making drug-related arrests, including those for marijuana (See Bratton with Knobler, 1996; Kelling & Coles, 1996; Maple, 1999). In 1990-1992, under 1,000 MPV arrests were recorded in the entire city (Graph 1). In the early 1980s, some rookie officers believed that they would be kidded by other officers if they arrested someone for a misdemeanor marijuana charge (McCabe, 2005).

Under decriminalization statutes, police enforcement of marijuana-related behaviors changed substantially. Marijuana offenses (especially smoking marijuana in public or MPV and sales of loose joints) in public places were very low-level (A and B) misdemeanors that were usually plead down to violations with the guilty person being fined. The police managers also chose not to arrest persons who committed
the most common marijuana offenses—especially marijuana smoking—in public locations. Between 1975 and 1994, NYPD policy required that violations of Penal Law 221 were eligible for C-summonses when the person had proper identification and a radio check indicated no outstanding warrants or not wanted for a crime. Smoking in public and possession of more than 25 grams required an arrest, so did possession of 2 to 8 ounces (misdemeanor A). People violating these sections of the Penal Law did not qualify for C-summonses. Persons arrested for these offenses (MPV) were eligible for a Desk Appearance Ticket (DAT) upon showing proper ID, had no outstanding warrants, and were not wanted. Police policy sometimes permitted DATs to be issued for common misdemeanors (A) such as possession of up to 8 ounces. NYPD policy prohibited DATs for sale of any amount of marijuana of 25 grams or more.

The arrested person received a DAT. On a future date, the violator was to appear in a misdemeanor criminal court, typically received a disposition, was usually found guilty, was given an ACOD, paid a fine, or had another disposition. Persons receiving DATs are formally arrested, given a ticket at the precinct, and released but are not detained at the borough’s central criminal court with detention facilities (see Appendix).

Police came to refer to DATs as “Disappearance Tickets” since only about half were ever answered; the “no show” violator was rarely sought out and/ or punished. Compounding this was a requirement (in the 1980s and early 1990s) that arresting officers who issued DATs were still required to go to court, meet with a prosecutor, and provide an affidavit (a sworn criminal complaint) for court processing. These appearances by police officers were required before the return dates of the DATs and often were missed or forgotten, etc., leaving the DAT undocketed and unsworn and the defendant off the hook criminally (if they even appeared). The failure of the arresting officer to appear often meant that the judge dismissed the case. This was particularly the case with marijuana offenses because no other person was a complainant. Police and court procedures at the time often released marijuana sellers and smokers before the arresting officer was back on the street.

Many street-level marijuana arrestees receiving DATs rapidly discarded them and effectively ignored this type of sanction (Bratton with Knobler, 1998; Kelling & Coles, 1996; Maple, 1999). Only if the person was subsequently arrested for a misdemeanor or felony offense might the failure to appear and/ or pay this marijuana-related fine become an additional charge against the offender, but this prior additional charge seldom increased the actual criminal sanction imposed by the judge.

From the perspective of high-ranking police officials and policy makers, marijuana users and sellers (and others arrested on misdemeanor B charges) were “pushing the envelope” (effectively challenging) the legitimacy of the civic norm by actively using and regularly selling marijuana in public locations. Indeed, this NYPD enforcement policy of issuing DATs against marijuana smokers and especially against street sales of loose joints and low-cost bags of marijuana was widely perceived as “not serious” by routine violators. The fines imposed by judges became an accepted part of “doing business” for marijuana sellers (Kelling & Coles, 1996). From the police and citizen point of view in the 1990s, Manhattan courts/judges were notorious for dismissing marijuana cases. When the NYPD tried to clean up Washington Square Park in the mid-1990s, hundreds of marijuana sellers were arrested for such sales but received sentences of nothing more than “time served” or at the most a nominal fine (the maximum was $100 at the time) (Bratton & Knobler, 1998; Maple, 1999). The following suggests the possible consequences of very limited enforcement or limited sanctions.
for enforcing the civic norms based upon a prohibition policy towards marijuana. This created a great source of frustration for NYPD brass. An unwritten, but widely understood, police policy discouraged low-level marijuana arrests because the penalties weren’t worth police time and the risks of corruption. As Figure 1 below demonstrates, very few MPV arrests occurred between 1980 and 1994.

Figure 1
Marijuana Arrests in New York City

The social visibility of marijuana selling and smoking expanded dramatically. A substantial growth in number of sellers of marijuana (many also sold cocaine and crack as well) in public locations occurred throughout the 1970s, 1980s, and well into the 1990s (Johnson, Golub, & Fagan, 1995). With the decline of the city’s manufacturing sector that provided steady low-wage work, thousands of low-income persons, especially from minority backgrounds, were effectively unemployed—so selling marijuana was a low-risk and more profitable line of work for many (Johnson et al., 1990).

In the 1970s and 1980s, the proliferation of drug sellers in New York City effectively shifted the “effective” standards—so that the citizenry accepted the presence of marijuana sellers and ignored marijuana smoking in public locations. Thousands of young persons, who were usually excluded from legal jobs, chose to engage in marijuana (and other) sales as their primary occupational activity and major form
of income generation. In addition, large numbers of African-American and Hispanic young persons sold marijuana in public places. Virtually every street in low-income neighborhoods and every city park had one to several persons selling “loose joints” ($1) and “nickel” ($5) or “dime” ($10) bags of marijuana (and often other illegal drugs) (Johnson et al., 1990; Johnson, Golub, & Dunlap, 2006).

Around 1980, the civic norm had been substantially undermined by sellers—marijuana had become a commodity that was equally or more widely available in the street culture than alcohol or tobacco products. The more active sellers aggressively approached almost all passersby and hawked (invited them to buy) loose joints. Most nonusing citizens were often offered an opportunity to purchase marijuana by one or several sellers. Marijuana consumers could choose from among a large number of sellers; many sellers were available in the streets or parks, others in storefronts; some could be contacted for delivery. Marijuana users and sellers were also perceived as the least threatening among a much larger pool of hard drug users/sellers and criminal offenders in the city’s street markets. Marijuana smoking and sales in public places was widely tolerated by nonusers and public policy makers—the latter had more serious problems to address.

In addition, West Indian immigrants, especially from Jamaica, and often claiming to be Rastafari, were especially effective at growing marijuana in the West Indies and importing large quantities of it into New York City, where they sold it through a network of storefronts to consumers (Hamid, 2002). Many other small stores permitted someone to sell marijuana from their space. These storefronts often presented a legal appearance (as beauty stores, bars, record shops, convenience stores), but marijuana sales provided most of their revenues and enabled marijuana sellers to pay much higher rents than regular commercial tenants. In marijuana argot, “storefront,” meant a location where marijuana (and often other drugs) could be purchased, while a “store” referred to a legitimate enterprise with no marijuana/drugs available (Johnson, Golub et al., 2006).

All during the 1980s, levels of crime in the city continued to surge to new heights, led by the explosive number of crack sellers and users after 1985. By 1988-1992, crack sellers in public locations had greatly surpassed marijuana sellers in numbers; many sold both drugs (Johnson et al., 1995; Johnson, Dunlap, & Tourigny, 2000). Police enforcement was primarily directed against street-level crack sellers and crews and not at marijuana sellers. Although thousands of crack/cocaine sellers were arrested, jailed, and imprisoned, many more were sentenced to probation and/or mandated to drug treatment. Crews of crack and/or heroin sellers were often armed with handguns and other weapons; these groups effectively controlled whole blocks in some neighborhoods (Blumstein & Wallman, 2006; Johnson et al., 1990; Johnson, Golub et al., 2006).

From the perspective of many business elites and citizen groups, the perceived breakdown of civic norms was equated with public disorder and high levels of fear. New York City was alleged to be the “crime capitol,” “murder capitol,” and “ungovernable.” David Dinkins became the first African-American mayor of New York City in 1988, yet crime rates and levels of disorder were so great in many neighborhoods that business and civic groups forced him to expand the number of police officers. The mayoral election in 1992 primarily focused upon which candidate could better control crime and rampant drug selling, especially in public settings. The incumbent, David Dinkins, was defeated by Republican Rudolph Giuliani (in a predominately democratic city)—because he promised to “take back the streets” from drug sellers and criminals and to improve the “quality-of-life” in the city.
Mayor Giuliani and his three police commissioners greatly changed the enforcement practices against all drugs and many other forms of criminal activity and a wide range of behaviors that violated civic and criminal codes. Three important policy shifts in policing had especially important impacts upon marijuana users and sellers in public settings: (1) targeting drug sellers, (2) nuisance abatement, and (3) quality-of-life policing. The philosophy, planning, strategies, and their implementation have been delineated in several publications (Bratton with Knobler, 1998; Eterno, 2001, 2003; Giuliani with Kurson, 2002; Kelling & Coles, 1996; Kelling & Sousa, 2001; Kerik, 2001; Maple, 1999; McCabe, 2005; NYPD, 1994, 1999; Silverman, 1999, 2002; Wilson & Kelling, 1982). These zero tolerance policing policies, and especially their implementation, have also been severely criticized for disproportionately focusing upon minority communities, arresting and imprisoning thousands of poor minorities, violating individual rights, unnecessary stop/searches, and imposing severe sanctions for minor offenses (Amnesty International, 1999; Cohen, 1999; Cunneen, 1999; Dixon & Coffin, 1999; Flynn, 1999; Greene, 1999; Harcourt, 1998, 2002; Maher & Dixon, 1999; McArdle & Erzen, 2001; Spitzer, 1999). The existence of ethnic disparities in marijuana-related arrests and dispositions in New York City is documented elsewhere (Golub & Johnson, 2006).

Major policing initiatives confronted marijuana users/sellers. The NYPD developed at least 10 specific policies to combat major and minor crimes in the city. Three of these initiatives resulted in frequent police contacts and arrests of marijuana smokers and sellers in public locations: (1) suppression of street-level drug sellers, (2) nuisance abatement, and (3) quality-of-life policing. These policies were initially pilot-tested in a few precincts and then expanded to the entire police force in the city. This section also documents the massive increases in MPV arrests during the last half of the 1990s and into the 21st century.

Suppression of Street-Level Drug Sellers

The NYPD developed a range of strategies and tactics that targeted everyone selling illegal drugs in public settings. The NYPD Police Strategy (1994) No. 3: “Driving Drug Dealers Out of New York City,” had the explicit goal of “driving open-air drug activity off the streets of targeted areas, then closing, and where possible seizing, the inside drug trafficking locations . . . to reclaim and hold geographical areas of the city with and for the people who live there” (Bratton with Knobler, 1998). This policy was vigorously and systematically implemented in the following decade. Tactically, NYPD undercover officers were, and are, excellent disguise artists, sometimes sporting tattoos, shaved heads, and even real dreadlocks. Organized squads are capable of making many buy-bust operations a day. The police also debrief many persons arrested for new leads about key persons, organizational structure, and descriptions of operations (Bratton with Knobler, 1998; Maple, 1999). The NYPD pursued a multidimensional approach: target the organization behind drug selling operations, target and close the locations where drugs are sold, and stabilize the location so that drug selling does not return to that area (McCabe, 2005).

The NYPD especially pursued and systematically dismantled businesslike crack distribution groups controlled by one or several persons in a given community (Curtis, 1998; Curtis & Wendel, 2000). Persons managing distribution groups and
many of their coworkers were arrested and sentenced to several years in prison. The police presence remained heavy in particular blocks to prevent drug selling associated from re-establishing the business. These same tactics were deployed against marijuana selling groups as well, especially after 1995.

Furthermore, local businesses helped develop a Midtown Community Court to more severely sanction the persistent but low-level repeat offenders. This included many low-level marijuana sellers, fare beaters, and sex workers (Erzen, 2001; Kelling & Coles, 1996). Virtually all offenders were found guilty, and if they didn’t have money to pay fines, they were required to perform community service work, attend treatment readiness programs, or some combination of the above. If repeat violators, they were often required to devote up to a week of community service—which interrupted their business dealings. Those not complying with community service sanctions were sent to jail in Rikers Island. Most regular marijuana sellers perceived these sanctions as serious (Golub et al., 2003).

**Nuisance Abatement**

The NYPD also aggressively used a little known law (NYC Administrative Code 2005, Title 7, Chapter 7) that targeted commercial establishments that permitted flagrant violations of laws and regulations. If the police could document that three or more sales of illegal drugs were made from a particular storefront, they could get a court order that allowed them to padlock (and put out of business) a commercial space for a up to a year or more—thereby depriving drug sellers of their known location and the building business owner of the rental revenue. The implementation of nuisance abatement appeared to have its greatest impact upon the large number of storefronts that were favorite sales outlets for West Indian marijuana sellers throughout low-income communities in NYC (McCabe, 2005). Closing such locations made it somewhat more difficult for marijuana consumers to purchase their drugs—since they could no longer go to a fixed location nearby. Closing these marijuana storefronts also made it somewhat more difficult for low-level street marijuana sellers to obtain wholesale supplies at a moderate cost, which would then be broken into smaller retail sales. Active closure of hundreds of storefronts also removed the appearance that marijuana sales from storefronts was quasi-legal; such closures may have made it somewhat more difficult, or take a consumer more time, to locate and purchase marijuana.

**Quality-of-Life Policing**

Efforts in the early 1990s to deter and punish persons who were evading payment of subway and bus fares (Kelling & Coles, 1996) was systematically developed into a police strategy designed to combat the perception of widespread disorder in public places—and to restore compliance with civic norms and public order. The overarching policy was referred to as quality-of-life (QOL); the NYPD had a major role for detecting, arresting, and punishing persons who committed a wide range of minor offenses. QOL policing focused on the public and visible, seemingly innocuous (or very minor) offenses like fare evasion, open alcohol containers, public urination, trespassing, marijuana smoking, and about 25 other (noncriminal) violations of the city’s administrative codes (see Golub et al., 2003). Most QOL behaviors are generally victimless (e.g., no complainant would step forward to press charges).
Around 1995, the NYPD decided to stop issuing DATs and C-summons (with a few exceptions), and instead to arrest and detain persons committing a range of misdemeanors and violations that were defined as QOL behaviors. In the streets and parks of New York City, police officers engaged in a wide variety of proactive crime prevention activities; both police and their critics have labeled these strategies as zero-tolerance policing (Bratton with Knobler, 1998; Eterno, 2001; Maple, 1999; McArdle & Erzen, 2001). Police observation of such QOL violations gives the police probable cause to stop the person, check the individual’s identification, conduct radio checks for outstanding warrants, and search (pat down for guns or drugs) them for contraband or weapons while in the field. If no evidence of criminal activity is found (e.g., no guns, weapons, or illegal drugs), police are also authorized to conduct a radio check of the person’s identity and for outstanding warrants. They may also issue C-summonses for many QOL violations and/or arrest and detain them.

When nothing is found, the citizen is usually released without further processing. In addition, police officers—especially on bike patrols—have become very adept at identifying those smoking marijuana, seizing enough evidence for an arrest, and making arrests for marijuana smoking (possession) and minor sales. These bike patrol officers also stop and/or arrest marijuana “delivery” persons who use bikes to move rapidly around the city. A study found that over 90% of New York arrestees are aware of NYPD policies of arresting for these quality-of-life behaviors (Golub et al., 2003); half report reducing their involvement due to concern about being arrested. In addition, except for being younger, marijuana arrestees have nearly identical characteristics as those arrested for nondrug felony charges.

Changing Police/Court Procedures

The NYPD also developed systematic procedures governing issuance of DATs for QOL offenses. A series of offenses that do not qualify for DATs because of legal or policy restrictions include those prohibited for offenses known as “precinct conditions.” The precinct commander had discretion to determine whether certain offenses were particularly problematic and restrict issuing DATs for violations of these offenses. For example, unlicensed general vending is a problem for the midtown precinct. It is a violation (generally summonsable) in the Administrative Code, but it is rare that a person will get a C-summons for this offense in the midtown precinct. He or she is most likely to be arrested and processed through the system as a “live” arrest. QOL offenses quickly became part of the list of precinct conditions even though they did not appear on the official NYPD list of non-DATable offenses.

Another important consideration for enforcement policies is that NYPD significantly curtailed the issuance of DATs in 1998 after Officer Anthony Massimillo of the 67th Precinct was killed executing an outstanding warrant. His murderer was arrested the week before and was issued a DAT even though he had an outstanding warrant . . . the very one Massimillo was executing. For some reason, this murderer was allowed to leave police custody with a “disappearance ticket.” After Massimillo’s death, the DAT policy changed; virtually nobody gets a DAT today.

In addition, the District Attorneys’ Offices, the NYPD, and the courts in New York City have worked hard over the years to streamline the arrest processing system. To cut down on costs and time in the system (for both the police and defendants), standardized affidavits were created. Every jurisdiction in the city uses what is known as the Expedited
Affidavit Program (EAP). EAP is used for offenses that are “high volume” and contain simple language for preparation. Marijuana offenses are included in the EAP. With the combination of the EAP and no DATs, an officer can process a marijuana arrest in minutes (30-60 minutes). What used to take hours or days can now be done in a fraction of the time. With the official policy of the NYPD encouraging low-level enforcement and easy processing demands, officers are not hampered in making and processing QOL arrests. Indeed, they may enhance their records by making many MPV arrests.

Since 1996, the courts computerized their summons processing function. Now, if a C-summons is received by any criminal court in New York City, it is docketed. If the defendant does not appear on the return date, a warrant is issued for arrest. Even for the most minor encounter like a traffic accident, if a summons is not answered, a warrant is issued. During any subsequent encounter when a radio check is conducted by the police, the person will be arrested and taken to court on the outstanding warrant. Having the New York State criminal identification number (NYSID) and prior arrest information available will also make it possible for the warrant squad to rapidly locate and arrest a person for outstanding warrants.

**Arrest, Detention, and Arraignment Process**

Almost all QOL violators are now subjected to the entire arrest and detention process. This QOL policy was clearly intended to employ police powers of arrest to enforce compliance with a wide range of regulations, which defined *civic norms*, and to impose significant sanctions (but short of jail or prison time) upon persons who might violate them. These QOL behaviors included a wide range of morally offensive behaviors occurring in public places, ranging from fare beating (not paying subway/bus fares), trespassing, open alcohol containers, public urination, unlicensed vending, disorderly conduct, gambling, etc.—as well as all marijuana violations.

Under this new QOL policy, police officers were now required to arrest almost all offenders and detain and arraign them—including those contacted for smoking or selling marijuana in public locations. The main consequence of this change in arrest policy was that the vast majority of persons arrested for QOL violations—including arrests for marijuana smoking or selling even small amounts—now spend 16-24 hours in detention, and many receive fines.

The arrest process involves suspects being taken into custody, handcuffed, escorted to the precinct house, formally booked for that (often noncriminal or misdemeanor crime) offense, transported to central courts, prior criminal record checked, and held in detention cells for several hours. They then appear before the arraignment court judge. For marijuana offenders, the typical disposition might be dismissal of charges, Adjudication in Consideration of Dismissal (ACOD), a fine of $100-$500, or time served—if the violator had no or minimal criminal history. Marijuana offenders might receive a community service sentence if they had a prior history of previous misdemeanor arrests. For offenders charged with felony possession or sales of large amounts of marijuana, those with prior felony arrests would likely face some jail or prison time or possible referral to a drug treatment program. These punishments are among the most minor and unimportant that judges issue. Moreover, the vast majority of marijuana arrestees have their case dismissed or ACOD, time served, or must pay a fine, so almost all arrestees perceive the punishment as relatively unimportant in their life. Persons who sustain an MPV arrest will be entered into the
state’s criminal history database (e.g., they provide fingerprints, arrest information, and gain a NYSID number and record). Many MPV arrests are subsequently sealed, 

_and if_ the person is not subsequently arrested for other criminal offenses, then nothing will happen to him or her in the future. For those with prior arrests or convictions, however, the MPV arrest and disposition will be in their criminal history files.

For the vast majority of marijuana arrestees, the most important sanction and punishment was often the arrest-to-arraignment process. Arrestees usually spent 16-24 hours in police or court custody prior to release—this experience was designed to be quite unpleasant. The food and water was limited and bad; toilets had limited privacy; hard benches provided seating for only about 10 persons, so many needed to sit/sleep on concrete floors. The detention cells were often overcrowded and shared with a wide range of offenders who were often smelly and unkept. Legal representation was limited, and guilty pleas meant the most rapid release.

Although little noted (and official data is never released), important exceptions are made to the policy of “arrest and process every violator” under QOL policing. Persons taken into custody for marijuana violations (and other QOL offenses) may often be issued DATs or C-summonses at the precinct if they meet the four following criteria: (1) they have positive identification and a permanent address, (2) record checks indicate that they are not on a misdemeanor recidivist list (maintained by the department), (3) they have no outstanding warrants (unanswered C-summonses or DATs), and (4) they appear respectful to police and their authority. In addition, marijuana violators under age 16 are processed as delinquents and are released to their parents (NYS Family Court Act, 2005). Persons ages 16 and 17 will likely be arrested and sent to central booking. While avoiding transport to and detention at central booking, persons receiving DATs or C-summonses must subsequently appear at the criminal court and pay any fines levied. Persons receiving such C-summonses are not included (but those with DATs are included) in the arrest statistics presented below.

Marijuana-related violations remain commonplace; persons smoking blunts or joints in public settings are much easier for the typical police officer to locate, stop, and arrest. Officers can maintain their number of arrests and possibly gain some overtime pay as well—although not as much as in previous years.

**Trends in Marijuana Arrests in New York City**

There has been a substantial decline in serious crime (e.g., robbery, homicide, burglary, etc.) in New York City (FBI, 2005). Figure 2 also shows that arrests for heroin in New York City declined from about 38,000 to 28,000, and cocaine/crack arrests declined from 40,000 to 20,000 between 1995 and 2002 (OASAS, 2003). While thousands of persons are arrested and arraigned for minor crimes and violations under the QOL policy, few of these are sent to jail. As a partial result, the average inmate population at the city jails has declined significantly from over 20,000 in 1990 to about 14,000 in 2005 (NYC Department of Corrections, 2005). Nevertheless, marijuana arrests soared in the late 1990s.
Figure 3 shows important increases in controlled substance (e.g., heroin, cocaine, crack) arrests throughout the 1980s but a substantial decline from 1998 (85,000) to 2003 (52,000). Likewise, a steady decline in nondrug felony arrests occurred between 1989 (105,000) to 2003 (67,000), but QOL enforcement dramatically increased the number of nondrug misdemeanors from 1989 (85,000) to 1997 (141,000) but with steady declines into 2003 (117,000).

Of most importance to this article is the dramatic rise in MPV arrests. In 1990-1992, under 1,000 arrests occurred, but MPV arrests dramatically increased by 2000 to 51,000 and then exhibited a modest decline by 2003 to 39,000. Note that the number of other marijuana arrests has remained at 10,000 or less per year—so there were no major increases in arrests for marijuana sales in the 1990s when compared with the 1980s. In the early 2000s, marijuana arrests have constituted over 15% of all arrests in New York City and over 40% of all drug-related arrests (data not presented). In the 2000s, 80-90% of the marijuana arrests have been for MPV. Virtually all of the increase has been due to arrests for 221.10 (marijuana smoking) under QOL policing.
The reasons for the declines in marijuana arrests since 2000 are less clear. Some proportion of the decline may also be due to marijuana smokers being more careful to conceal their consumption activity when in public settings or to avoid such settings. Another reason may be modest shifts in the allocation of police resources to security and counterterrorism details. The NYPD management is aware that narcotics and other police officers were targeting the “low hanging fruit,” of which MPV arrests are very common. While the current administration reports seeking to reverse the trend of many MPV arrests, efforts to focus police resources on controlled substance offenders (e.g., heroin, crack, and cocaine) often results in discovery of marijuana smoking or possession.
Impact of Marijuana Enforcement in the 2000s

The proactive policing of marijuana smoking and sales has had a variety of outcomes that cannot be documented with any existing hard data—but it reflects the widespread impressions among thousands of nonmarijuana-using New Yorkers. This includes changes in public behaviors of marijuana users, marijuana sellers, and marijuana markets. It also summarizes the response of city officials and even the anti-marijuana prohibition groups in the city.

The most important outcomes often lack hard data. This is both because police do not keep such data and the phenomenon of interest would generate no (zero) official statistics. That is, to the extent that blunt and marijuana smokers are complying with civic norms and consuming in private locales—making private transfers—these would generate no arrests or “stops” that could be counted. Rather, the following draws upon the authors’ observations of changes in the New York City street drug scene over three decades and cites appropriate publications. The following constitutes a summary of how the effects of enforcing marijuana-related civic norms have influenced marijuana and blunt subcultures. The listing below includes the more important conduct norms followed by blunt and joint users to evade detection by police and/or potential conflict with disapproving nonusers especially in public and quasi-public settings.

Changes Among Marijuana and Blunt Users

Blunt and marijuana users are keenly aware that police are arresting and processing persons for marijuana smoking and possession of joints/blunts (Golub et al., 2003; Golub, Johnson, Taylor et al., 2004). Few users report reducing their marijuana consumption due to the possibility of police contacts; although, they may change the locale of use. Marijuana use rates in the city appear close to or below the national averages and probably haven’t changed greatly in the past decade (ADAM, 2003; Golub et al., 2003; Golub, 2005; Golub, Johnson et al., 2005). They prefer to use in private settings, sessions, and/or at parties (Dunlap et al., 2005; Dunlap, Benoit, Sifaneck, & Johnson, 2006). Probably most blunt/marijuana consumption occurs in private settings. A minority of users limit their blunt or joint consumption only to private settings and so comply entirely with civic norms (Johnson, Ream et al., in press).

On various occasions, most blunt/marijuana users expect to and actually participate in consumption episodes in public or quasi-public settings. They seek out public settings to consume marijuana/blunt that are relatively secluded from or set apart from observation by passersby. They systematically attempt to conceal their marijuana/blunt use in public settings from (nonusing) observers by moving around in public settings, attempting to mask the marijuana smell by using tobacco, integrating their marijuana use among others smoking tobacco, consuming small to moderate amounts of marijuana in a short time period, and scanning the physical environment for police or suspected undercover officers (Johnson, Ream et al., in press). As a major outcome of active enforcement, these concealment efforts by persons using joints and blunts in public settings mean that their public consumption is less visible and observable to the ordinary citizen than was common in New York City in the early 1990s. They appear to passersby to be complying with marijuana-related civic norms—even when not doing so.
Changes Among Marijuana Sellers in Public Settings

Police resources have also targeted marijuana street-level sellers and storefronts for over a decade (McCabe, 2005). The threats of arrest and skillful tactics by police (via bike patrols, undercover officers, buy/bust tactics) have targeted street marijuana sellers and delivery services. These enforcement policies are designed to reinforce the civic norm (no marijuana sales in public locations) and appear to substantially change where and how marijuana is used and sold in New York City. The public policies reviewed above appear to have altered the subculture norms and sales tactics followed by marijuana sellers in 2005, especially in public settings.

Marijuana sellers are highly aware that police are arresting persons for marijuana sales; many have been stopped and/or arrested (probably for possession rather than sales). They maintain a much lower profile in public locations than in the 1980s. They rarely approach or aggressively hawk their wares to unknown passersby. They appear less numerous in public locations than in the 1980s. They rarely sell to someone they do not know. They primarily sell to former customers and/or to those personally referred by regular customers. Many (former) marijuana sellers appear to function as middlemen, buying marijuana for purchasers who do not have connections with a seller. Public transactions are arranged to appear as typical exchanges of pleasantries between the purchaser and seller/middleman. Public transactions may occur in a secluded area that is not too visible to passersby (or to police). Most “storefronts” from which marijuana was routinely sold in the 1980s have been padlocked and closed for good. These stores now sell legitimate products (McCabe, 2005).

The more organized marijuana sellers prefer to develop delivery services and charge minimum delivery prices—which are considerably higher than previously charged by street sellers. Such delivery services are beneficial for both seller and buyer because they make transactions in private locales (usually the purchaser’s home or business) where typical retail transactions are legal. Cell phones and beepers are typically used to make arrangements for purchases. Designer and high-quality marijuana is sold at high prices (around $50 for two grams or more) to selected customers but usually by delivery service (Sifaneck, Johnson, & Dunlap, 2006; Sifaneck, Kaplan et al., 2006). Purchasers may have more difficulty locating marijuana sellers and may have fewer suppliers from which to choose when seeking to purchase marijuana. Locating marijuana sellers in street markets is more difficult; an unknown purchaser will usually have to purchase through a middleperson. Relatively few marijuana sellers operate only from their household, where the purchaser comes to make marijuana purchases.

Changing Perceptions About the “Marijuana Problem” Among City Officials and Citizenry

Compared with drug markets about 1990, the social visibility of illegal drug sales and use (including marijuana and blunts), especially to nondrug using citizenry, has dramatically diminished in New York City. Active drug sellers and users of marijuana/blunts currently follow etiquettes that allow them to remain relatively “invisible” to nonusers (Johnson, Ream et al., in press). Citizens and passersby in the 2000s rarely receive unsolicited “offers” to purchase marijuana or illegal drugs. This large pool of nonusers who remain unaware of marijuana use/sales in
public settings means that a political demand for further suppression of marijuana selling appears to be in remission. No clear and identifiable constituency in the city clearly promotes harsher enforcement or targeting of marijuana users. Few public policies are specifically targeted upon marijuana/blunt users or sellers, other than those reviewed above. Other than its responsibilities for enforcing existing laws and order maintenance, the NYPD and mayor’s office does not have a strongly anti-marijuana ideology. Indeed, the current mayor, Michael Bloomberg, admits to enjoying marijuana as a young adult (“You Bet,” 2002), but his administration has consistently supported QOL enforcement against marijuana smokers and sellers and proclaims substantial success in reducing both serious crime and minor offending (“Quality of Life,” 2001; “Mayor to Keep,” 2006). On an ideological level, marijuana enforcement is as (un)important and is often equated with farebeating, drinking alcohol in public, disorderly conduct, trespassing, and other QOL behaviors.

The mayor, good government elites, and many other constituencies appear satisfied that current city policies are “doing well enough” in the fight against crime. Marijuana use/sales indicators (of arrest and prevalence) are only one of the many crime indicators that “look good” and are “going down.” Officials appear to interpret this data as meaning that the marijuana use/sales can remain a low priority for city officials (even though the absolute number of marijuana arrests remains high).

Limited Opposition to Marijuana Enforcement Policies

New York City is also a central location of persons and organizations that help finance and provide intellectual leadership for the anti-marijuana prohibition in America. A Hedge Fund financier, George Soros, provides substantial funding for organizations that oppose marijuana prohibition. He largely funds the Drug Policy Alliance (led by Ethan Nadelmann) and helps support other pro-marijuana organizations in New York City and elsewhere. This leadership and funding has sponsored many referendums for medical marijuana and legislative reform, mainly in western states but also in New England. Significantly, these groups have not focused upon advocacy for medical marijuana in New York State, nor have they been successful in challenging or changing the city’s police enforcement policy.

In a political sense, opposition to police enforcement policies has rarely focused upon marijuana arrest policies. Political leaders from the large and politically influential African-American and Hispanic communities have been united and vigorously opposed to what they consider to be zero tolerance policing and court outcomes that result in racial profiling and ethnic disparities in arrests, court processing, and especially incarceration (McArdle & Erzen, 2001). This includes police tactics of stopping, questioning, and possibly searching persons for guns, knives, and drugs in the streets; police disproportionately stopping African-American drivers and youths, and sentencing policies that incarcerate hundreds of minor actors in the drug trade for lengthy prison sentences. Yet, these minority political leaders have not specifically objected to police enforcement directed against marijuana smokers even though a majority of MPV arrestees are minorities (as is the case for other crimes).

Likewise, potential constituencies of white and middle class marijuana users may quietly oppose tough marijuana enforcement policies, but very few are active politically in efforts to change laws or enforcement policies in New York State. These pro-marijuana (anti-prohibition) user and policy groups have been unable to
mobilize politically to bring about changes in marijuana legislation and/or change in enforcement practices in New York City. While a sizable number of marijuana/blunt users organize a “legalize marijuana” rally every May Day. In recent years, they must obtain city permits to march down Broadway to Battery Park. Organizers agree not to promote the use of marijuana at the event; the number of participants has dwindled in the 2000s.

Conclusions

The changes in policing appear to have largely succeeded in bringing about routine compliance with the civic norms of no marijuana smoking or sales in public places, but it took almost a decade of sustained enforcement to bring about such compliance. By 1999, the vast majority of arrestees were aware that police were targeting marijuana smoking and street sellers for arrest and punishment, and half of those involved indicated reducing their involvement (Golub et al., 2003). Even among marijuana users claiming no arrests, virtually all are aware that police are searching for and arresting persons for marijuana smoking, possession, and sales. Regardless of gender, ethnicity, and age, most marijuana users report following etiquettes that limit their marijuana consumption to private locales or taking steps to evade detection by police (Johnson, Ream et al., in press). In the 2000s, consumers appear more careful to conceal their marijuana smoking in public settings from passersby and police (Dunlap et al., 2005; Sifaneck et al., 2005).

Marijuana sellers are much less visible in public settings. Sellers no longer approach or aggressively sell their product to passersby and citizens—as was common in the 1980s. Many sellers may function as middlepersons between buyers and sellers. Marijuana delivery services are much more common. Even when they are present in public locations, marijuana sellers and delivery persons seek to blend into conventional activities and appear to be complying with the civic norms—even when they are engaging in transactions.

While the policing and enforcement activities delineated above appear to have restored compliance with civic norms of no marijuana use or sales in public locales (as perceived by institutional elites), the focus of this article has neglected important drawbacks associated with such policing policies. Other articles (Golub, Johnson, & Dunlap, 2006, in press) will document important ethnic disparities in the role of marijuana arrests and dispositions. Large numbers of marijuana smokers arrested on MPV charges have accumulated first (and possibly subsequent) arrests that are now included in the state criminal history files—they have NYSID numbers and fingerprints stored in electronic files. Although most MPV cases are probably sealed, those who are subsequently arrested for other minor charges or felony crimes will be more easily identified and begin building a criminal record.

The perceived success of QOL policing towards marijuana users/sellers in public settings and the absence of an organized opposition targeting police policies of arresting large numbers only for MPV in public settings has become well institutionalized in New York City. Continuity in the current marijuana policy for the remainder of the 2000s is most likely, given the current popularity of QOL policing, citizen satisfaction with low crime rates, and a lack of concern or organized opposition about the drawbacks of these policies. Such changes would likely require marijuana users to maintain relative compliance with civic norms.
but reducing the harms and potential harms of gaining a criminal record among
those contacted or arrested by police. Any future changes in marijuana policy and
its enforcement would need better information about the pros and cons of such
enforcement and more sustained opposition to current policies by the city’s many
blunt and marijuana users.

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Endnotes

1 Arrestees in Manhattan and New York City have consistently had among the highest proportions of heroin and cocaine/crack users among the 35 major cities that participated in the Arrestee Drug Abuse Monitoring program (ADAM, 2003).

2 Since marijuana possession and sales were charged under the same criminal statutes as heroin and cocaine, the number of charges for marijuana cannot be disaggregated for this period. Police had considerable discretion to seize/discard marijuana and not officially arrest persons they caught with small amounts of marijuana during this period.
Indeed, a majority of American states list marijuana as a controlled substance and may punish violators with jail/prison terms.

Such police “raids” into private property remain common, however, for modest amounts of crack, cocaine, and heroin—when police have reasonable suspicion or court order to enter such private locations. Police raid marijuana growers and midlevel distributors when they can identify such key persons.

This administration also instituted a variety of police activities, interagency collaborations, and private resources to enforce compliance with their version of civic norms—including controlling sidewalk vending, payment of transit fares, restoration of parks, gentrification of poor communities, traffic enforcement, etc.—that are beyond the scope of this article.

Despite a court order agreeing to a 24-hour window between arrest and arraignment, the New York Times (2/2/2006) reports that nearly one-third of arrestees spend more than 24 hours in detention before arraignment.

A forthcoming report (Golub, Johnson, & Dunlap, in press) will systematically document trends in arrest charges, dispositions, and ethnic disparities among marijuana-related arrests in New York City during 1980-2003. See the Appendix for definitions of these dispositions.

NYSID – New York State (Criminal) Identification number is a number generated for every unique individual arrested in New York State and is based upon fingerprints and photos. This same number remains linked to that offender for his or her entire life (and beyond) in the state criminal database.

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Appendix: Definitions and Criminal Justice Processing of Marijuana Arrests Followed by New York City Police Department, 1995-present

Developed in conjunction with James McCabe, PhD, Department of Criminal Justice from John Jay College of City University of New York, 2004. Although the following definitions are little known by civilians, most of the definitions and procedures are covered during police academy training (and more details are provided in the NYPD Patrol Guide § 208-227).

The focus is upon Marijuana Possession in the 5th Degree (221.10), which is abbreviated MPV—and is a B Misdemeanor in New York State Law. MPV is by far the most common arrest charge that is marijuana-related and typically involves a person arrested for smoking a joint or blunt in a public location. The criminal justice definitions and processes described below are equally applicable to a wide range of other misdemeanors and noncriminal code violations that are now being enforced as part of quality-of-life policing.

There is a substantial legal difference between a DAT and Summons, as explained below.

1. What is a desk appearance ticket [DAT]? (New York State Criminal Procedure Law §150.20)
   This involves a criminal charge (for example, a marijuana smoking arrest 221.10) but may also be issued for many other misdemeanor arrests. The arrestee receiving a DAT is released at the precinct but must report for criminal court arraignment about a month later. A DAT is given in place of going through the whole criminal justice detention and arraignment process (described below). For example, a person is caught smoking a blunt or joint (221.10). The arresting officer then takes the person into custody and seizes the evidence. The person is arrested and handcuffed in the street; the arresting officer takes the person to the precinct. He or she is handprinted and fingerprinted at the precinct; the arrest information is entered via the precinct arrest booking procedure (e.g., computerized entry of data into the NYPD online booking system). This generates an arrest number and the beginning of a NYSID® number (if none exist at the present time). At the precinct, the person is checked for prior arrests and outstanding warrants, and his or her identity is verified (via photo ID, driver’s license, address checked). If the information is accurate (and no warrants), the police may issue a DAT (but its issuance is optional for the precinct officials—but see 4. below). If given a DAT, the arrestee is given a written ticket (DAT) and released at the precinct; the DAT requires him or her to show up at the same arraignment court (as detained persons) about a month later; the case is arraigned and usually disposed at that time. For marijuana-related charges, DATs may be given if the arrestee has extenuating circumstances, such as care for children at home, going out of town the next day, or some similar extenuating situation. NYPD policy holds that all persons arrested for selling marijuana (even a joint or small amount) are to be arrested and detained—none should receive a DAT. If age 16 or older, the person goes through the detention/arraignment process described below.

Note: If violators are age 15 and younger, they don’t get arrested, but the officer takes them into custody and brings them to the station house, where they are
usually released to parents or guardians (NYS Family Court Act Article 7, Part 1, §712, NYPD Patrol Guide 215-08).

The arresting officer must also file an affidavit (the official criminal complaint), which lists the particulars of the arrest. The officer now fills out the affidavit via the Expedited Arrest Program (this is not for all DATs, but does apply to MPV, except on Staten Island). This is a preprinted affidavit (now done on a computer terminal at the precinct), in which the officer checks off standard complaint language and submits any evidence (e.g., remnants of a joint or blunt or amounts of marijuana seized). These are sent down to the court and matched with the arrest charge when the recipient of the DAT appears in court.

What happens if the violator does not show at arraignment? The judge would then issue an arrest warrant for failure to appear in court. Failure to appear has a greater penalty than most marijuana charges. This would also be enforced by the NYPD warrant squad and likely result in an arrest, detention for up to 24 hours, and imposition a more severe penalty.

2. What is a summons? These are very minor criminal acts and the least serious penal law violations. They are also issued due to violations of other types (non-criminal) of city and state regulatory codes. Police have responsibility for handling them, making arrests, and issuing summonses (tickets). Some persons arrested for noncriminal acts go through the arraignment process described below (due to lack of identification or current warrants). (NYS PL 2005. 100.10, NYPD Patrol Guide 209-01).

There are four major kinds of Summons: (1) Parking ticket, (2) Moving traffic violation, (3) Criminal court summons, and (4) Environmental Control Board [ECB] violations (noise, dog waste, littering, fare evasion, trespassing). The main focus here is upon the C-summons (referrals to criminal courts). They involve penal law violations (such as 221.05). Public drinking, urination, littering, disorderly conduct, street sales of tobacco products, and trespassing are eligible for C-summons—many are now treated as QOLs. For some offenses, the arresting officer can issue either a C-summons or ECB summons; the type of summons effectively changes the venue (court) where it will be adjudicated.

If the person has proper identification in the street, the officer conducts a name check for warrants via radio communication. If there are no warrants, ID check is confirmed, the C-summons will be written by the officer, and the violator is released on the street—no handcuffs, arrests, or precinct visit. The C-summons requires the offender to report (about a month later) to the same criminal arraignment court as all other criminal arrestees (both those detained and answering DATs) where the case will be adjudicated. When the person with a C-summons appears in court, the only disposition for a judge is to dismiss the case or impose a fine (for the violation). While a judge may impose jail and probation for C-summons, this happens very rarely, if ever, but the sanction is in the judge’s power. Other dispositions below are not imposed (e.g., no ACOD, no time served).

The following constitute strategic policies that the NYPD has implemented as standard procedures for a decade (from about 1996 to the present).
3. Persons who lack verifiable identification or have a criminal justice status or outstanding warrants will always be sent to criminal court arraignment (see 4). If an arrestee or a person receiving a C-summons does not produce good identification (e.g., usually a driver’s license, credit cards, or passport, or other verifiable ID), or radio checks cannot verify the identification of that person, he or she is held and sent to criminal court (see 4 below). If a person is wanted for another offense or has an outstanding warrant (even for a minor violation years ago), he or she is to be detained and arraigned. (Note: A person who may have a prior criminal record, but the sanction(s) have expired a year or more previously, may be eligible to receive a DAT or C Summons. But depending upon the nature of the prior and current charge, such persons may be detained and arraigned.)

4. Persons transferred for detention and central arraignment. Every arrestee who does not receive a DAT and is not issued a C-summons will be escorted from the local precinct to the central criminal court for detention and arraignment. New York City has 76 different precincts; each borough has its own central criminal courts—which operate all the time (except on Staten Island). Typically, each precinct has “holding cells” where several arrestees are held. A police transport vehicle (often called a “paddy wagon”) goes to each precinct. The handcuffed arrestees are often chained together, put in the paddy wagon, and taken to each borough’s central criminal court for arraignment. At entry, digital photos are taken and linked to each arrestee. This information is transmitted electronically to the New York State Division of Criminal Justice Services (DCJS) where the fingerprints and/or photos are carefully compared to verify whether the individual has a prior criminal history and NYSID number; in some cases, DCJS may also check FBI records for out-of-state arrests, dispositions, and warrants. Since most arrestees (about 80-90%) have an existing NYSID number, the courts send back the criminal history record (often called a “rap sheet”) for each person; this contains their prior arrests, convictions, sentences, and incarcerations. It often takes DCJS 4-12 hours to do this fingerprint check and return the rap sheet to the court. During this interval, all persons are held in large “detention cells” with many other offenders arrested on a wide range of charges. The typical time in detention cells is 6 to 24 hours, but some offenders may be held longer if record checking by DCJS takes several hours.

5. Appearance at criminal court arraignment. When the rap sheet is available and other court procedures are completed, the offender is taken to court where he or she appears before the arraignment court judge. For most misdemeanor arrestees (especially for MPV) and all C-summons cases who have been detained, this will be their only court appearance. In addition, the docket at this arraignment court will also include persons who have received DATs or C-summons (issued about a month previously). Both prosecution and defense attorneys will strongly encourage the offender to accept a plea bargain that will typically result in release following their arraignment. In most cases, the judge will impose a disposition that reflects the “going rate” for that offense in the court. The more severe dispositions (extra jail time or fine plus probation) will typically be imposed on MPV arrestees who have relatively more extensive criminal histories.

Dispositions for MPV and C-summons
The arraignment court judge has a limited range of dispositions that can be imposed. The dispositions are the same for persons reporting to court with a DAT
or a C-summons as for those held in detention. (Sealing and expunging of the offender record are explained later.) All dispositions for Penal Law offenses can be found in Section 60.01 of the NYS PL. These dispositions include the following:

a. Dismissal: (NYS CPL. 2005. 170.30) The judge effectively vacates or eliminates the arrest charge. This disposition mainly occurs when police or court paperwork is not completed (e.g., an affidavit is not available), improper procedure by police, no evidence is available that the suspect was using marijuana or possessed it (person arrested with several others who were using it); or the seized material did not test positive for marijuana. All dismissed cases are sealed.

b. Adjournment in Consideration of Dismissal (ACOD) (CPL 2005. 170.55; CPL 170.56 is especially for MPV, and PL 65.05). MPV ACOD is covered under Section 170.56 of the CPL and may be up to a year, but is usually 6 months. The judge makes no adjudication at the initial arraignment and tells the offender that if he or she is not rearrested within a given time period (usually 6 months), this charge will be automatically dismissed (and the offender will not have to return to court). If an ACOD is given, the case is automatically docketed for the date in question. If there is no subsequent arrest of the offender, the case is dismissed, and the rules in a. apply. If an MPV arrestee received an ACOD disposition at arraignment, it would be sealed—even if this is a first offense. While the person has acquired an NYSID number, this event will be sealed by DCJS computers after 6 months if there are no subsequent arrests. If the offender has a prior NYSID and a prior felony arrest or misdemeanor conviction, the ACOD disposition will be recorded and remain on the permanent record. Sealing records is still permissible but uncommon for a person with a moderate to extensive criminal history.

c. Time Served: (PL 2005. 60.01) The person is convicted of the charge but released after arraignment. The judge determines that the duration of detention (typically about 24 hours) constitutes sufficient punishment for this offense. But this constitutes a conviction to the charge that remains on the person’s criminal history record (and is not sealed).

d. Fine: (PL 2005. Article 80, CPL 420.05) The judge convicts the offender of an offense and imposes a monetary fine. Penal Law Article 80.05 (2) indicates the maximum fine for an MPV offense is $500, but $100 is common and the range varies. This constitutes a conviction that remains in the criminal history record and does not get sealed.

e. Probation: (PL 2005. 65.00) Some MPV offenders, especially with prior records, may be convicted, given a fine, and placed on probation for a period of time (possibly up to a year, but usually less). Few MPV offenders get only probation (without a fine). This constitutes a conviction that remains in the criminal history record and does not get sealed.

f. Additional Jail Sentence: (PL 2005. 60.01) The MPV offender is sentenced to Rikers Island for a short time (2-3 days is typical) but may last for up to a year. This is in addition to what the offender has already served in detention. This constitutes a conviction that remains in the criminal history record and does not get sealed.
New York State law provides for two mechanisms by which a person’s actual contacts with the criminal justice system can be eliminated or significantly hidden in future criminal justice contacts.

a. **Expunging:** Involves the deletion of any information about the offender or the offense from the DCJS criminal history database. Any future computerized search for that individual will not find any electronic record present. Expunging is relatively rare. Typically, it occurs when a person has violated a noncriminal regulation (such as unlicensed vending, selling tobacco products, or alcohol violations in public); such violators would typically receive a C-summons and be released—but need to appear in criminal court for disposition. But officers stopping persons for C-summons offenses without adequate ID will arrested and detained through arraignment. While the judge will likely order them to pay a fine, they will not be convicted of a criminal code offense (and hence do not belong on the state’s criminal history files). If they have no prior criminal arrests or convictions, their contacts through the detention and arraignment process (e.g., the arrest record, affidavit, photos, fingerprints, initial NYSID number) will be expunged (e.g., deleted from the computer database maintained by DCJS). *(Note: The record of their C-summons and the fine imposed may remain in other noncriminal databases maintained by the courts and judicial system).*

b. **Sealing:** This involves the retention of almost all arrests and dispositions in the DCJS electronic database. But specific arrests and dispositions are coded as *sealed*—this means that a given arrest/disposition is suppressed (and not present) in future criminal justice searches about that offender. A future printed “rap sheet” will not list that offense, nor will a police radio check reveal that prior record. Suppose that a first time MPV arrestee in January 2003 is given an ACOD disposition; six months later (and with no subsequent arrests of that person), the DCJS database will automatically seal it, and the disposition of that arrest charge will be recorded as both ACOD and “dismissed” on the DCJS database. If the same person is arrested two years later in July 2005, the rap sheet obtained by the court will report no prior criminal history for that person. A variety of different statutes and practices govern the sealing of criminal history events and records; these are little understood by citizens and even most law enforcement officers—but are implemented by those maintaining the DCJS database. Sealing is more widespread than is realized; nearly one-third of the total volume of arrest events in New York State are coded as sealed (Golub, 2006).

Expunging and sealing are typically associated with the first or second arrests but happen less often as the person has more arrests with the criminal justice system.

Once a person acquires a NYSID number and has photos and fingerprints in the database (that are not expunged) and gains a criminal conviction (fine, time served, probation, jail), subsequent arrests for minor offenses (like MPV) that are ACOD or dismissed are routinely *not* sealed. These arrest events (but favorable dispositions) will be provided on rap sheets during subsequent arrests or radio checks.
Missed Opportunities in Law Enforcement: Fostering Recovery Among Persons with Mental Illness

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In recent years, law enforcement professionals, mental health professionals, and policymakers have voiced concerns about the large numbers of persons with mental health problems who are currently in the criminal justice system. Concerns include the number of interactions police have with such individuals during their daily work and the need for careful and efficient methods for managing emergency encounters with those experiencing mental health crises. Another major concern is the high costs associated with arrests for such individuals (Clark, Ricketts, & McHugo, 1999; Lamb, Weinberger, & DeCuir, 2002; Lamb, Weinberger, & Gross, 2004; Lurigio & Swartz, 2000; Wolff, 1998). Researchers have documented frequent victimization among individuals with mental illness (Silver, Arseneault, Langley, Caspi, & Moffitt, 2005; Teplin, McClelland, Abram, & Weiner, 2005), and consumer and family organizations have shown that high rates of arrest combine with lack of adequate services to result in lives devastated by mental health problems (Hall, Graf, Fitzpatrick, Lane, & Birkel, 2003).

In response to these concerns, a number of training programs have been developed for law enforcement personnel to increase knowledge about mental illness, reduce stigmatizing attitudes about persons with mental health problems, and enhance skills for managing mental health crises (Borum, 2000; Lamb et al., 2002). Police departments have increasingly developed partnerships with mental health service providers in the form of mobile crisis teams staffed by mental health providers. These cooperative relationships provide a safe drop-off spot for police officers to bring individuals in need of mental health services and internal crisis management teams or personnel who can be called to manage difficult situations (Deane, Steadman, Borum, Veysey, & Morrissey, 1999).

The majority of these programs and partnerships are designed to address mental health crises or emergencies, reducing arrests among individuals who are seen as needing services rather than incarceration (Deane et al., 1999; Steadman, Deane, Borum, & Morrissey, 2000). These are important and laudable goals. Nevertheless, a large percentage (perhaps as much as 70%) of encounters between law enforcement
staff and persons with mental health problems result in dispositions other than arrest or hospitalization (Teplin & Pruett, 1992). Such a large percentage of dispositions suggests that law enforcement officers regularly have encounters that present opportunities for helping persons with mental health problems who are not in crisis. Additional occasions for intervention may arise because individuals with mental illness are more likely to be victims of crime than individuals without such disorders and because law enforcement officers often encounter the same disordered individuals repeatedly (Teplin & Pruett, 1992).

Together, these encounters offer many opportunities for brief interventions designed to facilitate recovery and protect vulnerable persons from future victimization. By taking advantage of such encounters, officers have the potential to promote better mental health among members of the communities they serve and may also reduce subsequent crises and victimization. Adopting such an approach is supported by findings that arrests and incarceration decline over time, even among those coping with both mental illness and substance abuse problems, and that better treatment engagement is associated with fewer arrests (Clark et al., 1999).

In this article, we discuss how repeat and non-crisis encounters with individuals who have mental illness present missed opportunities for facilitating recovery and reducing future encounters with law enforcement. Although we focus primarily on nonemergency situations, much of what we suggest could also be helpful in the context of more serious encounters. Handled with care, crisis situations can also provide opportunities for assisting with the recovery process.

We also discuss how law enforcement officers are in unique positions for facilitating recovery, reducing the subsequent stigma and shame experienced by individuals who have mental health problems and crises that result in police contacts, and minimizing the “collateral damage” that can occur in families when a loved one with mental health problems encounters the police. We illustrate some of our points using text from interviews collected as part of an ongoing longitudinal study of recovery among 178 men and women with serious mental illness (STARS—the Study of Transitions and Recovery Strategies) funded by the National Institute of Mental Health.

Furthermore, we discuss how brief intervention strategies developed to promote positive behavior change in medical and other settings (Dunn, Deroo, & Rivara, 2001; Resnicow et al., 2002; U.S. Department of Health and Human Services, National Institutes of Health, & NIAAA, 2005) may also be useful in law enforcement settings. We believe adopting a recovery-based approach combined with brief intervention strategies could have important long-term effects on the mental health of individuals and communities that law enforcement professionals serve.

Why Should Law Enforcement Professionals Care About Fostering Recovery Among Individuals with Mental Health Problems?

We begin with this question because law enforcement professionals may believe helping those with mental health problems is outside their purview, and they should not be asked to function as “streetcorner psychiatrists” as some authors have suggested (Teplin & Pruett, 1992). While taking on this role may seem to go beyond law enforcement responsibilities, it may actually represent a return to law enforcement’s social welfare roots (Wolff, 1998). This role is consistent with
both the principle of *parens patrie* (which covers protection of those who cannot protect themselves) and with the increasing focus on community policing in many communities (Norman, Kumamoto, Lim, Modarres, & Zimmon, 2006), where law enforcement’s role has been enhanced to include greater responsibility for assisting and protecting vulnerable populations (Borum, 2000; Lamb et al., 2002). More importantly, promoting recovery can be seen as a “win-win” situation for law enforcement personnel. Not only do they fulfill their obligation to assist persons in the community, they have the potential to reduce future encounters with mentally ill individuals because the mental health of those individuals improves over time.

**Why Bother? Is Recovery from Mental Illness Even Possible?**

Until recently, few in the mental health professions realized that recovery was possible for individuals with serious mental illnesses (Angst & Sellaro, 2000; Harding & Zahniser, 1994). In the last two decades, however, researchers have demonstrated that the majority of persons with such mental illnesses improve greatly, achieving economic and residential independence and low social disruption (about 40-45%), or recover completely, experiencing no psychotic symptoms or functional difficulties (about 20-25%) (Davidson & McGlashan, 1997; DeSisto, Harding, McCormick, Ashikaga, & Brooks, 1995a, 1995b; Harding, Brooks, Ashikaga, Strauss, & Breier, 1987a, 1987b; Harding, Zubin, & Strauss, 1992; Warner, 1994). Newly developed antipsychotic agents now provide additional medication options, helping patients to find medications that are effective and have side-effect profiles that are more acceptable to them (Hellewell, 2002).

Despite the extra burden imposed by substance use problems, persons with such co-occurring disorders also recover and lead satisfying lives. Our STARS sample includes numerous individuals who have suffered from both mental illness and severe drug and/or alcohol problems. Many of these individuals have recovered completely from their substance use problems and manage their mental health problems so well that they lead full and happy lives.

The following excerpt from a STARS participant in her mid-50s provides a potent example of recovery. She describes a history that is familiar to most law enforcement professionals:

*Interviewer:* What was your life like during that time?

*STARS Participant:* It was horrible. It was just horrible. I got hepatitis and then I got pregnant. I was in New York, and we were going down into the city every day to get drugs. I remember one time when I was with [boyfriend] and I had to pee. I told him that and we were on a street. It was dusk but not quite dark, and he said just go in a doorway. I remember peeing in this doorway of this place. It was an old building. When I did that, I thought, “Who have I turned into?” I had to get a fix, and I just kept going. I had to.

This woman has been diagnosed with bipolar disorder and has overcome both mental health problems and drug addiction. She is now married and working full time. During her STARS participation, she reflected on her past and said, “My life is really good. It’s better than it has ever been my whole life.”
Despite such stories, increased knowledge about recovery in the context of mental illness, and availability of new treatment options, the concept of recovery and recovery-oriented behavioral healthcare is still relatively new to most people who work with individuals who are mentally ill. It is only since the Surgeon General’s Report on mental health (U.S. Department of Health and Human Services, 1999) and the President’s New Freedom Commission on Mental Health (2003) that the mental healthcare systems have begun to make significant efforts to incorporate recovery principles into the care they provide.

There are several important consequences of this lag in knowledge and practice. Perhaps most importantly, because of limited knowledge about recovery and ongoing contacts with the smaller percentage of individuals who continue to struggle with mental health difficulties, mental health and law enforcement professionals have more experience with individuals who have not recovered than with those who have recovered. Simply put, individuals who are doing well are less likely to be seen by either public mental health clinicians or law enforcement professionals. These experiences can lead to negatively distorted views about the recovery potential of persons with serious mental illness.

In addition, many of the clinicians and law enforcement personnel involved in specialized responses to mental health crises have not been taught about recovery or exposed to recovery-oriented treatment strategies. For this reason, they are more likely to see their primary roles as containing crises and supporting diversion to hospitals, rather than promoting what may be possible: good functioning and long-term recovery. In addition, law enforcement officers who encounter disordered individuals who are not experiencing crises may adopt approaches that may have short-term benefits but long-term negative consequences. For example, Teplin & Pruett (1992) showed that as part of informal dispositions (the most prevalent type of resolution), police often went along with delusions and hallucinations as a way of humoring individuals and thereby reducing the need for more active intervention. In the addictions treatment field, such interactions, while compassionate and caring, could be thought of as “enabling” the continuation of a potentially harmful lifestyle. We believe that a more proactive, recovery-oriented approach has the potential to go beyond containing the current problem, actually enhancing the person’s future functioning in the community and reducing burden on police and the justice system.

Toward this end, law enforcement professionals may benefit from understanding some of the key components of the recovery model. This approach focuses on strengths and capacities rather than deficits (Anthony, 1993, 2000; Green, 2004), and recognizes that, as is true of recovery in the context of other major illnesses, supporting an individual’s capacity to manage his or her own symptoms and lifestyle choices is crucial to achieving better outcomes. For this reason, reinforcing the role of the individual as a “good mental patient” or just as “mental” may inhibit their recovery, while empowerment-based approaches that emphasize personal control and choice regarding how each person responds to and manages his or her own mental illness may help to support movement toward recovery.

Why Should Law Enforcement Personnel Care? These People Probably Won’t Even Remember the Encounter Later . . .

There are multiple responses to these concerns, all related to the embarrassment, shame, and trauma that can arise as a consequence of law enforcement’s interactions
with individuals experiencing disordered behavior and thinking. Add to these problems the power differential that exists between law enforcement and vulnerable community members and fear of violence on both sides of the encounter. These factors can produce potentially volatile encounters that can lead to fear, embarrassment, and shame for those with mental health difficulties and their families. Persons with mental illness often see themselves as law-abiding citizens whose mental illnesses cause them to act in ways they later find unacceptable or shameful. STARS participants make it clear that the stigma, shame, and trauma resulting from these situations and crises can interfere with recovery. For example, this stately grandmother with schizoaffective disorder, now a high official in her church, is still bothered by an incident that occurred when she was a young woman:

They took me to the hospital in an ambulance. I tried to run out of the house. I tried to get away from my husband and run out of the house. He was trying to hold me in bed. I didn’t have any clothes on and I was trying to leave . . . I didn’t know why he was forcing me to stay.

Experiences such as this one, later perceived as terribly embarrassing, are common among individuals with mental health problems and interfere with recovery because they cause shame that must be overcome, or at least accepted, by the recovering person. In contrast, when these situations are handled with sensitivity and compassion, and the individual feels as though he or she has been heard, then such instances can provide important learning opportunities. To the extent that law enforcement can manage encounters so as to reduce embarrassment and shame, they can help minimize damage and foster recovery.

Even persons who experience consistent mental health problems or disordered thinking have the capacity to understand much of what surrounds them and have periods when they are well. The recovery approach argues that, in the healing process, individuals must find ways to overcome their embarrassment and shame about these kinds of experiences and behavior in order to try to reclaim their personal sense of self. Although it may not seem so, law enforcement officers can play an important role in this process. First and foremost, kindness, caring, and understanding can reduce the fear, shame, and embarrassment experienced by those whose behavior draws the attention of law enforcement. Kindness has benefits both during the encounter and later when the person must take stock of his or her past to be able to move forward in the recovery process.

Here, law enforcement and mental health providers can both learn lessons from encounters with clinicians who are kind and caring in ways that support recovery. For example, the following STARS participants illustrate the importance of a caring compassionate approach. The first example describes a clinician who is kind and interested; the second shows a competent clinician who misses opportunities with her patient because she is not caring in her approach:

**Example 1:**

*Interviewer:* What made this particular therapist good? What did you like about him? What made him the best?

*STARS Participant:* This man has compassion I’ve never seen in anybody ever, just totally understanding and compassionate, empathetic, listens to you when
you talk about whatever ails you, whatever problems you have; he’s just on the edge of his seat.

Example 2:
Interviewer: Tell me why your psychiatrist is not helpful.

STARS Participant: She’s very meticulous; she’s very businesslike; she’s very short with you. All she wants to hear about is how the medication is working and do we need to change it; that’s it. She has no compassion. Not that I go in there with a problem that I’d ever discuss with her, but it would be nice to feel comfortable enough to say this isn’t working with, or that isn’t working right, because she’s just so quick, let’s try this, let’s try that.

We suggest that law enforcement officers, like clinicians, can accomplish their goals in encounters with individuals who have mental illness in ways that either encourage or discourage recovery. Differences in approach can then lead to differences in the individual’s willingness to engage with treatment or law enforcement professionals in the future.

Reducing Fear and Trauma

Fear, too, can exacerbate encounters with law enforcement and interfere with possibilities for encouraging the recovery process. Small differences in the ways that situations are handled can result in escalation or de-escalation when individuals are confused. For example, this STARS participant who has schizophrenia describes what happened when her husband called the police to take her to the hospital:

It was very scary again . . . He was going to take me to the doctor, but all of a sudden, the police was out there, as well as the ambulance, which scared me, I guess, because I acted like I was okay. I was going to go in the ambulance. I knew I was going to the doctor, but as soon as the policeman took hold of my wrist, he just held my wrist like he was going to help me down the stairs I guess, but he held me awful tight. Something scared me at that moment and I resisted. I resisted at that time, and they had to have two policemen down on me real quick. Then, I had to be tied to the stretcher. That was pretty scary. I was trying to tell them I didn’t mean to hurt them . . .

Similarly, persons with mental illness may be afraid of law enforcement officers simply because they realize they are like others who have been hurt or killed by police. For example, this STARS participant with schizophrenia realizes . . .

Like the guy down at [STORE], I get so angry, and I sometimes cry over it because it makes me think about, these cops pull these guns and they shoot this guy that is obviously there because he needs help, and instead of bean bagging him or stun gunning, or doing something else, they killed him. That could have been me. That could have been me in one of my rages, and because I am a great person and I have great qualities about me, somebody could have just shot and killed me because they don’t understand people who have mental illness; they don’t even know why.
Whenever it is possible for officers to approach encounters in caring, nonthreatening ways, they reduce the likelihood that the encounter will escalate to a crisis and increase the likelihood that what they say may have a positive impact on an individual’s mental health. In addition, such approaches may have other benefits, including reducing upsetting experiences among family members of the person with mental illness. For example, family members, particularly children, can be seriously affected by the experiences they have with loved ones experiencing mental health problems, and experiences that include law enforcement have greater power to produce distress. This STARS participant with schizophrenia, a housewife and mother now in her 50s, described the time the police took her own mother away:

My mother was mentally ill also. [When I was] about the age of six she went into an institution and for the next 25 years [was] in the institution. I can remember it being a very traumatic thing the way that she left the house because he [participant’s father] actually called the police and they came and got her and took her away. We were sitting in the dining room, and he had a glass of beer out and she started talking about how she could move mountains. Just looking back and being so young, it was like all of a sudden you went from laughing because you thought it was a joke that she could move mountains to the police coming and taking her away. It was very traumatic.

What Are the Alternatives for Law Enforcement Encounters?

We believe that brief opportunistic interventions developed in healthcare settings have significant potential for use in law enforcement. These interventions have been shown to promote positive change in addictive and other health behaviors (Moyer, Finney, Swearingen, & Vergun, 2002; Resnicow et al., 2002; U.S. Department of Health and Human Services et al., 2005). They can have short-term objectives, such as preventing or reducing trauma or eliciting peaceful cooperation, or longer-term objectives, such as recovery.

Several elements of these brief interventions may be applicable to law enforcement interactions with persons suffering from mental illnesses. We suggest three that seem particularly relevant: (1) providing feedback, (2) providing advice about desirable behavior change, and (3) instilling hope that change is possible. Many successful brief interventions incorporate a style of client-counselor interaction known as motivational interviewing (Miller & Rollnick, 2002), a client-centered, directive method often used in addictions treatment for addressing ambivalence about changing behavior and increasing self-determination. Self-determined individuals act upon their environments by making considered choices, rather than being reactive to or controlled by their life circumstances (Ryan & Deci, 2000). STARS participants have described clinicians’ and caregivers’ collaborative and caring attempts to elicit and develop self-determination as essential for recovery. We discuss these elements individually in the sections that follow.

Feedback

In brief interventions in healthcare settings, feedback often derives from comparing the patient’s self-described behavior to local or national norms and is intended to help the patient develop a discrepancy between his or her current behavior or situation and a preferred alternative. For example, problem drinkers may misunderstand the
prevalence of problem drinking and smoking in the community, in part because they tend to associate with other heavy drinkers and smokers. Their drinking seems normative compared to their reference group. Offering feedback about the actual prevalence of heavy drinking and smoking, coupled with a nonjudgmental query to elicit the patient’s reaction, can sometimes help catalyze thinking about change.

In the case of law enforcement personnel, examples of feedback that could encourage recovery include the following:

- Letting the individual know that most persons with mental illnesses do not have repeated contacts with law enforcement and inquiring whether the individual would be interested in working to develop alternative behavior patterns that would result in less contact with the police

- Observing that the individual seems to be having a hard time and inquiring in a nonjudgmental way about what the person needs, stating that law enforcement can provide affirmation and referrals if possible

- If family members or other concerned individuals are present, commenting positively that there are persons in the individual’s life who care for him or her enough to want to get help and asking aloud whether there is a way for the individual to work with the concerned others to help him or her stay safe and feel better

Feedback presented with a caring approach that uses observations, direct inquiry, and wondering-out-loud methods could provide the catalyst to help the individual make positive changes, regardless of how the individual responds at the time.

Advice

In healthcare settings, clinician advice has been shown to promote positive change in a variety of health behaviors, such as smoking, excessive alcohol consumption, physical activity, and diet. Significantly, such advice is related to increases in patient satisfaction with medical care (Whitlock, Orleans, Pender, & Allan, 2002). We believe that the authority inherent in the law enforcement role can be used to legitimate this kind of advice-giving, much as it does for clinicians in healthcare settings. Following feedback, advice could take many forms, ranging from specific suggestions about ways to avoid future encounters (“I’m concerned about you being out here like this. When you did _____, it triggered a call to the police; here’s another way to handle that situation.”), to referrals to known, trusted mental health service providers (“I’m concerned about your health. Here’s a card for _____ at the _____ agency; I want you to talk with her; let’s go see if she’s in.”) It is important to remember that any advice that is given may not be acted upon immediately; nonetheless, it may be useful, such as serving as an opening gambit for future encounters (“Remember the last time we talked, I suggested you go see _____? How did that work out?) or as a benchmark for the ill individual (“That policeman cares about me; he wanted me to get help.”).

Instilling Hope

Law enforcement personnel can instill hope that recovery is possible, in part by being aware of “success stories” such as those illustrated by STARS participants.
As described above, many of these participants currently leading ordinary lives have experienced the depths of despair and resignation often seen in the mentally ill individuals with whom officers interact. Many who have recovered report a conversation with a single significant person who cared about them and who provided a turning point after which the process of their recovery began or accelerated. This person might be a physician, a friend, a counselor, a family member, or a parole or police officer. Instilling hope can be as simple as a sincere “Please take good care of yourself; I’m confident you can make changes that can improve your life if you decide to.”

Can These Brief Interventions Work with People Who Are Mentally Ill?

Unfortunately, not much research has addressed this question, primarily because persons with mental illnesses have often been excluded from health behavior change intervention studies. One recent study, however, found very encouraging results of a brief smoking cessation intervention among individuals with schizophrenia (Steinberg, Ziedonis, Krejci, & Brandon, 2004). A brief motivational session, similar to the kind we propose here, produced more contact with a smoking cessation counselor than either an educational intervention of similar length or the delivery of simple advice and referral. These results are especially interesting given that 75% of the brief intervention group were not thinking about quitting at the beginning of the study. This study demonstrates that motivation to change a health behavior can be increased among individuals with a severe mental illness using the types of counseling styles and methods we describe here.

Proposal for a Recovery-Oriented Approach for Law Enforcement Encounters with Individuals Who Have Mental Illness

A recovery-oriented approach should promote self-determination whenever possible; avoid restraint, arrest, and hospitalization; and promote each individual’s personal empowerment and responsibility in the recovery process. A method that is based on seeing “the person, not the disease” may facilitate each of these objectives. Building experiences of peaceful, respectful, and successful negotiations may help create the groundwork for recovery in individuals with mental health problems and also help to develop law enforcement officers’ feelings of self-efficacy for dealing with such individuals. For both parties, successful outcomes can contribute to feelings of trust and understanding that can be activated during future encounters.

We do not naively believe that recovery will result from a single brief intervention or that the approach we propose will prevent or resolve all crises. Rather, we believe that this long-term general approach can help build trust over time, allow law enforcement officers the opportunity to suggest alternatives to the situations in which mentally ill persons find themselves, and support each individual in taking responsibility for resolving his or her current problems and preventing future reoccurrences. Although most individuals do not change overnight, they do have turning points in their lives. Multiple brief interventions can have a cumulative effect, and law enforcement officers can help with preparing the soil and planting the seeds of recovery.
Recovery Approach How-Tos

Use Authority Wisely, and Manage Fear Carefully

The authority and power inherent in law enforcement roles provide opportunities for reducing negative outcomes and facilitating positive outcomes. Law enforcement officers, particularly in the context of community policing, can be a powerful adjunct to the services a person with serious mental illness is receiving and for promoting willingness to seek such services. Police officers who are looking out for the community, providing common-sense advice, and perhaps asking about a person’s progress and welfare can be seen as being in a position similar to that of physicians caring for their patients. Moreover, exposing persons with mental illness to law enforcement professionals who care about them and use their authority as a positive influence may help reduce their apprehension in future encounters.

The importance of a kind approach cannot be overemphasized in managing fear. Begin by asking whether the person is afraid and reassuring him or her that you have not come to harm but rather to help. Take the time to listen. Even those with the most disordered thinking can often communicate their concerns and needs. Acknowledge what the individual has said and fears they may have expressed. Minimize actions that could be perceived as controlling or as the use of force. Remember that many individuals with mental illness have had prior experiences of being forcibly restrained that were traumatic for them. Avoid restraining someone if at all possible.

Try the Approach and the Techniques Developed for Brief Behavioral Interventions

Begin a conversation, provide feedback and advice about getting help, and work to instill hope that recovery and a different life are possible. Keep in mind the gentle approach that STARS participants consistently described among the clinicians they found most helpful:

- A collaborative approach affording individuals control over decisions whenever possible
- A kind, caring, compassionate style
- Competence, flexibility, and creativity in addressing problems
- Acceptance of persons with mental illness as being “normal,” or “just like other people,” rather than “crazy”
- Friendship and mutuality
- Trust

These qualities often characterize relationships between community members who do not have mental illnesses and law enforcement officers, particularly those involved in community policing. For example, shop or restaurant owners are often friendly with law enforcement officers, receive advice from them about safety and protection, or have discussions about how to handle a particular incident. Working to develop similar relationships with those who have mental illness could aid such vulnerable individuals in important ways. For example, mentally ill individuals who are crime victims may be more willing to report or seek help if they have a trusted relationship with a police officer.
Communicate That Recovery Is Possible, and Support Connections to Services

Many persons with mental illness lose hope about the possibility of achieving a different life. Law enforcement officers who communicate that recovery is possible can help to rekindle that hope. Offering to help connect a person to services can provide a tangible indicator that the officer believes such services can help that person on his or her journey to a better life. Remember that an individual does not have to accept help in the moment to hear, and make use of, the message. Remember too, that people often need to encounter the same information multiple times in order to learn it.

Support Self-Determination

Support personal responsibility by suggesting that each person can take responsibility for getting better. Offer choices whenever possible—even a choice between two unwanted outcomes is preferable to no choice at all. Choice is empowering, and empowerment fosters recovery. Offering choices can also help to build trust (when the choices are real) that can then lead to future opportunities for successful interventions. When individuals with mental illness have been victims of a crime, emphasize that they can work to reduce vulnerability and improve safety by addressing their life situation. Remind them that they do not have to accept being taken advantage of and that they have a right to be free from harm.

Check In and Follow Up

When encountering a person repeatedly, check in about how he or she is doing, reinforce the possibilities of a better life, and offer additional help and support when appropriate. Similarly, when encountering individuals who are functioning well or have improved, try to acknowledge their progress—this can also have an important impact.

Align Expectations with Reality

Try to keep in mind that people change and they recover, even when the situation can seem hopeless. At the same time, do not expect people to change overnight (although they sometimes will); have faith that multiple brief interventions, carried out by multiple officers, family members, and clinicians, will have a cumulative effect. STARS participants have told us repeatedly about the value of support from others as they learn about and continue to manage their illnesses. Although law enforcement officers cannot provide the kind of support a family member provides, their powerful position suggests that the support they provide may have substantial impact.

Remember too, that people with mental illness want to avoid negative encounters with law enforcement and do not want to go to jail. Avoiding such consequences can provide powerful incentives for recovery. For example, this STARS participant with bipolar disorder is middle-aged, employed in a high-level job, working on a graduate degree, and regularly involved in community activities and charities through his church. Despite his good community standing, avoiding jail is a powerful motivator...
for his continuing efforts to manage his mental health problems. Most persons in his position would never have to consider such possibilities, yet he does:

I’ve become a very active participant in my mental health; I don’t wait around for somebody to tell me I’m not doing well, because I know this . . . I know that if I don’t take care of my mental health, I will end up in jail, I guarantee you, because I have the ability to rage.

**Conclusions**

Law enforcement officers are often faced with mentally ill community members who are experiencing the worst phases of their illnesses. To the extent that officers can leverage their authority to help change what can be frightening and shameful experiences into events that contribute to recovery, they are serving both community protection and community policing functions. Moreover, they have the potential to reduce future crises and burden for both themselves and their colleagues as persons with mental illness seek care, improve their mental health, and have fewer contacts with police. Such improvements also have the potential to reduce justice system costs because individuals who recover are less likely to be arrested or incarcerated. Finally, law enforcement personnel can help the family members of persons with mental illness by reducing the embarrassment and trauma that can arise when a loved one has a mental health crisis that results in police contact.

We end with an example from another STARS participant who described feeling embarrassed about a physical altercation with his sister during a period of increased symptoms but reported that his encounter with law enforcement may have saved his life by getting him to a safe place and to treatment services.

The whole night I was in a jail cell, I was just totally out of it; I felt like I could see through the walls and stuff. The thing was when I got bad, I didn’t know what was going on, I didn’t know what was happening to me, and it just got worse and worse and worse till it just got full blown . . . I went to [STORE] and bought camping gear; I was going to go up in the mountains and just stay up there by myself. That’s what I had planned on doing, so actually it was a good thing I hit my sister because it got me help. Otherwise, I could have died.

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**References**


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Law Enforcement and Society Can Benefit from Greater Transparency in Controlled Drug Analyses

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Presentation

Would more transparency in the analysis of confiscated controlled drugs benefit law enforcement and society? Our experiences in the challenge of chemist report findings suggest that it would. Most chemists’ reports presented in courts for the support of findings do not stand up to defense scrutiny; such results, needless to say, have even led to the loss of cases for the government. Case losses have been experienced, ranging from simple possession to the nationwide distribution of controlled drugs. Reduced charges and penalties have also occurred, even involving clandestine laboratory and mandatory sentencing cases. The government has rightfully enjoyed autonomy, for obvious reasons of security and safety, in the confiscation and testing of controlled drugs. In such an environment, are the interests of law enforcement and society adequately supported?

In our consultations and encounters with attorneys during litigation proceedings, it is apparent that more transparency is needed in the analysis of controlled drugs. Both defense and prosecuting attorneys depend on the expert chemist for the interpretation of technical reports. As reports are normally presented, an official report of analysis is introduced into the court records for litigation without significant explanation. Only when the report of analysis is challenged by the defense do attorneys have an opportunity for acquiring explanations of a government chemist’s analysis. In most cases, an attempt at disclosure or explanation of the chemist’s analysis is conducted with the use of another chemist, usually a defense chemist, who is familiar with this specific field. Beyond explaining the aspects of instrument technology and scientific terminology to attorneys, the chemist must advise on the integrity of the government analyses and the identification of the confiscated alleged controlled drugs. With the input of the defense chemist, only then is the opportunity available for viewing the shortcomings of the government chemist’s analysis and handling of a case. These shortcomings have been generally based on a chemist not using sound chemical principles in testing the alleged drug and the mix-up of case samples. When such situations become apparent during the proceedings, the court is usually prompted to inquire further about these disclosures.

The court, with case management proceedings handled by the judge, requires an accurate representation of the government chemist’s analysis report for a fair and just case adjudication. The inquiry of the court about the disclosure of shortcomings, as revealed in challenge by the defense chemist, in our experiences, stems from the government laboratory’s resistance to inquiry of its analyses. Only through novel approaches of a chemist who is familiar with testing and management procedures can disclosure of government laboratory shortcomings be brought to light. Pretrial inquiries generally fall short in such disclosures, leaving the promotion
of transparency to government analyses of controlled drugs in disclosures by the testimony of a defense chemist expert.

A defense chemist expert also promotes disclosures of laboratory practices through assistance to attorneys in the preparation of motions and depositions. These efforts may involve providing insights to attorneys for revealing questionable laboratory practices to the courts. Transparency achieved through these methods can lead to considerations of appropriate testing by government chemists and laboratory management practices influencing chemists’ work. Courts should be aware that tests are conducted in uncontaminated or contaminated environments. The courts should also be aware of the evaluation practices imposed upon chemists by management—whether they undercut the chemists’ abilities for being objective in acquiring case findings. Without challenges by defense chemists to nontransparent government-controlled drug analysis practices, the court can not be made aware of government chemists’ testing procedures that are unacceptable in the chemistry community.

Law enforcement and society should be made aware that differences can exist in testing procedures accepted by the chemistry and forensic drug chemistry communities. A basic tenet for the consideration of scientific evidence in the courts is acceptance of practices by the scientific community (e.g., Daubert Test) (Berger, 2005). Apparent conflicts exist in the matter of chemists’ testing procedures between the chemistry and forensic drug chemistry communities. These conflicts can be concisely described as not following the basic principles of analytical chemistry—to preserve both the accepted testing and integrity of a sample or drug. In our experiences, the scientific objectivity of forensic drug chemists is generally undermined by following shortcuts in testing and compromising the accuracy of results. It is apparent that the loss of objectivity arises from management goals for analyzing cases quickly with limited chemist manpower. Without external oversight or accountability, government laboratories seem to have a greater interest in meeting the work demands for court purposes at the expense of chemistry principles. Shortcomings in the testing of confiscated controlled drugs are recognized by the creation of the Scientific Working Group for the Analysis of Seized Drugs (SWGDRUG). Unfortunately, SWGDRUG is comprised of government-based entities (usually forensic scientists) attempting to provide analysis or testing guidance! Wouldn’t one suppose that the accountability of government chemists’ analyses or testing be sought through the involvement of independent professional chemistry organizations, such as the American Chemical Society or the International Union of Pure and Applied Chemistry? The very nature of complete autonomy of controlled drug confiscations and testing by law enforcement for security reasons apparently presents crises of credibility and integrity to itself and society.

The crises of credibility and integrity are intertwined within the fabric of the testing laboratories and chemists. Law enforcement and society place a trust in the report of findings of controlled drug analyses. Law enforcement laboratories are charged by society with the responsibility of providing reliable analysis results under secure environments. The forensic drug chemist is likewise expected to provide testing of suspected controlled drugs based on sound scientific principles while preserving the integrity of cases. Security of suspected confiscated controlled drugs drives the culture of nontransparency in their handling and testing by law enforcement laboratories. The only access to challenge of confiscated controlled
drugs by the private sector is through a certification requirement by the Drug Enforcement Administration [21 USC Sec. 872; DEA, Title 21, Section 872(b)(e)]. One of the limitations to a private laboratory in testing confiscated controlled drugs is obvious—retesting what the government has tested without challenges to safeguards of case handling by law enforcement and the government laboratory. Furthermore, such restrictions to outside testing provide a built-in bias in favor of the government when controlled drug report findings are challenged by the defendant. Without external oversight, society presently does not have an unbiased and practical way of questioning the trust of both the forensic drug laboratories and chemists.

In our experience, law enforcement and the public may be better served by having business entities encouraging government transparency in the analysis of controlled drugs and the promotion of balanced advocacy. Today, government laboratories are closed to public scrutiny regarding their operations and works in confiscated controlled drugs to the extent that they surpass military defense laboratories in nondisclosure and scrutiny! Unlike public and private laboratories that generally have a commercial objective and market accountability, government-controlled drug analysis laboratories provide services to courts without outside accountability. Through our research, it is apparent that only government-affiliated laboratories can independently conduct analysis of confiscated controlled drugs. For the promotion of balanced advocacy and transparency, perhaps a business model serving the interests of the defense can constructively engage the government in reporting controlled drug findings that are credible and handling cases with integrity.

References


21 USC Sec. 872 [DEA, Title 21, Section 872 (b) (e)]

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Previously, Vedoster spent 28 years in forensic chemistry with the Drug Enforcement Administration, 3 years as a research chemist in colloid physics and electroanalytical chemistry at the National Institutes of Health, and 2
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The clock struck 9:00 AM as the Magistrate, The Honorable John Q. Jones, entered the courtroom and took his place on the large mahogany bench, where he presides. The flags of the state and the United States of America are proudly displayed behind him. His footsteps could be heard to the rear of the courtroom through the silence as he slowly walked to take his place on the bench. He swiftly looked around the courtroom at both sides of the bench and the packed audience that sat quietly and solemnly as they anxiously awaited him taking the bench.

The court bailiff rose and with a deep echoing voice stated the District Court, of the United States of America, will now come to order. The Honorable John Q. Jones presiding. As everyone took their seats, the nervousness and squeamishness could be felt throughout the courtroom. It was a packed courtroom of viewers filled and fueled with mixed emotions, friends and family from both sides of the tables, all anxiously awaiting the opening statements. The media, anxiously jotting their opening lines for their 5:00 reports, could be heard through the silence.

His Honor picked up the case file and began to read the charges aloud. “Counselor,” he stated, “your clients are charged with assault with a deadly weapon with great bodily injury, assault under color of authority, violation of civil rights. Do your clients understand the charges that have been brought against them?” “Yes,” the private attorney replied. “How then,” the magistrate replied, “do these defendants wish to proceed?”

Obviously, the situation described above is a horror story for any law enforcement officer, but one that is happening far too often in today’s world.

So what can individual officers or departments do to protect themselves from being placed into this courtroom/use-of-force scenario? We would suggest what might appear to be a simple, yet effective solution that would involve following some simple protocol steps whenever an officer is involved in a use-of-force situation. These steps can help in documenting how the incident occurred, protect the evidence that will assist in the successful prosecution of the offender, and provide necessary and useful evidence for a civil litigation later down the road.

Legal Justification for Contacting the Subject

One of the requirements for any contact with a citizen is having legal bases for the contact. It is understood that a law enforcement officer can engage anyone in a consensual encounter contact. There is no legal requirement for an officer to walk up to someone and begin talking to him or her. This changes when the officer develops reasonable suspicion to take the encounter into a custodial detention or probable cause to make an arrest.
This will also hold true when the citizen encounter starts with reasonable suspicion to detain or probable cause to arrest is present at the onset of the encounter.

Being able to write in a logical sequence, a written scenario that fully describes what happens during a law enforcement contact is a mandate for today’s law enforcement officer. Law enforcement officers need to understand and be able to articulate why they are contacting an individual. Being able to write and describe all of the activity leading up to the contact in a police report is a crucial first step. Officers need to write out detailed and descriptive word images that describe the events leading up to a contact, so it is clear to the reader exactly what happened throughout the incident. If the contact escalates into a use of force, the need for complete documentation becomes more crucial. It is incumbent for the officer to report the type of force used, the reasons for its application, the effectiveness or ineffectiveness of the force option on the suspect, and all after action steps taken. These written documents should allow readers to imagine or picture in their minds all of the events that are unfolding.

Once the use of force is over and the suspect is taken into custody, the officer or responding supervisor should consider using other forensic tools to help document, enhance, and aid in making the word picture come alive. So what tools should the officer consider and why?

**Camera**

The use of a film-based or digital camera will assist in capturing in detail the vivid images of how the incident unfolded; the amount of force used during the incident; the officer’s/suspect’s/witness’s perspectives throughout the incident; after action results; physical injuries to the parties involved (both officer and suspect); damage to property, clothing, equipment, etc.; and what was seen by the parties involved as closely to real time and conditions as possible. The selection of a still or video camera will depend on what is being depicted and documented and department policy. Video cameras are excellent for documenting the overall scene of an incident. This type of camera also can be used to document and record witness statements, physical evidence, surroundings of the incident scene, weather and lighting conditions, etc. The still camera can also be used for all of the above but has limitations when it comes to getting sound bites from witnesses. The still camera is usually better for documenting evidence up-close or evidence that is small. It is also easier to use and usually has less of a learning curve for the operator compared to a high-tech video unit.

Digital still cameras are more costly than comparable film-based cameras, but they do not incur recurring costs of film and processing, and they generally have higher capacities than film-based cameras. The extra expense is quickly recovered by not having to buy consumables such as film and processing chemicals. In some cases, a digital camera will be able to record hundreds of images before its internal memory is full. This encourages the investigator to take lots of photographs without the concern of increasing costs due to film and processing or simply running out of film in the field. The digital images can be preserved by downloading them to a department server or “burning” them onto an inexpensive (and nonerasable) compact disk.

When using these types of tools, pay attention to detail. Use the devices to substantiate or discount what interviews or written documents have revealed. If the officer has said that he struck the suspect in the leg with a side handle baton, photographs could tell you whether it is true or not, direction of travel of the strikes, and the implement used.
to deliver the blows (See Figure 1). You can also tell the differences of the implement used (See Figure 2). This photograph demonstrates the difference bruise patterns between a side-handle baton as compared to a collapsing metal style baton.

**Figure 1**

These demonstrate classic side-handle baton strike bruise patterns. These are recognizable by the well-defined valley between the two red marks. The strike direction of travel can usually be determined by identifying where the heavy blood concentration is located.

**Figure 2**

The collapsing metal baton bruise pattern is located at the top portion of the photograph. The thin valley between the parallel lines distinguishes the type of instrument. The small darker bruise closer to the top middle suggests that the small tip of the baton landed there. Contrast this to the much larger side handled baton strike below it.
If the use of force has been applied against the officer, the use of these devices can assist to demonstrate the effects of incoming fire. They could be used to determine that an officer’s response to this type of attack was objectively reasonable (See Figure 3). This photograph demonstrates the use of rods to enhance the view of the path and number of bullets fired at the police unit.

**Figure 3**

The rods inserted into bullet holes can enhance the visual effect as well as demonstrate how effective they might be.

What if the suspect claims that the officer has used excessive force when taking him or her into custody? Using photographic evidence can assist in determining whether suspects are telling the truth or discount their claims (See Figure 4). This bruise pattern was claimed to have been caused by handcuffs being applied too tightly. The patterns themselves are not consistent with typical handcuff bruise patterns (See Figure 5). This is a view of the bruise patterns on the same forearm as shown in Figure 4 from a different angle.

**Figure 4**
These markings represent injuries that were claimed to have been caused by applying handcuffs too tightly. It is clear from these patterns that they were not classic handcuff bruise patterns. They also demonstrated that the markings were not consistent with where police officers are taught to apply handcuffs.

Suggested positions for the camera are as follows:

- Overall view of the incident site, surrounding area, lighting, footing, and crowd at the time of the incident (Consideration should also be given to the tactical aspects of the scene that deal with officer safety issues.)

- Aerial photographs of the incident site

- Positioning of where officers, suspects, and witnesses were at the beginning of the incident

- Positioning changes of the above during the incident

- Overall views of the suspect, which should document any injury or lack of injury

- Overall views of the officers in uniform or the clothing worn at the time of the incident, which should show any injury or damage to the officer and the officer’s uniform or equipment

- Close-up shots of specific injury site, both with and without a measuring device, such as a ruler

- Close-up shots of specific evidence

- Bruise patterns or markings that are claimed to have been caused by the use of force

- Locations on the body where the suspect claims to have been struck by officers, but there is no visible evidence to support the claim (This could also be reversed
and applied to an officer who claims to have been struck by the suspect, but there is no visible evidence to support the claim.)

**Audio Recording Devices**

There is a growing trend to provide law enforcement officers with some means of audio recording devices while the officer is on-duty. With the advances in technology and dropping costs, providing recording devices for officers makes good sense. Many agencies are requiring officers to record all contacts, citizen and suspects alike, which the officer has during any official action. This type of action again makes good sense. Agencies with this type of policy are finding that officers’ reports are more thorough and complete, scenes are described better, reports are being completed more quickly, citizen complaints are reduced, and officers are accepting devices as a good tool. One of the many benefits of using digital (as opposed to tape-based) audio recording devices is that the recordings can be downloaded into the organization’s computer servers. Once that is accomplished, the contents can be included in investigations that aid in prosecution. Witness statements are locked in at the time that they gave them, which is in fact when their memories are freshest.

These statements can be especially useful in use-of-force investigations. Getting statements from witnesses, suspects, and officers can be helpful in determining what happened before, during, and after the use of force. It is helpful if the person recording the information can identify who is speaking, where that person was during the incident, as well as what he or she saw. In many cases, persons have been quoted in an official report as saying specific things, only to recant later on in an investigation. It is difficult for people to explain why they stated something one way, which was recorded, and later changed their rendition of the events.

When officers are wearing recording devices and become involved in a use of force, actual conversations, orders, suspects’ responses, etc., get recorded. In the vast majority of cases, the officers resort to their training and do not concern themselves with the fact that they are wearing a recording device. When the recordings are reviewed, it is found that suspects are being given lawful orders to comply and refusing to do so. In many incidents, it can be heard that officers are telling suspects to quit fighting and submit to custody. These utterances are powerful when produced in court actions to demonstrate the officer’s reasonableness in using force.

Selection of a device is dependant upon what best suits the needs of the person wearing it. Voice-activated models seem to make the most sense for law enforcement. The devices should have the ability to be worn in a pocket or belt case. They must be rugged to stand up to the daily routine of law enforcement. Replaceable batteries still are used in some models, but more and more are of the type that are rechargeable. Rechargeable batteries save on recurring costs, but they don’t have the capacity of replaceable batteries. If they run down unexpectedly, the device is useless. Replaceable batteries can be purchased nearly anywhere, and spares are easy to carry when they do run down.

The decision to use a model that has the microcassette tapes versus one that has a memory card makes a difference in price and usability. Tapes have to be replaced and cannot be downloaded without special adaptors. A tape might also contain recordings of multiple incidents, making it difficult to preserve the original recording
without compromising its integrity. It is also easy to record over a previous recording without realizing that you are doing so when using a tape-based recorder. Digital models usually save recordings as separate files that are erased only on command, making inadvertent erasure less likely, and a digital copy of a recording is identical to the original. Tape-based recordings are usually analog and degrade with each generation of copy. Memory cards come in a variety of capacities, the larger sizes providing more recording time, and the cards last indefinitely. Many models are capable of recording for 20 or more hours without overwhelming the memory card. The ability to download to a computer is a must feature. Cost can be as low as $65.00 for one that could fit the need. Obviously, the higher the cost, the more you get for your investment.

Other Technology Advances

Using a computer to recreate incidents is becoming more commonplace in use-of-force investigations. Animated reenactments of incidents can be accomplished by using tools that are common in computers today. Using these tools takes some special computer skills, but the end result can have a dramatic effect on a jury when they can see what actually happened in the incident. Actual photographic evidence from the scene can be used to enhance the presentations. Some additional advantages of using animated recreations are that you can demonstrate what the officer saw from his or her perspective or that of the suspect or witness. Actual timing sequences can be built into the production as well as distance covered, direction of travel, body dynamics, flight paths of objects or rounds fired, etc. Great strides are being made in this area at the Force Science Research Center, a nonprofit institution based at Minnesota State University in Mankato. Readers can find out more about this institute by logging onto their website at www.forcesciencenews.com.

Other computer programs allow for photographs to be inserted in a 360-degree format and from each person’s perspective. The computer program allows for the program operator to place hot buttons into the production, so that clicking onto the button moves the view to that location. The program then shows what can be viewed from that perspective. By placing where the officer, suspect, and witnesses were at the time of the incident, the program gives their view of the scene. These views can be moved just like during the incident simulating the dynamics of the use of force.

The Bottom Line

Writing excellent police reports is something for which officers should always strive. The police officer’s written report used to be all one would need to be successful in prosecuting a suspect when a use of force had been alleged. More and more today, the expectation is to have forensic evidence to support what has been claimed in writing. Using forensic equipment takes additional time and resources, but the end result is well worth the investment.

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Kansas City, Missouri, Regional Training Academy Handgun/Long Gun Retention & Disarming (HLGRD) System

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Retention/Disarming

The first complete handgun retention system was developed and introduced to the Kansas City (Missouri) Police Department (KCPD) in 1976 in response to an alarming number of officer disarming and resultant deaths the preceding year. In 1975, eight Kansas City officers were disarmed—one twice—with one officer shot and killed with his own weapon (Conroy, 2002). According to FBI statistics, in 1975, 26 officers were killed with their own weapons in the United States. That is a total of 20% of the 128 officers killed that year (FBI, n.d.). In 1986, 15 officers were killed with their own weapons, which amounts to 23% of the 66 officers killed that year (FBI, n.d.).

Since 1976, thousands of law enforcement trainers have become certified instructors of the handgun retention system and have taught the techniques to officers in their own agencies. The effectiveness of the system is evident from hundreds of reports that certified trainers have sent to the National Law Enforcement Training Center (NLETC), the official certifying body for the system. Almost without exception, these reports tell how officers trained in the handgun retention system techniques successfully defended their handguns or how they were able to regain their weapons or disarm assailants who were holding weapons (Conroy, 2002).

In one dramatic example, a Kansas City police officer defended his handgun three times in succession with forearm strikes and wristlocks against two attackers on PCP without losing control of his weapon. Obviously, the training was invaluable to this officer, as well as many others who have reported similar assaults on their weapons in the past 30 years. Since the Handgun/Long Gun Retention and Disarming (HLGRD) System was implemented in Kansas City in 1976, no disarming attempt on a KCPD officer has been successful (Conroy, 2002).

Furthermore, a number of officers have said that if they had been trained in handgun retention disarming techniques sooner, they would not have been disarmed and shot with their own weapons. Thankfully these officers lived to tell their stories and can stress to us the need for handgun retention training. Many others cannot (Conroy, 2002).

The reports from trained officers illustrate how specific tactics, coupled with certified training can protect an officer from the ever-present danger of being disarmed. In contrast, the continuing reports of officers being disarmed and wounded or killed with their own handguns illustrate the consequences of failing to provide
this much-needed training. The evidence is there for all to see: untrained officers are vulnerable and often unprepared to deal successfully with attempts to disarm (Conroy, 2002).

Despite the gains that have been made in this area and the many lives that have been saved since 1976, officers continue to be disarmed, shot, and often killed with their own guns. It is increasingly evident from these disarms that the entire law enforcement community must train its officers in handgun retention and disarming techniques. Many far-sighted agencies teach HLGRD as an integral part or an extension of their firearms training, but it is time for the entire law enforcement community to recognize that HLGRD is a self-evident, proven means of protecting an agency’s most valuable resource, its officers, from being disarmed and shot with their own guns. The use of these tactics has already provided hundreds of examples that officers can be trained to avoid serious injury or death by their trained response to an attempt to disarm them (Conroy, 2002).

### Handgun Retention and Disarming Tactics

Since its introduction by Jim Lindell in 1976, the Handgun Retention System has been continually updated and contains these important features (Conroy, 2002):

- **Nonrestrictive**
  - An integrated system of gun defense tactics that is effective and easy to apply, regardless of the officer’s age, sex, or physical prowess

- **Holstered Gun Tactics**
  - Provides specific dynamic releases against an assailant’s grabs from the front, side, or rear, while maintaining the weapon in the holster

- **Drawn Gun Tactics**
  - Uses the officer’s weapon as a lever to break even the most powerful grip

- **Disarming Tactics**
  - Enables an officer to get his or her own handgun or long gun back or to disarm a subject holding a gun

- **Firearms Compatible**
  - Can be taught in addition to regular firearms courses

### Long Gun Retention/Disarming

The Long Gun Retention and Disarming System has been used by the Kansas City Police Department since 1982; however, it wasn’t until 1994 that it was made available to the greater law enforcement community when it was published by Odin Press for the National Law Enforcement Training Center and then integrated with the original text to become the Handgun/Long Gun Retention and Disarming (HLGRD) System (Conroy, 2002).

The Long Gun Retention and Disarming System was specifically developed to overcome the difficulties associated with the officer keeping a long gun or taking one away from a subject for officer safety and survival. Those law enforcement
agencies that specifically request and send officers to long gun control training include Fish and Game Conservation Officers, Park Police Rangers, and Sheriffs’ Deputies working rural areas, most often alone; however, the widespread use of both handguns and long guns in our society is reason enough for all officers to learn how to retain their own weapons and control and disarm subjects armed with any type of weapon (Conroy, 2002).

The high and low long gun retention and disarming techniques were developed to achieve a release from an attacker’s grip on the long gun in three seconds or less. The relative simplicity of the two techniques makes them easy for officers to learn during training and retain in the field. For officers to achieve these results, however, it is necessary for trainers to teach the principles, timing, and body dynamics in a very positive and progressive manner. In addition, care must be exercised to ensure that officers are not injured during training before they become proficient in using restraint during technique practice (Conroy, 2002).

**Holster Design**

Recent improvements in holster quality, design, and security retention features have led to increased confidence by officers that their holstered weapons are less prone to being snatched by attackers. When such features are present, and if they actually stop or delay the grabbing and removal of an officer’s gun, they should be considered for adoption by agencies. In spite of these improvements, the holsters do not in any way reduce the necessity for officers to become trained and know how to effect releases when their holstered weapons are attacked. It is well known that inmates train, in prison, to defeat security holsters. Technology is not a replacement for officer training (Conroy, 2002).

When someone has a hand on your holstered handgun, you are not in control of the gun and are being restrained and prevented from using the weapon yourself. For this reason alone, improved holster features should not be cited as a reason that officers do not need training in weapon retention tactics. Officers deserve the best quality equipment, firearms, and training currently available. Anything less can lead to serious injury and even loss of life (Conroy, 2002).

**Weapon-Related Training Accidents**

One other important officer safety issue has surfaced as a result of the increased attention to all officer use-of-force training by agencies nationwide. That issue is officers being shot during training with live loaded weapons by other officers. To counter this ongoing problem, it is recommended that agencies adopt a policy that officers always use nonfunctional training guns when conducting all use-of-force training exercises (Conroy, 2002).

Officers should never use their duty weapons or any live handguns when performing weapon retention and disarming techniques. Incidents of training injuries and officer fatalities while using live weapons continue to rise. Distractions and errors in recollection during stressful situations often contribute to the failure of officers to unload or adequately check their loaded weapons after breaks and when returning from service calls. In addition, it has been found that familiarity and overconfidence in the training group’s competency in weapons safety management
is another contributing factor to officers shooting other officers during training. The potential negative consequences outweigh the desire for the greater realism of a live handgun. If these kinds of safety measures are not implemented immediately by all agencies, it is possible that in the future more officers will be killed in gun-related training accidents than by successful assaults on their firearms by attackers (Conroy, 2002).

Ground Fighting and Weapon Retention

In 2004, the Kansas City (Missouri) Police Department and the National Law Enforcement Training Center introduced ground fighting and weapon retention training in response to officers’ concerns about defending against a disarming attempt while fighting on the ground.

Today’s officers carry a plethora of equipment on their person. They carry handguns; some carry back-up handguns; and many carry Oleoresin Capsicum (OC) as well as some type of baton, handcuffs, and possibly Tasers. All of these weapons are carried by officers to help control resisting suspects or provide self-defense from a personal attack by a suspect. These different weapon systems are designed to be effective at a distance or to help keep a suspect from closing in on an officer. It is advantageous for officers to remain on their feet and stay mobile while delivering these systems. Being able to move helps an officer avoid, evade, intercept, or redirect attacks from an assailant.

The problem with having all of these weapons attached to officers’ bodies is that most aggressive attacks on officers in highly motivated resist-arrest situations end up on the ground, and the officers lose mobility. An officer who ends up on the ground should attempt to get up. If the attacker is on his or her feet, there must be distance created between the officer and the suspect before the officer can get up. The officer should position his or her feet and legs between him- or herself and the attacker and use them to create distance. If an attacker closes on a downed officer, the officer should use his or her legs, hips, and hands to off balance the attacker, forcing him or her to the ground. This allows the officer to separate and regain a standing position.

If an attacker gets on the ground with a downed officer, the attacker could attempt to disarm the officer from a variety of positions (e.g., front mount, rear mount, closed or open guard, or side position). This new system, which incorporates ground fighting and handgun retention, teaches officers how to secure the weapon in the holster and uses the officer’s hips, legs, and hands to gain a position of advantage and regain a standing position. Once this system is mastered, smaller stature officers using superior leverage and body mechanics can effectively regain the advantage on a larger, unskilled opponent.

Knee Kick and Stand Up (Danaher, 2001)

**Situation**

Officer is down on the ground.

Suspect is on his feet approaching the officer.
The downed officer should try to keep his feet between himself and the attacker. When the attacker moves into striking distance, the officer can strike the attacker’s knee with his foot. If the strike is successful, the attacker will be stopped momentarily, and the officer can get up by raising his hips off the ground and with opposing hand and foot on the ground, swing the kick leg to the rear by going between the hip and the ground. The other arm should be kept up in a protective manner and the officer should get up in a power stance and become mobile.
The Hook Sweep (Danaher, 2001)

**Situation**

Officer is down on the ground on his back.

Suspect is standing over the officer.

If the suspect closes on the officer and is standing over the officer, the officer can still use his legs to off balance the attacker. The officer can place his near foot on the attacker’s near hip, hook the same side heel of the attacker with the near hand, hook the far ankle, and lift with the officer’s other foot, while at the same time pushing the hip with the near foot and pulling on the near heel. The suspect should lose balance and fall backward. This gives the officer an opportunity to step back while getting up and creates distance from the attacker.
Double Leg Push

Situation

Officer is down on the ground on his back.

Suspect is on one or both knees attempting to get on top of the officer.

If the officer is down and the attacker closes and attempts to get on top of the officer, the officer should try to roll to his gun side to help protect the holstered handgun, which also gets the officer off his back. The officer brings his knees up and together with feet flared to each side of the suspect’s hips, toes pointed in. This keeps the suspect off the officer’s chest. The officer tries to control the suspect’s arms by pushing the suspect’s biceps or controlling the suspect’s elbows or wrists. This can be done in any order or combination. The officer pushes the suspect up and back with one shin across the suspect’s chest and slides his hip out and away from the suspect. This creates space for the officer to place his other foot on the suspect’s far hip. The officer pushes away from the suspect and creates space to place his other foot on the suspect’s chest and push or kick the suspect off. If the suspect lands on his back, the officer has the opportunity to get up and back, creating distance and mobility.
Scissor Sweep (Danaher, 2001)

Situation

Officer is down on the ground on his back.

Suspect is on one or both knees attempting to get on top of the officer.

If the officer is down and the suspect tries to jump on top of the officer, the officer should bring his knees up and together and flare his feet and place them on the suspect’s hips with the officer’s knees on the suspect’s chest. The officer should control the suspect’s arms by controlling the elbows, wrists, or any combination. At the same time, the officer should roll to one side (gun side preferably to help protect the holstered weapon). After rolling to one side, the leg closest to the ground will chop down on the suspect’s leg, near the knee, trapping it and driving it toward his other leg. The officer at the same time controls the same side arm of the suspect so he cannot base out. He then pushes the suspect off and over onto his back with the top leg. If the suspect manages to grab the holstered gun or any other weapon, the officer secures the weapon with a front cross grip or rear grip. The suspect has committed his arm to remove the weapon. The officer must control the arm of the suspect on the side the suspect will be rolled over.

The officer can then disengage if the suspect’s grip on the weapon is released or go to the front mount and use his legs to break the suspect’s grip on the weapon. The officer then has the opportunity to create distance or remain in the front mount position for control.
Front Mount/Handgun Retention – Far-Hand or Two-Hand Grab

**Situation**

Officer is in the front mount sitting on the suspect’s chest or torso.

Suspect attempts to disarm the officer with a far-hand or two-hand grab.

The officer secures his holstered weapon with a rear gun hand secure, maintains an erect posture, and places his dominant foot under the suspect’s near armpit, rotates his hips (gun side away from suspect’s hand), and places the support knee to the suspect’s head. The knife-edge of the officer’s support hand goes across the suspect’s cheekbone and presses the head to the ground.

The above are a few of the ground fighting and weapon retention system techniques. The average officer who masters these fundamental skills will have an edge over an untrained assailant. The officer should be able to regain the advantage of a good position. Once in a better position, the officer has the opportunity to get back up on his feet and access his weapons. When on his feet and mobile, the officer will prevail.

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**Summary**

From 1994 to 2005, according to the FBI Uniform Crime Report statistics, 723 officers were feloniously killed (see Figure 1). Of those, 62 were killed with their own handguns, which is 8.5% of officers killed in the line of duty.

Most police officers receive some training in firearm retention and disarming. The questions that I pose to you are as follows:

- Do your officers receive enough training in firearms retention and disarming?
- Is that training effective?

If the answer to one or both of these questions is “no,” I can categorically assure you that you need additional or better training in HLGRD tactics. This will help officers and agencies assure that principles and training standards are being maintained at the highest levels in order to achieve maximum officer safety and survival during
attacks on their weapons. Don’t let anyone tell you that it takes too much time to train to save your life. Remember, it’s your gun and your life! (Conroy, 2002)

Figure

Number and Percentage of Feloniously Slain Officers Killed With Their Own Guns 1975-2005

References


William L. Conroy graduated from Southwest Missouri State University in 1972 after earning a BS in social science. He joined the Kansas City (Missouri) Police Department in September of 1976. He instructed defensive tactics and firearms training from 1979 to 1983. From 1985 to 1989, he was assigned as supervisor of a tactical response team. In 1989, he was asked to select and train members of the police department for a specialized unit that was being formed in response to the increasing amount of narcotics trafficking in the city. He
was the supervisor of the Street Narcotics Unit Tactical Section, which served hundreds of felony narcotics search warrants. He was assigned to the Regional Police Academy in July of 1993 as the firearms training supervisor. In 1998, he accepted the responsibility for the merger of the Firearms and Defensive Tactics Sections and continues to oversee the day-to-day operations of the section. He has received numerous letters of commendation for his commitment to training and organizational skills.

Sergeant Conroy is a member of ASLET and served as a guest trainer in Albuquerque, New Mexico, at the 19th International Training Seminar and Law Enforcement Expo. He is a national trainer and serves on the Advisory Board of the National Law Enforcement Training Center. He has been instrumental in the development of the KCPD/NLETC defensive tactics systems for the past 25 years. Sergeant Conroy has extensive experience in the martial arts and holds the rank of Nidan (2nd degree black belt) in Judo and is a purple belt in Brazilian Jiu-Jitsu.

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Lessons Learned from an Analysis of Correctional Officer Training in the United States

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Introduction

Correctional officers (COs) may not be receiving the appropriate training needed to effectively carry out their legal responsibilities as they continue to cope with the rapid changes in society and technology, the enduring cadence of crime, the recent propensity of law makers to recommend stricter and longer sentences, and the subsequently rising prison population in the United States.

“Just as the rate of change both inside and outside of prisons is accelerating, budget constraints make it increasingly difficult to provide much needed staff training. This factor,” McCollum (1996) writes, “coupled with longer inmate sentences and reduced program options, make[s] the immediate future a difficult one for all correctional staff, including correctional managers and line staff officers” (p. 53). One of the most widely recognized problems in the field of corrections today is the critical need for trained personnel (President’s Commission on Law Enforcement and Administration of Justice, 1967).

Statement of the Problem

The problem that led to this study was that there was no common understanding of the learning and performance needs of entry-level COs; thus, officers are inconsistently trained and vary in their abilities to successfully fulfill their roles as COs.

Purpose

The purpose of this study was to identify the learning and performance needs of entry-level correctional officers.

Research Questions

The study was designed to address the following research questions:

• What are the most important knowledge needs for entry-level COs?
• What are the most important skill needs for entry-level COs?
• What are the most important value needs for entry-level COs?
• What are the most important training needs of entry-level COs?
Assumptions of the Study

The following assumptions were made for the conduct of the study:

- The initial respondents participating in the nomination of the panel of experts were knowledgeable of the duties of the COs in the field, and they nominated persons on that basis (Pullen, 1996).

- The members of the panel of experts were representative of visionary thinkers in CO training.

- The groups of experts gave their best professional opinions to each question and not just a statement that reflected current practices within their own organization per se.

- The experts “fully understood the questions and responded honestly and sincerely” (Villaquiran, 1997, p. 6). Miller (1991) stated that use of Likert or a Likert-type scale requires the “assumption of a psychological continuity that the respondent can realistically act upon in self-rating” (p. 175).

- The respondents who were willing to participate in the study gave answers to the best of their ability (Pullen, 1996).

- The instrument developed provided the necessary information to satisfy the objectives of the study (Villaquiran, 1997).

- “Neither standardization nor the arbitrary prespecified scale eliminates the fact that the researcher has to make some assumptions regarding what the respondent really meant when he or she checked a particular response on the Likert Scale” (Warde, 1990, p. 226).

- The Delphi Technique is a valid research technique for predicting future needs (Rogers, 1990), and the instrument developed provided the necessary information to satisfy the objectives of the study (Villaquiran, 1997).

Scope of the Study

The study was conducted within the following constraints:

- The experts chosen were only those identified by the leaders of issues in CO training. They were selected through the literature review and personal contact in professional conferences and screened by the standards set in this Delphi study. The selected experts, therefore, may not reflect the view of purely academic or exclusively corrections experts across the nation.

- The experts identified were from a pool of nominees encompassing the United States of America, and the scope of the study is national in nature.

- There are facilities of varying size, scope, and terms such as corrections center, jail, treatment center, prison, and reformatory within the varying county, state, private and federal systems. For the purposes of generalizability, only the adult
correctional systems of all the states of the United States have been considered. The term *correctional center* will generally be used to depict such an institution.

- Finally, custody staff have been called “guards,” “jailers,” “deputies,” “prison guards,” “turnkeys,” “screws,” “jail officers,” “hacks,” “detention officers,” “correctional officers,” or “security staff,” (Allen & Simonsen, 1998). For the purpose of generalizability and this article, the term *correctional officer* (CO) will be used.

**Limitations of the Study**

The study was limited to the identification of training-related knowledge, skill, and value needs, not competencies.

- The responding organizations, counties, and states and their own county or state laws and organizational policies and procedures varied. The Bureau of Prison of the U.S. federal government and private prison administrations also varied.

- The study was limited to the learning and performance needs of COs, and the findings may not necessarily be generalized to management, inservice, or other specialized training needs and the training needs of the remaining noncustodial correctional employees.

- Though uniformity (Green, 1996) and refinement of ideas through feedback (Holcomb, 1996) may have been achieved and the Delphi process was well-organized in extracting information (Brown, 1968; Dalkey, 1967, 1968; Dalkey & Brown, 1971), one of the limitations of the study was the arbitrary elimination of several duplicate ideas from multiple panelists during the Delphi Round I.

**Realities of the Learning and Performance Needs of Entry-Level Correctional Officers Literature Review**

**Inadequacy of Training**

COs are inadequately trained (Petersen, 1995). “Research has indicated that minimal training is carried on in the field of corrections . . . .” (LEAA, 1968, p. 1). Wolford and Kowalski (1993) point out that during the periods of economic recession, it has been common practice to reduce staff training in order to obtain additional funds for direct services. Also, there was a general dearth of information on training, reported Archambeault and Archambeault (1982), and few instructional models existed about the kinds of training necessary.

Correctional organizations have the presumed obligation to “reasonably” and “adequately” train personnel (Archambeault & Archambeault, 1982). “. . . . One of the most demanding problems in the field (of corrections) has been that of training or, more specifically, lack of training” (LEAA, 1968). Many leaders in the field of corrections recognize the importance of professional development; however, these “lower echelon” “first-line officers” are inadequately prepared, trained, and supervised (Eaton & Amir, 1966), and staff training remains a relatively low priority in many agencies (Johnson, 1993). The role and person of the CO have been systematically ignored unlike the police who have been the subject of considerable attention in recent years (Jacobs & Retsky, 1975). “The study of prison guards is
sadly neglected; although, they are unanimously considered the important change agents in correctional work” (Sandhu, 1972, p. 26).

**Availability of Training and Development Opportunities**

An organizational management principle is that the establishment has the obligation to train and develop its workforce (Archambeault & Archambeault, 1982; Rowan, 1997). Piven and Alcubes (1966) (as cited in President’s Commission on Law Enforcement and Administration of Justice, 1967) report, noted that as part of the National Council on Crime and Delinquency’s training study, questionnaires were sent to administrators in correctional systems throughout the country. More than half the responding agencies reported that they had no organized training programs.

Another study conducted by the Center for the Study of Crime, Delinquency and Corrections at Southern Illinois University found that not only was there little formal training in the field of corrections, but less than 25% of the correctional agencies had full-time training officers (LEAA, 1968). Kowalski (1992) recounts that the number of available trainers in a state varied from four in Iowa and five in Montana and South Dakota to a high of 601 in New York.

**Variation in Training**

In 1984, the National Institute of Corrections (NIC) reported variation in training locations. According to the NIC (as cited in Kowalski, 1992), 19 states delivered all training at central training facilities or academies. Four states (i.e., Kansas, Ohio, North Dakota, and Wyoming) delivered CO training at their correctional institutions. Eighteen states used both individual institutions and central facilities to conduct training. Further variation in the remaining five states was reported: Alabama and Tennessee provided training at central training locations, individual institutions, and regional training centers. Florida conducted training at individual colleges, universities, and vocational centers. “Of the 39 central training facilities in the United States which provide at least partial training for new officers, 30 were under the authority of the state departments of corrections” (Kowalski, 1992; L.I.S., Inc., 1984).

Jail officer training tends to be inconsistent, reports Cortright (1993). She stated that “the problem is that there is not an equitable, uniform, and consistent training program for all jail officers” (p. 37). According to Farkas (1995), individuals become officers after a relatively brief period, an average of five to nine weeks in training.

Lillis (1993) reported that the total training period covered 233 weeks/9,355 hours or an average of 5.7 weeks/234 hours of training per program (p. 4). Other findings also reflect that disparity exists in providing training to correctional officers. The American Correctional Association (ACA) (1994), reported that correctional officers in Texas receive only two weeks of academy-style preservice training as compared to officers in Florida, who receive 12 weeks of training (p. 31). New correctional officers, according to Camp and Camp (1995), must complete an average of 224 hours of preservice training. Rowan (1997) also noted that correctional officers working in adult facilities received 224 hours of entrance/preservice training. Camp and Camp (1995) reported the range of preservice training requisite hours from 640 (16 weeks) in Michigan to 40 hours (one week) in Vermont. Kowalski (1992) also reported considerable variances between North Dakota’s 50 preservice hours to California’s 400.
The NIC’s 1985 study of jail officers (as cited in Kowalski, 1992) noted 27 states requiring training for new jail officers, and “the number of training hours required ranged from a low of 36 in Texas to a high of 320 in Florida.” State-operated jail systems like Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and the District of Columbia conduct their own training of jail officers. Additionally, Kowalski (1992) points out, Pennsylvania and Utah required this training before being placed on duty. According to L.I.S., Inc., (as cited in Kowalski, 1992), “Most states that did not require jail officer training did, however, provide training on a voluntary basis that ranged from a relatively low to a rather high percentage of participants, i.e. California’s 98% voluntary participation” (p. 11).

**Accessibility to Funds for Training**

According to Breed (as cited in Hanford, 1987) in the 1976 American Correctional Association (ACA) Congress, “We have found that funds expended for staff training constitute the best investment we can make” (p. 55). He also contends that new officers without adequate training have little idea of the proper role or job responsibilities of COs. Lillis (1993) reported that the state of Michigan has the highest training budget at more than $7.1 million; whereas, North Dakota has the lowest budget at $12,000. Also, Michigan spent the most at $10,649 per student and also had the longest training program at 16 weeks. North Dakota spent the least on training at $100 per student and tied with Louisiana for the shortest training period at two weeks.

According to Lillis (1993), the entire budget for U.S. CO training now exceeds $56 million a year, making up 5% of the country’s total corrections budget (p. 4). Forty-two U.S. correctional systems, including the District of Columbia and the Federal Bureau of Prisons, reported a total of $56,869,116 or about $1.4 million per system spent on CO training in 1992. That comes to an average of $2,561 per student spent on training.

**Preservice Training and Educational Requirements**

L.I.S., Inc. (1984) reported that 54.3% or 25 of the 46 states responding to a survey required basic preservice training to be completed prior to placement of work assignment; whereas, 52.5% or 21 states’ training is to be completed within the first year of employment. Minimal educational requirements varied from high-school diploma/GED to none at all.

According to Germann, Day, and Gallati (1978), there has been an increasing interest in standards and training at the state level. Reporting the training of local police, they counted 38 states having standards and/or training programs supervised by boards, commissions, or councils. Divergence was noted in such training. “These operations vary from the most minimal training sessions to very sophisticated programs involving liaison with educational institutions; minimum standards for recruitment, selection, and training; examination and certification; research; and extensive publications activity” (Germann, Day & Gallati, 1978). In reports published by the California State Board of Corrections (1987a, 1987b), various earlier studies (e.g., Cohen, 1979) of correctional systems encountered widely varying training practices from agency to agency even when printed job descriptions were quite similar.

Besides acknowledging inservice training need, the 1971 federal grant proposition aimed at alleviating inadequate preservice training. “But the task of defining a
satisfactory curriculum,” writes Cohen (1979), “has been a major problem from the beginning.” Philosophical differences in emphasizing the academia/“corrections college” versus “emphasis on security and custodial skills” continue to exist until this day. Cohen (1979) indicated that preservice training programs included informational courses and courses promoting a positive view of supervision. He also cites difficulties in developing competent faculty who can contribute to an academically tailored curriculum, proper training in basic skills, dearth of funds, and contradictory objectives impeding the beginning of an earnest alliance with academia, as was proposed in the federal grant application.

The demand by correctional systems for well-trained and educated employees has never been as great as it is today (Taylor, 1996). According to O’Connel (1997), the Forrest County, Mississippi Sheriff said, “(a)ll 82 counties in Mississippi have jails. The needs are not the same, but the training of staff certainly would have a lot of things in common” (p. 9). Corrections Director Cal Terhune is reported by Gladstone and Arax (1998) to have said, “I’m pushing to increase the academy . . . it could be costly not to revise the training, too.” Gladstone and Arax (1998) also quoted The California Correctional Peace Officers Association’s Jeff Thompson as saying, “It’s penny wise and pound foolish to skimp on training in our area, and they have been skimping for years” (p. A50). The Standards for Correctional Training Academies (1993) and the American Association of Correctional Training Personnel additionally reported the importance of training correctional staff (Carter, 1992; Ryan, 1998).

**Significance of Training Correctional Staff**

Training is instrumental in enabling correctional change (Rinehart & Richardson, 1968). “Poorly trained officers with no prior experience are a threat to themselves, other staff, and inmates,” writes Bales (1997). “An officer’s thorough understanding of the department’s policies, procedures, and philosophy, can enhance and promote harmony and safety within the jail and within the community. This understanding can only be attained through education and effective training,” writes Cortright (1993, p. 37). Another survey by the Center for the Study of Crime and Delinquency and Corrections in 1990 acknowledged the importance of correctional staff training (Ryan, 1998, p. 75).

Only recently have correctional organizations given training much consideration (Archambeault & Archambeault, 1982, p. 317).

Increased training for our nation’s correctional officers (COs) must receive more attention. COs are professionals in the truest sense of the word and consequently must be given the instruction that goes with being a “professional.” Corrections is an occupation absolutely essential to the stability of our society, so COs should be trained accordingly. This would go a long way toward enhancing the security of our prisons and jails. (Travisono, 1988, p. 4)

Groesch (1989) noted that Oettmeier’s (1982) findings indicated that officer performance in recruit-basic training academy was highly predictive of performance. Groesch (1989) later commented that Oettmeier’s (1982) “findings support the claim that recruit basic training plays a significant role in preparing people for careers in law enforcement” (p. 23). Carlson (as cited in Mahmud, 1993) noted in 1986 that the Federal Bureau of Prisons has seen steady progress in the “professionalism” of
workers through staff training. This is achieved, Mahmud (1993) writes, “through improvements in the caliber of the staff recruited and the training and advancement opportunities” (p. 47).

Farkas (1995) reiterated that the “professional correctional officer” has more education than his colleagues and is interested in a career with the Department of Corrections. To summarize, in the words of Maghan (1997), “The establishment of training during the past three decades as a permanent feature of modern correctional agencies represents a hallmark of organizational development. Training now serves as a qualifier of occupational identity, performance, and career options” (p. 42).

Outline of Methods Used in this Research

Purpose
The purpose of this study was to identify the learning and performance needs of entry-level correctional officers. The Delphi Technique was adopted to identify and prioritize knowledge, skill, value, and training needs of entry-level COs through group consensus of the selected panel members.

The study was prompted by a growing offender population and subsequent need for highly trained COs to deal with such population. Also consequential was the awareness and concern that there seems to be no common understanding of the learning and performance needs of entry-level COs who are entrusted with the burgeoning correctional entities.

Research Questions
Four research questions were presented to accomplish the identification of CO learning and performance needs:

1. What are the most important knowledge needs for entry-level COs?
2. What are the most important skill needs for entry-level COs?
3. What are the most important value needs for entry-level COs?
4. What are the most important training needs of entry-level COs?

Delphi Probes and Sample Size
The Delphi Technique was utilized as the research method. The method was identified to have a considerable advantage in its use for a nationwide preservice training need assessment for COs preparing to serve in private, county, state, or federal correctional facilities.

The Delphi Technique, according to Delbecq, Van de Ven, and Gustufson (1975), is a method for the systematic solicitation and collation of judgments on a particular topic through a set of carefully designed sequential questionnaires interspersed with summarized information and feedback of opinions derived from earlier responses. “Delphi,” succinctly put by an anonymous reviewer of the Law Enforcement Executive
Forum (personal communication, March 2006, to Vladimir Sergevnin, editor), “is a systematic iterative process of query that draws unique judgments and opinions on major questions that may help shape the future direction of a profession from a panel of carefully selected experts who remain unaware of each other’s identity and participation from the beginning.” Repeated interviews, or in the case of Delphi iteration, with the same respondents yield an ever-increasing amount of information (Miller, 1991, p. 170). Such technique can be trusted to be more reliable and valid, with distinct advantages (Miller, 1991; Zeisel, 1965).

The four research questions were presented to a national panel of 50 experts who are knowledgeable and interested in the learning and performance needs of COs. Several planned steps were taken to successfully generate the multiple Delphi Round iterations.

All like ideas were clustered (Andranovich, 1995). The cluster was then given a name characterizing the idea it manifested. These items provided the substance for the next questionnaire. Available data was grouped and condensed into the 38 most important areas of knowledge, 40 most important skills, 80 most important values, and 20 most important preservice training needs. This principal inventory comprised the set of questions for Delphi Round II. The next two probes (Delphi Round II and III) attempted to refine the opinions of the experts and to reach a consensus (Delbecq et al., 1975).

The Delphi Round II probe requested the expert panel members to rank the contents that had been selected in the first probe. It asked all the panel members to rank the Delphi Round II questionnaire “a” 1 through 10, “b” 1 through 18, “c” 1 through 20, and “d” 1 through 40. The panelists had the option to add, delete, or improvise the ideas presented. Space was made available in the questionnaire’s welcoming comments.

The 19 most important knowledge needs, 20 skill needs, 35 value needs, and 10 most important training needs that were prioritized in Delphi Round II became the inventory for the final Delphi Round III probe.

The purpose of the Delphi Round III probe was to reach a consensus by the panel of experts to identify the most important knowledge, skill, value, and training needs of entry-level COs. All 50 panel members were mailed the Delphi Round III instrument via the United States Postal Services. Twenty-two responses arrived by the initial due date of October 17. An additional 16 responses (for a total of 38) were received by the following weekend. The remaining 12 individuals were again contacted via e-mail requesting their completed responses. Another eight responses for a total of 46 or 92% of panelists responded by October 30. A few of the panelists were working out of town, which delayed their responses. The last response was received on November 9, 2000, for a total of 47 or 94% responses.

Data Analysis

The Microsoft Excel program was used to conduct statistical analysis of the data received. The analysis revealed that 42% of the 19 knowledge needs selected by the panelists scored “highly relevant”; 58% were considered “relevant”; 27% of the identified 20 skill needs were assessed “highly relevant”; and 73% were considered “relevant.” Of
the 40 value needs, 31% were assessed as “highly relevant,” and 69% were considered “relevant.” Of all the training needs, 100% were assessed as “highly relevant.”

The standard deviation scores for each of the knowledge, skill, value, and training needs were found to be as follows. Between the highest and the lowest for each of the categories, knowledge needs scored .53; skill needs totaled .50; value needs scored .46; and the training needs deviation shows .30. Though the numerical value in itself is not important in such a descriptive study, focus can be placed on the order, ranking, or ratings of the scores derived. The above standard deviation scores show that with a score of .53, the greatest dispersion of opinions was in the “knowledge needs” category, followed by .50 of the “skill needs,” and “value needs” score of .46. The least amount of deviation, .30, was noted in the “training needs” category. This was also the category in which all ten items were scored as “highly relevant.”

Majority items listed as knowledge, skill, values, and training needs were determined to be analogous to those delineated in the 105 knowledge, skills, and abilities clustered by the California State Board of Corrections (1987) and the National Academy of Corrections’ (1992) Competency Profile of Correctional Officers. The results of the study seem to help prioritize the KSAs even further.

Results

Lessons Learned from the Analysis of Correctional Officer Training

Following are some of the details brought about after the examination of data:

- The panel of experts generated a total of 984 items related to entry-level COs’ learning and performance needs.

- Included in the 984 items were 241 most important areas of knowledge, 227 most important skills, 246 most important values, and 270 most important preservice training needs for entry-level COs.

- The most important areas of knowledge were condensed into 38 items. The most important 40 skills were consolidated, the 80 most important values were listed, and finally the 20 most important preservice training needs were identified.

- The 38 knowledge needs were further clustered into 19 items, 40 skills were categorized into 20 items, 80 most important values were assorted into 35 items, and 20 preservice training needs were arranged into 10 items by the ranking vote cast by the Delphi panel members.

Knowledge Needs

A consensus of the panelists was reached regarding eight (42% of 19) knowledge needs as “highly relevant” and the remaining 11 (58% of 19) knowledge needs as “relevant” (See Figure 1). The panelists were asked to score “4” for a “highly relevant” item, “3” for “relevant” recommendation, “2” for an item considered “insignificantly relevant,” and “1” for the lowest need with no relevance. All the items in Delphi Round III scored “relevant” and above. Items scoring between 2.5 and 3.4 were rated as “relevant,” and items scoring 3.5 or greater were considered
“highly relevant.” The mean of scores ranged from 3.53 to 3.94 for highly relevant knowledge needs and from 2.58 to 3.49 for the relevant needs. For the category of knowledge needs, deviation score ranged from .259 to .789 for a difference of .53 between the highest and lowest standard deviation scores.

The variance of CO tasks in itself is not as difficult as it is to combine and sometimes switch from one to another as operational circumstances demand (Bryans, 1995). Accrued knowledge allows the transformation professionally. In the study, entry-level COs’ greatest “knowledge needs” seemed to be knowledge of interpersonal relations and communication to include crisis intervention and conflict resolution. This is followed by the need to have the knowledge of security procedures, offender classification, and the offender disciplinary process. Knowledge of assigned post and daily procedures and basic security practices was considered equally important; this included the knowledge of equipment and tools, weapons, counts, tool control, searches and contraband control, escape prevention, alarms, fire, riots, and key control.

Figure 1. Knowledge Needs of COs

Skill Needs
A consensus of the panelists was reached regarding six (27% of 22) skill needs as “highly relevant” and the remaining 16 (73% of 22) skill needs as “relevant” (See Figure 2). The mean of scores ranged from 3.53 to 3.94 for highly relevant skill needs and from 2.60 to 3.45 for the relevant skills. For the whole skill need category, the deviation score ranged from .31 to .81 for a difference of .50 between the highest and lowest standard deviation scores.

Providing the skills to address issues and situations adequately allows people to respond appropriately and with self-assurance and respect for the training they receive (Singletary, 1999). Proficiency as a CO can be attained through the use of interpersonal skills (Bryans, 1995). Entry-level COs’ greatest “skill needs” seemed to be both verbal
and nonverbal communication skills. Interpersonal or people skills were emphasized. This need is followed by the skills to listen, learn, and follow directions or orders.

**Figure 2. Skill Needs of COs**

![Skill Needs of COs](image)

**Value Needs**

A consensus of the panelists was reached regarding 11 (31% of 35) value needs as “highly relevant” and the remaining 24 (69% of 35) value needs as “relevant” (See Figure 3). The mean of scores ranged from 3.51 to 3.87 for highly relevant value needs and from 3 to 3.47 for the relevant values. For the whole value need category, the deviation score ranged from .34 to .80 for a difference of .46 between the highest and lowest standard deviation scores.

Corrections must be value-centered (Rion, 1998). Entry-level COs’ greatest “value need” is honesty. Along with that, integrity, concern for good, and trustworthiness closely followed by responsibility, fairness, respect for laws and due process, credibility, and truthfulness (keeping one’s word and not making false promises) were considered to be of utmost importance. It is essential to do things right, but it is equally necessary to do the right thing. The allegiance to vision and values ensures positive work culture and begins a tradition that can transcend administrations (Singletary, 1999).
Training Needs

A consensus of the panelists was reached regarding all 10 (100%) training needs as “highly relevant” (See Figure 4). The mean of scores ranged from 3.57 to 3.87 for all the highly relevant training needs. For the whole training needs category, the deviation score ranged from .34 to .64 for a difference of .30 between the highest and lowest standard deviation scores.

Figure 4. Training Needs of COs
The experts were also asked to identify the minimum number of weeks or the minimum number of classroom training hours for entry-level COs. The mean score was 8.13 weeks, or 331.06 hours, and the median score was 8 weeks, or 320 hours. The modal score was 6 weeks, or 240 hours.

The panel members were requested to identify the hours of institutional orientation prior to attending preservice training. On an average, 38.45 hours of orientation was recommended. The median score was 40, and so was the mode.

The panelists also identified the hours of on-the-job training upon completion of preservice training. The mean score was 126.98 hours; both mode and median scores were 80 hours.

The 47 panelists also identified the need for 55.49 mean hours of a trainer certification program. Both the mode and median scores were 40 hours. Of the 47 respondents, 61.7% believe reliance on adjunct trainers should be at a minimum; 38.3% believe reliance on adjunct trainers should not be at a minimum.

One hundred percent of the panelists reflected that CO trainees should “at least” have a GED/high school diploma; the mean score was greater than assigned 12 for the GED/12th grade. Thirteen points were assigned for some college, with 14 for an associate’s degree. Though the mode and median score was 12, with the least amount of standard deviation (0.83) in the Delphi Round III'd Training Needs category, a mean score of 12.55 reflects educational expectation greater than a GED or a high school diploma.

Conclusions

From the assessments and interpretation of data, the following conclusions were established.

Despite the diversity of the correctional services, varying institutions of higher learning such as universities and colleges, and the variety of educational and experiential backgrounds the national panel of experts represented, there is general agreement as to core knowledge, skills, values, and training needs of entry-level COs.

There is a need for COs to be knowledgeable and skillful. A sense of personal and professional worth, respect for people, and values is essential. Embracing the knowledge, skills, values, and training needs identified in the study can help design training programs that will make possible entry-level COs better prepared in their role of change agent and improve their learning and performance needs.

Structured staff training is vital. There is prevailing conformity in the study that entry-level CO basic training in the United States is essential. Preservice training must be a prerequisite for all new COs. It is concluded that the performance and learning needs of entry-level COs are more similar regardless of where they work.

A guiding list of core knowledge needs, skill needs, value needs, and preservice training needs can be developed. Upon review (need assessment) of current reality, it has to be determined what needs to be incorporated to bridge the unfulfilled needs of entry-level COs. To best prepare, CO training needs to be designed based on an assessment of actual job demand. The strategy and framework of preservice
training should also be consistent with the skills, value, training, and knowledge considered “highly relevant” and “relevant” by the Delphi panelists.

Professionals serving the learning and performance needs of correctional employees believe that there is a need to continue professionalizing the field of corrections. It can be concluded that professionalism is achieved through training. The success of subsequent development of programs to attain desired goals for offender “correction” and “rehabilitation” will be dependent upon COs trained in the knowledge, skill, and value recommended by the panelists.

The overall conclusion of this study was that the needs reflected as “highly relevant” and “relevant” in all four categories explored would be a vehicle by which COs would be able to achieve a higher standard of performance and further professionalize the field of corrections.

**Recommendations for Practice**

Based on the findings of the study, several recommendations appear to be appropriate. The following recommendations are aimed at the practitioners:

- The panel members reached a consensus on the most important knowledge needs, skill needs, value needs, and preservice training needs of entry-level COs. Results of this study should be furnished to the correctional decision makers to determine the differences that exist between the COs’ current learning and performance standards versus what is recommended in this study.

- Serious consideration should be given to devise ways to incorporate the recommended knowledge, skills, values, and training needs in their respective training programs or academic curricula and performance evaluations. Once these knowledge, skill, value, and training needs are instituted, desired CO behavior can be expected. The recommendations of the panelists can be used to develop correctional training strategy.

- Endeavors should be taken to ascertain what barriers exist in the correctional organizations in the United States in order to increase the training requirements at a minimum of what the panelists have recommended. Based upon the findings, it is recommended that all entry-level COs should receive a minimum of 39 hours of institutional orientation prior to attending preservice training.

- The role of preservice training is indispensable in preparing individuals for a career in corrections; however, there is remarkable disparity in the length of existing preservice training programs. Variation is also illustrated in the study. The recommended mode was 240 hours of CO preservice training. The median score was 320, and on an average, all 47 panelists recommended 331 hours of preservice training. The standard deviation was 138 hours. Based on the above, it is recommended that all entry-level COs should receive a minimum of 331 hours or 8.25 weeks of preservice training.

  The mean scores of all the participating Delphi panelists were used in making the recommendations. Mead (1992) used mode and median values “in order to take out responses for which there was little consensus” (as cited in Williams & Webb, 1994). Brooks (1974) used a mean response to rank items. Mean and
standard deviations were also used by White (1991), Godsey (1992), Massey (1993), Williams & Webb (1994a, 1994b), and Villaquiran (1997). Sommer & Sommer (1991) further concluded that the “mean is the most frequently used measure of central tendency. It is usually the most reliable of the three measures since it varies less among the sample drawn from the same population” (p. 240).

• Based on the same logic of using the mean, described above, it is also recommended that upon completion of training the CO should participate in at least 127 hours of on-the-job training.

• Effort should be made to find out what obstacles exist in the correctional organizations in the United States to increasing the trainer certification requirements at a minimum of what the panelists have endorsed. It is recommended that all trainers need to be carefully screened and selected and then provided a minimum of 56 hours of trainer certification program training. In providing preservice training, reliance on adjunct trainers or guest instructor(s) should be at a minimum.

• There seems to be a consensus that completing secondary education is required of those applying for the position of CO. Options for the COs to obtain more formal education through work-study programs, educational furloughs, and university extension courses should be considered.

• For training to make a lasting difference in the lives of COs and those they serve, training programs ought to be developed by incorporating the identified knowledge, skill, and value needs, and the training should be imparted in a way that communicates development of the whole person. Such commitment to training must be present and visible. This, in turn, can aid in the development of the whole organization and can ultimately transform corrections as a profession.

Recommendations for Further Research

• A study should be conducted to ascertain the profile of COs who will have traversed a program that has been geared towards or has incorporated the knowledge, skill, value, and training needs outlined in this study.

• Even though many articles allude to increased professionalism through accrued knowledge, skills, and values from education and training, not many studies address its materialization. Further study should determine whether fulfilling such needs also meet the learning and performance needs of correctional employees.

• A study should be conducted to ascertain whether individual or group differences exist among the panelists due to differing backgrounds and compare the results of this study.

• A study focusing on the specific training needs of COs should be conducted that compares the needs of COs in jails or short-term correctional/rehabilitational facilities versus COs in a long-term correctional/rehabilitational facilities. Such a study could be combined or conducted independently by deciphering the needs of COs in a community-level institutions; minimum, medium, and maximum security facilities; or specialized geriatric, sex offender, regimented discipline/boot camp, offenders with children, special need(s) offenders, or substance abuse recovery facilities.
• Prospective researchers might want to take the results of this study to the professional COs and gather their opinions on what they should be learning in an entry-level training program.

• A call for renewal is made to review existing vision and mission statements of the jails and corrections departments nationwide to determine whether the COs are in the business of “corrections” only or also of “rehabilitation” and accordingly act on revising appropriate policies and procedures to materialize the necessary changes for the change agents, such as the COs. Researching changes in the law to align the “correctional/rehabilitational” goals with the knowledge, skills, values, and training needs recommended by the panelists should be considered by the legislators.

• The methodology used in this study can be utilized by other correctional organizations and educators for further research.

Implications

The data in this investigation was collected in a manner that made possible the analysis of learning and performance needs of correctional officers from a diverse background of “experts” on correctional officer education and training. In the study, the knowledge, skills, value, and preservice training needs of correctional officers in different parts of the United States were found to be similar.

The most suitable training for the corrections field lacks consensus. The study corroborated some findings and conclusions of other studies in which the significance of training for COs was emphasized. The study found that, more or less, similar needs are being met, if at all, with differing approaches. A lot more remains to be done.

The knowledge, skill, value, and training needs expressed by the panelists of the study seem to be similar, but there does not seem to be a clear idea on what role a CO should play. The propensity of variation seems to be influential on how the individuals view the role of education and training of COs.

Correctional training can facilitate the appreciation for an organization’s policies, procedures, and philosophy. This, in turn, can improve and encourage harmony and security within jails or correctional facilities. Such access to learning seemed proportionate to value placed by the society and correctional leaders on learning actually making a difference in how such a group of employees perform.

Since correctional agencies, in general, seem to place less value on education and training, even when such initiatives are taken, the individuals entrusted with carrying on the responsibilities of learning and performance development stay on the “staff side” (Laird, 1985), and the line COs end up getting neglected.

It’s an apt reminder that “the person who sees a career as one of perpetual investment in education stands a much better chance of surviving in today’s world” (Peters, 1987, as cited in Phillips & McConnell, 1996, p. 366). The human resource needs, including the needs of the COs, in corrections can only be met if training resources are stretched. Correctional education and training is not an expense but an investment in the future, which can contribute much, not only to the learning and performance needs, but to further professionalize the field of corrections.
Much professionalism has been achieved; much more progress, on the other hand, must be made. Private prisons would gain in utilizing the same ideas; however, since such employees are mostly public employees, funds and its sources are controlled by the public and occasionally the governmental bureaucracy. As long as the public remains unenlightened about the potential misguided policies due to latent, but perhaps, oblivious apathy of its citizenry, and success or failure for that matter is judged by its short-term output, only history will tell how the abridged vision can shortchange the same public in its long-term conceivable auspicious outcome unless correctional professionals take charge of improving their own “luck” (i.e., “laboring under correct knowledge”).

Whether the present correctional training systems in the United States are inadequate is not the question anymore (McCollum, 1976). Some of the best theoreticians and practitioners in correctional staff training and development have been assembled through the use of the study’s Delphi method. Within and despite the limits of the research, they have spoken and it is time to further evolve and deliver.

What all of this means is that we must transform into perpetual learners (Schein, 1994). As a rising number of observers and analysts have observed, it will be the ability to learn that will make the difference in the future (Michael, 1992; Peters, 1987; Rosell, 1990; Senge, 1990). The stressful nature of the work COs perform may not change; the competing demands of rehabilitation and the maintenance of order may not go away; but added learning and performance skills, knowledge, and values recommended by the panelists can shape how the COs of the future react and sustain challenges professionally. Transformation is not equal to advancement. Critical thinking and the confidence to challenge past learning and experiences can set the stage for correctional training to explore new ideas and progress.

In corrections, the main ingredient for changing people is other people (President’s Commission on Law Enforcement and Administration of Justice, 1967). Helen Keller’s teacher Annie Sullivan said of once defiant Keller that, “what you demand of her now is what she will ever be!” (ABC, 2000). Corrections and rehabilitation is an occupation and a profession axiomatic to the stability of our society; hence, COs should be educated and trained accordingly because what we demand of corrections as a profession now is what it ever will be!

Bibliography


Emran Khan, Ed.D, earned his bachelor’s in social sciences (BSS) with honors and an MSS in international relations from the Dhaka University in Dhaka, Bangladesh, in 1979 and 1980 respectively. He obtained an MBA from the Central State University (CSU) in Edmond, Oklahoma, in 1985. His third master’s degree, an MA in criminal justice management and administration (1986), is also from the CSU. He earned his doctoral degree (Ed.D) in occupational and adult education in 2001 from the Oklahoma State University in Stillwater with emphasis in HRD. His research focused on correctional officer training in the United States.

Prior to teaching at Western Illinois University, Dr. Khan was a professor at the Fort Valley State University, Georgia, for two years and an instructor at the Employee Training & Development Center in Stillwater for more than six years. In his 16-year correctional career, mostly with the Oklahoma Department of Corrections, he has been a correctional officer and a case manager in a maximum security prison, a probation and parole officer, a senior probation and parole officer, a grievance review officer, a detention officer at a juvenile facility, a senior correctional training officer, a contract monitor, and a local administrator of community sentencing.
Appendix A: Cover Letter

«Title» «FirstName» «LastName»
«JobTitle»
«Company»
«Address1»
«Address2»
«City»
«State» «PostalCode»

Dear «Title» «LastName»

This letter is to request your participation in a futures study that will attempt to identify the pre-service training needs of correctional officers. I am a doctoral candidate at Oklahoma State University (OSU) in Human Resource Development (HRD) as well as a full-time employee at the Oklahoma Department of Corrections (ODOC). The subject of my study is to identify the training needs of entry-level correctional officers. My goal is to determine with your help the most important areas of knowledge, skills and values for entry level correctional officers.

You have been identified by other correctional practitioners and educators from across the country as one of the top professionals in the nation. Your participation is critical to the success of this study. The process will require your valuable input in a three to four round Delphi study.

The Delphi method is dependent upon a group of recognized experts responding to an original questionnaire, and then later helping to arrange responses by order of importance. The process allows to achieve consensus of opinion on a given topic, but it does not require that all of the experts be brought together to achieve this consensus. Your participation would involve filling out three to four short questionnaires, mailed to you over the next two months. Delphi questionnaires are designed to require minimal amount of your time and effort. However, you will be allowed a great amount of freedom in your responses. Your responses will be distributed anonymously to other panel members, and you will receive their responses. In reporting the data, I will not associate your name directly with any of your answers on the questionnaires. As a participant, you could also request a summary of the results of the study. Further, panelists will be recognized in the final research report.

I would appreciate a response as to your willingness to participate by Wednesday, July 26, 2000.

A reply form and a pre-addressed, postage-paid envelope are enclosed for your response. If you have questions feel free to call me at (405) 372-5444 or if you prefer to respond by E-mail, please write to kemran@okstate.edu. Participation on the panel, I feel, shall contribute to our continuing pursuit of correctional training excellence. Thank you for your consideration.

Sincerely,

Emran Wasim Khan, Local Administrator
Community Sentencing Division
Oklahoma Department of Corrections

Doctoral Candidate
Human Resource Development
Oklahoma State University

c. Dr. William Venable
School of Educational Studies
Appendix B: National Panel of Experts Solicitation Form

National Panel of Experts in Correctional Officer Training: Delphi Participation Form

NAME:__________________________________________________________________________
TITLE:___________________________________________________________________________
WORK ADDRESS:________________________________________________________________
CITY: ___________________________________________________________________________
STATE & ZIP:____________________________________________________________________
WORK TELEPHONE:_____________________________________________________________
WORK E-MAIL:__________________________________________________________________
HOME ADDRESS:________________________________________________________________
CITY: ___________________________________________________________________________
STATE & ZIP:____________________________________________________________________
HOME TELEPHONE:_____________________________________________________________
HOME E-MAIL:__________________________________________________________________

Please Check One:
___ Yes, I would like to be a member of the NATIONAL PANEL OF EXPERTS FOR
CORRECTIONAL OFFICER TRAINING.

From the following please check all that applies to you:
___ “Expert” in the Development of Correctional Training
___ Served as Correctional Consultant
___ Academician with an Expertise in Corrections/Criminal Justice/Correctional Administration
___ Recognized by a National or Regional organization as Knowledgeable in Correctional Training
___ Have professional interest in Correctional Training
___ Make active contribution to professionalize Correctional Training
___ Other (please explain)_________________________________________________________

Please feel free to attach resumes or vita, use the back of this page, or add pages for additional response.

I understand that participation is voluntary; that there is no penalty for refusal to participate, and that I am free to withdraw my consent and participation in this project at any time without penalty after notifying the project director. I may contact Emran W. Khan via E-mail at kemran@okstate.edu or at telephone numbers (405) 372-5444 or (405) 377-6678.

I may also contact the University Research Services at 001 Life Sciences East, Oklahoma State University, Stillwater, OK. 74078; Telephone (405) 744-5700.

I have read and fully understand the consent form. I sign it freely and voluntarily.

Date: _______________ Time: ______ (a.m./p.m.) Signature: ___________________________

___ No, I am unable to participate at this time.
___ I would like additional information. Please contact me by telephone number / E-mail address above.

Please use the enclosed postage-paid return-addressed envelope to return, or mail to Emran Khan, P.O. Box 2553, Stillwater, OK. 74076-2553.
### Appendix C: Condensed List of Recommended/Selected Nominees

<table>
<thead>
<tr>
<th>Number</th>
<th>nominee</th>
<th>position</th>
<th>organizational details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ronald Allen</td>
<td>Director</td>
<td>Indiana DOC, New Castle, IN</td>
</tr>
<tr>
<td>2</td>
<td>Dr. Laura Bedard</td>
<td>Director</td>
<td>Florida State University, Toll, FL</td>
</tr>
<tr>
<td>3</td>
<td>Holly Braun</td>
<td>Agency Program Trainer</td>
<td>Salem, OR</td>
</tr>
<tr>
<td>4</td>
<td>Angela Burnice</td>
<td>Branch Director II</td>
<td>Mississippi Dept. of Corrections, Parchman, MS</td>
</tr>
<tr>
<td>5</td>
<td>Anthony Callisto, Jr.</td>
<td>Chief Deputy</td>
<td>Syracuse, NY</td>
</tr>
<tr>
<td>6</td>
<td>Todd Clear</td>
<td>Distinguished Professor</td>
<td>Dept. of Law &amp; Political Science, John Jay College, New York, NY</td>
</tr>
<tr>
<td>7</td>
<td>William Collins</td>
<td>Attorney at Law</td>
<td>Editor, Correctional Law Reporter, Olympia, WA</td>
</tr>
<tr>
<td>8</td>
<td>Gary Cornelius</td>
<td>Lieutenant</td>
<td>Programs &amp; Recreation Supervisor, Fairfax Co. Adult Detention Center, Fairfax, VA</td>
</tr>
<tr>
<td>9</td>
<td>The Hon. Helen Corothers</td>
<td>Commissioner US Sent. Com.</td>
<td>Silver Spring, MD</td>
</tr>
<tr>
<td>10</td>
<td>Sam DiNicola</td>
<td>Director of Training</td>
<td>Tennessee Corrections Academy, Tullahoma, TN</td>
</tr>
<tr>
<td>11</td>
<td>Michael Dutton</td>
<td>Superintendent</td>
<td>Tennessee DOC, Tullahoma, TN</td>
</tr>
<tr>
<td>12</td>
<td>Charles Felts</td>
<td>Director</td>
<td>Staff Training Academy, Federal Bureau of Prisons, Glynco, GA</td>
</tr>
<tr>
<td>13</td>
<td>Pam Ferguson</td>
<td>Mgmt/Ldrship Devt Specialist</td>
<td>Oklahoma City, OK</td>
</tr>
<tr>
<td>14</td>
<td>Gary Cornelius</td>
<td>Lieutanant</td>
<td>Programs &amp; Recreation Supervisor, Fairfax Co. Adult Detention Center, Fairfax, VA</td>
</tr>
<tr>
<td>15</td>
<td>Larry Fields</td>
<td>Vice President</td>
<td>Dominion Correctional, Edmond, OK</td>
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<tr>
<td>16</td>
<td>Royce Hudson</td>
<td>Chief of Staff</td>
<td>Missouri DOC, Jefferson City, MO</td>
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<tr>
<td>17</td>
<td>Dennis Hutchinson</td>
<td>Assistant Director</td>
<td>Utah Department of Corrections, Draper, UT</td>
</tr>
<tr>
<td>18</td>
<td>Randy Johnson</td>
<td>Director</td>
<td>Training Resource Center –WKU, Bowling Green, KY</td>
</tr>
<tr>
<td>19</td>
<td>Lenora Jordan</td>
<td>Warden</td>
<td>Oklahoma Dept. of Corrections, Helena, OK</td>
</tr>
<tr>
<td>20</td>
<td>Stephen Kaiser</td>
<td>Warden</td>
<td>Corrections Corporation of America, Holdenville, OK</td>
</tr>
<tr>
<td>21</td>
<td>Dr. Ken Kerle</td>
<td>Managing Editor</td>
<td>American Jail Association, Hagerstown, MD</td>
</tr>
<tr>
<td>22</td>
<td>Dr. Richard Kiekbusch</td>
<td>Assistant Professor</td>
<td>University of Texas at Permian Basin, Odessa, TX</td>
</tr>
<tr>
<td>23</td>
<td>W. Keith King</td>
<td>Branch Director II</td>
<td>Pear, MS</td>
</tr>
<tr>
<td>24</td>
<td>Dr. Dan Lawrence</td>
<td>Executive Assistant</td>
<td>Oklahoma DOC, Oklahoma City, OK</td>
</tr>
<tr>
<td>25</td>
<td>Prof. Lucien Lombardo</td>
<td>Dept. of Sociology and Criminal Justice</td>
<td>Old Dominion University, Norfolk, VA</td>
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<tr>
<td>26</td>
<td>Dr. Jess Maghan</td>
<td>Professor</td>
<td>The University of Illinois, Dept. of Criminal Justice, Chicago, IL</td>
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<tr>
<td>27</td>
<td>Dr. Jim Marquart</td>
<td>Professor</td>
<td>Sam Houston State University, College of Criminal Justice, Huntsville, TX</td>
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<td>28</td>
<td>General Gary Maynard</td>
<td>Director</td>
<td>University of Oklahoma, Norman, OK</td>
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<tr>
<td>29</td>
<td>Dr. Mario Paparozzi</td>
<td>Associate Director &amp; Assistant Professor</td>
<td>The Criminal Justice Center, Ewing, NJ</td>
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<tr>
<td>30</td>
<td>Dr. Michael Parsons</td>
<td>Executive Director</td>
<td>Washington Training Commission, Seattle, WA</td>
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<td>31</td>
<td>Peter Perroncello</td>
<td>CJM, Supt. Of Jail Operations</td>
<td>Norfolk Co. Sheriff’s Office, Dedham, MA</td>
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<td>Keith Price</td>
<td>Senior Warden</td>
<td>Amarillo, TX</td>
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<tr>
<td>33</td>
<td>Jane Sachs</td>
<td>Supervisor</td>
<td>Rockville, MD</td>
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<td>34</td>
<td>Dr. Harjit Sandhu</td>
<td>Professor Emeritus</td>
<td>Oklahoma State University, Pacifica, CA</td>
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<td>35</td>
<td>Terry Satterfield</td>
<td>Woodstock, MD</td>
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<td>36</td>
<td>Alan Shuman</td>
<td>Director</td>
<td>New Mexico DOC, Santa Fe, NM</td>
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<td>37</td>
<td>Frank Sizer, Jr.</td>
<td>Deputy Commissioner</td>
<td>Baltimore, MD</td>
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<tr>
<td>38</td>
<td>Gale Smith</td>
<td>Executive Director</td>
<td>Juvenile Justice Trainers Association, Ithaca, NY</td>
</tr>
<tr>
<td>39</td>
<td>Walter Smith</td>
<td>Division Chief</td>
<td>Denver Sheriff’s Department, Denver, CO</td>
</tr>
<tr>
<td>40</td>
<td>Twyla Snider</td>
<td>Warden, Corrections Corporation of America</td>
<td>Cushing, OK</td>
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<tr>
<td>41</td>
<td>Dr. William Sondervan</td>
<td>CCE, Commissioner</td>
<td>MD</td>
</tr>
<tr>
<td>42</td>
<td>Richard Stadler</td>
<td>Secretary</td>
<td>Louisiana DOC, Baton Rouge, LA</td>
</tr>
<tr>
<td>43</td>
<td>Dr. Jeanne Stinchcomb</td>
<td>Professor, Florida Atlantic University</td>
<td>Criminology/Criminal Justice Department, Davie, FL</td>
</tr>
<tr>
<td>44</td>
<td>Dr. Mary Stohr</td>
<td>Associate Professor &amp; Department Chair</td>
<td>Boise State University, Boise, ID</td>
</tr>
<tr>
<td>45</td>
<td>Dr. Stan Stojkovic</td>
<td>Professor</td>
<td>University of Wisconsin at Milwaukee, Milwaukee, WI</td>
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<tr>
<td>46</td>
<td>Ron Ward</td>
<td>Regional Director</td>
<td>Oklahoma Dept. of Corrections, McAlester, OK</td>
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<td>47</td>
<td>Dr. Bruce Wolford</td>
<td>Director</td>
<td>Kentucky University Training Resource Center, Richmond, KY</td>
</tr>
<tr>
<td>48</td>
<td>Ed Yahng</td>
<td>Curriculum Specialist</td>
<td>Missouri Department of Corrections, Jefferson City, MO</td>
</tr>
<tr>
<td>49</td>
<td>Glenn Zuern, Associate Professor</td>
<td>Albany State University, Department of Criminal Justice, Albany, GA</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>Dr. Linda Zupan</td>
<td>Professor</td>
<td>Northern Michigan University, Marquette, MI</td>
</tr>
</tbody>
</table>
Appendix D: Delphi Round I Letter

August 1, 2000
ADDRESS 1
ADDRESS 2

Dear    :

Thank you for agreeing to participate in my study dealing with Correctional Officer Training in the United States of America. You are among the 50 experts in the field of corrections/training, from all across the United States, who will be providing important information identifying the learning and performance needs of correctional officers. With your important input perhaps we can come to some conclusions as to what Correctional Officer training in the United States should entail.

I am specifically asking you to identify the learning and performance needs of entry-level correctional officers, and the most important areas of knowledge, skills and also the most important values for entry level correctional officers.

Enclosed you will find the first of three to four part probe that will help to identify learning and performance needs. Please feel free to include as many responses as you feel necessary. It would be appreciated if you could complete your response and return it in the enclosed self-addressed postage-paid envelope by Friday, August 18, 2000.

As soon as the result of the first probe has been tabulated you will receive the second probe. The second probe will be based on the results of the first probe. The second probe will allow you to further clarify the training, knowledge, skills and values needs that you feel are essential for entry-level Correctional Officers.

Thank you again for your willingness to participate in this study. Also, let me remind you that the Delphi process preserves anonymity: therefore, names will not be used in tabulations. If you have any questions concerning the questionnaire or the study, please feel free to call at (405) 372-5444 or E-mail me at kemran@okstate.edu.

Sincerely,

Emran W. Khan, Local Administrator
Doctoral Candidate
Community Sentencing Division
Human Resources Development
P. O. Box 2553
Oklahoma State University
Stillwater, OK. 74076-2553

c. Dr. William Venable
School of Educational Studies
Appendix D: Delphi Round I Questionnaire

Delphi Round I

Name: _________________________________________________________________

Correctional Officer training is a major issue facing all prison, jail and correctional agencies. Available research reflects that correctional officers are provided pre-service training in varying degrees. Your expert opinion will help to identify the pre-service training needs of correctional officers.

Directions: Please answer the following questions with brief and concise statements, or you may choose to list your answers. Feel free to use additional pages and include as many responses as you consider necessary.

1. What are the pre-service (basic) training needs of entry level correctional officers?

   Examples: Basic correctional officer training is a prerequisite; Minimum content and training hour is required; There is a need for a standardized basic training courses.

   a. 
   b. 
   c. 
   d. 
   e. 

2. What are the most important areas of knowledge for entry level correctional officers?

   Examples: Knowledge of laws, policies, procedures, job content, current technology, and/or philosophy.

   a. 
   b. 
   c. 
   d. 
   e. 

3. What are the most important skills for entry level correctional officers?

   Examples: Skills in negotiating; Communication; Leadership & Management.

   a. 
   b. 
   c. 
   d. 
   e.
4. What are the most important values for entry level correctional officers?

   **Example:** Respect for people; A sense of personal and professional self-worth; Personal honesty & integrity.

   a.  
   b.  
   c.  
   d.  
   e.  

   Thank you again for agreeing to participate in this study.

   **PLEASE RESPOND TO THE ABOVE QUESTIONNAIRE, AS SOON AS POSSIBLE AND AT YOUR CONVENIENCE, BY THURSDAY, AUGUST 18, 2000.** Kindly return the completed response in the self-addressed stamped envelope, via e-mail at kemran@okstate.edu, or at the address below. Please page me, call me, or write to me if you have a question.

   Emran Wasim Khan  
   Home Phone: (405) 372-5444  
   P. O. Box 2553  
   Pager Number: (405) 559-7738  
   Stillwater, OK. 74076-2553  
   Office Phone: (405) 377-6678  
   Fax Number: (405) 377-6754  
   Pager Number: (405) 559-7738  
   E-mails: kemran@okstate.edu  
   emran.khan@doc.state.ok.us

   **Please list the following information that I may not currently have.**

   **Telephone number(s):_______________________________.**

   **Fax number(s):_______________________________.**

   **E-mail address:_________________________________.**

   Please check /initial one:

   ____ You may quote me in the study identifying pre-service training needs of entry-level correctional officers.

   ____ Please keep this information completely confidential.
Law Enforcement Curriculum and Standards for High School

Marwin Britto*, Assistant Professor, Department of Education; Director, Educational Technology Center, Central Washington University, Ellensburg
Sarah Britto, Assistant Professor, Department of Law and Justice, Central Washington University, Ellensburg
Sue Carter Collins, Assistant Professor, Department of Criminal Justice; Faculty Associate, Institute of Public Health, Georgia State University, Atlanta

Introduction

In recent years, many high schools have expanded their vocational and technical programs to include areas such as agriculture, healthcare sciences, and public safety. These new programs are designed to increase student investment in their education by providing curricula that are more applied and directly related to their career goals (Coffee, Waller, Castillo, & DiPietro, 2002; Los Angeles Police Academy Magnet School, n.d.). A major goal of these programs is to provide states and the nation with a well-educated labor force in criminal justice, an area for which the U.S. Department of Labor (DOL) (2003) predicts that between 2000 and 2010, “employment of police and detectives is expected to increase faster than the average for all occupations” (p. 347). DOL further predicts that as the numbers of job opportunities continue to grow, there will be an excess of qualified candidates, “resulting in increased hiring standards and selectivity by employers” (p. 347).

Educational research has consistently demonstrated the importance of involving key stakeholders including professionals who currently work in the field in curriculum development projects (National Council of Teachers of Mathematics, 1989; National Education Goals Panel, 1991; U.S. Department of Education, 1994). This article will explore one state’s efforts to include law enforcement professionals in the curriculum-building process and discuss the resulting benefits to students, law enforcement agencies, teachers, and communities.

Standards-Based Education

We begin by highlighting the history of standards-based education in the United States and the movement toward developing standards for high school public safety and law enforcement programs. During the past two decades, the standards-based reform movement has dominated American education literature. Many point to the publication of the monumental and controversial 1983 report, A Nation at Risk, as the beginning of the modern standards-based reform movement. The report painted a bleak picture of the status of education in the United States:

The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people . . . [Ô]thers are matching and surpassing our educational attainments . . . We have, in effect, been committing an act of unthinking, unilateral educational disarmament. (National Commission on Excellence in Education, 1983, p. 5)

* The authors are listed alphabetically because they all contributed equally to the production of this article.
In light of these findings, the report provided a chilling warning that our nation’s economic future and its ability to compete internationally were at stake if the skills and knowledge of the American workforce did not improve dramatically. Some believed our security and the very safety of our country were at risk (Shepard, 1993). The national report called for a massive reformation of education in schools by raising student expectations from bare minimum standards and requirements to leading edge, “world class” standards.

In 1989, shortly after taking office, President George Bush convened the nation’s governors to discuss the issue of education and set national goals for student achievement. The following year, the group adopted six National Education Goals designed to “provide a national framework for education reform and promote systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students” (National Education Goals Panel, 1991, p. 1).

In 1994, under the direction of President William Clinton, Congress passed the “Goals 2000: Educate America Act.” This law codified eight National Education Goals and established the bipartisan National Council on Education Standards and Testing to certify voluntary national standards. Certification of the national standards indicated that they “are challenging, consistent with the best knowledge about teaching and learning, and have been developed with broad input from educators and others” (U.S. Department of Education, 1994, p. 4). These national goals and the push for the development of voluntary national standards were predicated on the successful model of the voluntary, national effort to raise the standards of mathematics education in the United States (Cobb, 1994).

The National Council of Teachers of Mathematics (NCTM) began revising their curriculum standards in the 1980s through an extensive consensus-building process involving the nation’s leading mathematics educators and thousands of academics, classroom teachers, and practitioners (Ravitch, 1995). Copies of the proposed standards were distributed to teachers, parents, business leaders, and others for review. Because of this comprehensive process, the NCTM standards were completed in 1989 and quickly gained widespread acceptance and adoption at local and state levels. Today, the success of the consensus-building process used by the NCTM serves as an important model in the development and reform of other subject areas including law enforcement.

Table 1
Models for Developing Consensus-Based School Standards

<table>
<thead>
<tr>
<th>State</th>
<th>Leading Educators/ Experts</th>
<th>Public Focus Groups</th>
<th>Teachers</th>
<th>Professional Groups</th>
<th>General Public</th>
<th>Professional Task Forces</th>
<th>Telephone Surveys</th>
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<td>x</td>
<td>x</td>
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</tbody>
</table>

Although it is generally agreed that a broad consensus of the public and professionals is critical to the process of developing standards (Georgia Learning Connections & Georgia Department of Education, 2003; National Council of Teachers of Mathematics, 1989; National Education Goals Panel, 1991; U.S. Department of Education, 1994),
states have employed several different methods to achieve their objectives. Table 1 shows that approaches range from the use of leading educators only (California) to the broad-based efforts in South Carolina that involve teachers, professional groups, and citizens (Consortium for Policy Research in Education, 1993).

As of 2001, 49 states (all but Iowa) and Washington, DC, had at least some academic standards. Forty-eight states and Washington, DC, had academic standards in all core subjects—English/language arts, mathematics, science, and social studies (Council of Chief State School Officers, 2004). The success of these program standards has led to an expansion of standards-based education to programs such as public safety, which include specializations in law enforcement, emergency medical services, fire services, and legal studies.

Despite the development of a national high school curriculum in public safety in 2002 (States Career Cluster Initiative), the academic literature in the area is limited. In fact, we could find no studies in refereed academic journals that directly explore the development of high school public safety standards. Coffee et al. (2002) report over 800 high school law enforcement programs across the country. Educators support these programs because “for many students, the key to success in school is connecting what they are learning to something that they are interested in” (Coffee et al., 2002, p. 3). A survey by Cheurprakobkit and Bartach (2000) of Texas high school principals about the value of teaching criminology/criminal justice in school revealed the belief that criminal justice courses teach valuable lessons and lesson school crime problems. Additionally, law enforcement officials often support such programs because they facilitate long-range recruitment strategies for employing agencies. The sheer number and popularity of these programs speaks to the need for research in the area of curriculum development.

Law enforcement training and post-secondary education programs in criminal justice provide ideas on developing high school curricula. The first police training program was started by August Vollmer in Berkeley, California, in 1908 and provided courses on “photography, first aid, criminal law, police methods, and elementary law” (Prout, 1972, p. 585). Since that time, professional law enforcement training has evolved in substance and complexity and is now provided in a variety of fora including local police training programs, state police training programs, and the National Police Academy of the Federal Bureau of Investigation (Prout, 1972).

In addition, universities and community colleges have been instrumental in educating law enforcement officers. Although the University of California at Berkeley offered the seminal program of instruction in police science in 1916 (Prout, 1972), it wasn’t until the late 1960s that the study of criminal justice issues gained momentum when “politicians, criminal justice administrators, and educators began to understand the need for classes dealing exclusively with crime control issues” (Krimmel & Tartaro, 1999, p. 1).

A study by Marsh and Stickler (1972) concluded that six courses were essential for post-secondary criminal justice programs: “Legal Aspects of Law Enforcement, Human Relations Skills, Philosophy and History of Law Enforcement, Principles of Administration, Psychology, and Juvenile Delinquency” (p. 301). More recently, the Academy of Criminal Justice Sciences (ACJS) (1998) sought to improve the quality of instruction in criminal justice higher education by recommending that all programs offer required courses that focus specifically on criminal justice and juvenile justice processes, criminology, law enforcement, law adjudication, and corrections. The ACJS also recommended that support
courses include research methodology, statistics, computer methods, government and politics, ethics, writing courses, public speaking, and logic (Southerland, 2002).

Guthrie (2000) observes that both “[t]he Wickersham Commission (1937) and the President’s Commission on Law Enforcement and the Administration of Justice . . . recommended post-secondary education for law enforcement officers” (2000, p. 1). Two areas in which college-educated officers consistently fared better than their high-school-educated counterparts is in communication skills (Vodicka, 1994) and in dealing with ethical issues (Kappeler, Sapp, & Carter, 1992; Shernock, 1992), and as Sherman (1996) notes, officers who exhibit ethical behavior are more likely to gain the trust and respect of citizens. High school programs should include instruction in basic criminal justice concepts and processes, communication, and ethical issues to better prepare them for both post-secondary education and employment.

While the number of these law enforcement programs are rapidly increasing, few states have developed curriculum and standards for these programs. The lack of clear curricula has left many teachers struggling to develop appropriate coursework that meets the needs of their students. Furthermore, without curriculum standards, both employers and post-secondary educators cannot expect consistency in the knowledge of graduates of these programs. Georgia is one of several states that have been struggling with these issues for years.

A study of college students suggests that public safety programs at the high school level may help prepare students for post-secondary education in criminal justice as well as careers in law enforcement (Krimmel & Tartaro, 1999). States that have adopted standards-based programs in public safety and law-related higher education include Arizona, California, Florida, New York, Texas, Kentucky, and Virginia. The Law, Public Safety, and Security Cluster consist of five career pathways: (1) law enforcement services, (2) correction services, (3) emergency and fire management services, (4) security and protective services, and (5) legal services, and provide national standards for each. The current project uses the career pathway approach and builds on the knowledge and skills categories identified in the national standards. The project entailed several steps, including the following: an extensive review of the education literature, national public safety standards, and state public safety standards; two focus group meetings: (one for high school public safety educators, and one for industry and post-secondary education representatives); the development of a five-course sequence and accompanying standards; and a web-based evaluation survey to validate the standards. The following sections describe how stakeholders came together to develop a law enforcement curriculum for high school students in Georgia.

**Methods**

The generation of a new curriculum requires expertise in education, knowledge of the students in the program, and professional insight concerning careers in the field. To build each of these components, we decided on a focus group methodology for the process. Focus groups were chosen because they maximize collaboration by allowing participants to use each others’ ideas as springboards to develop an outcome collectively that none of the participants could have arrived at individually. Focus groups are also useful in developing consensus, an important step in any curriculum-building process by valuing everyone’s unique expertise and giving participants time to mediate through disagreements.
The Georgia Department of Education provided a forum for the first focus group at a 2003 statewide teachers’ conference. Five public safety teachers participated. For the second focus group, we invited law enforcement, correctional officers, and post-secondary educators who had expressed an interest in high school public safety programs in the past.² We also contacted the directors of the Georgia Association of Chiefs of Police and the Georgia Sheriffs’ Association for a list of individuals interested in developing standards for high school students. This focus group was attended by 20 individuals, 15 representing law enforcement and correctional agencies and five representing post-secondary education institutions in the state of Georgia.

Following the two focus groups and the development of public safety curriculum that focused on law enforcement, a web-based evaluation was sent (either by mail or e-mail depending on the contact information available to us) to high school public safety educators, law enforcement and post secondary education representatives, and high school administrators in the state of Georgia. Respondents were assured that their answers were confidential and were asked to identify the county in which they work and categorize their employment as high school education, high school administration, post-secondary education, post-secondary education administration, or police or correctional agency. Additionally, they were asked to assess each standard on a four-point scale in which one point indicated that “the standard was not at all important,” and at the other end, four indicated that “the standard was extremely important.” Each survey took approximately one hour to complete.

Fifty-eight individuals responded to the survey resulting in a 15% overall response rate. The response rate for high school teachers, the group most invested in the outcome of this project, was 40%. In a recent analysis of six studies involving web-based surveys, Fricker and Schonlau (2002) found response rates varied from 8% to 44%. Studies have demonstrated that response rates for web-based surveys tend to be lower than the equivalent surveys conducted through mail (Cooper, Blair, & Triplett, 1999; Medlin, Roy, & Chai, 1999).

Results

Focus Groups

On February 1, 2003, an intensive one-day focus group was held with several Georgia public safety high school teachers. The purposes of the workshop were to establish the five core courses in the law enforcement career pathway, to develop a preliminary framework of Quality Core Curriculum (QCC) standards, and to build consensus among participants. Participants were provided a brief description of project plans and an overview of the national standards. These teachers were quite motivated to be involved in this process because they were currently teaching in programs without standards and desired to have them in place. Because of this shared vision, consensus was relatively easy to achieve among this group.

Participants first named the public safety introductory course and each course in the law enforcement curriculum sequence. Subsequently, participants brainstormed curriculum standards appropriate to each course. To maintain consistency with the national standards, the Georgia Department of Education’s (DOE) public safety project uses the same core skill and knowledge areas that are used by the States’ Career Clusters Initiative (2002). These include academic foundations, communication, problem solving and
critical thinking, information technology applications, systems, safety, health, critical
thinking, leadership and teamwork, ethics and legal responsibilities, employability
and career development, and technical skills. To facilitate the brainstorming process,
each participant was given a package of different colored Post-it® notes and asked
to write down as many ideas as possible on these. Each Post-it® note containing a
single idea was then placed on a flip chart under the appropriate skill and knowledge
category. The fact that each participant used different colored notes made it easy to see
individual contributions. An unexpected benefit of this strategy was that it generated
an atmosphere of friendly competition that increased productivity.

At the conclusion of the session, participants were asked to review each suggestion and
arrive at a group consensus regarding whether the standard was “clear and concise,”
“relevant,” and “measurable” (Georgia Learning Connections & Georgia Department
of Education, 2003). With the information gathered, we prepared a draft of the group’s
work product that included the following four courses: (1) Foundations of Public
Safety and Criminal Justice, (2) Introduction to Law Enforcement, (3) Constitutional
and Criminal Law, and (4) Criminal Investigation.

The second one-day focus group consisted of representatives from law enforcement,
corrections, and post-secondary education. This process replicated the public safety
teachers’ meeting held two months prior. After being informed of the meeting’s
purpose, participants were asked for input on whether the proposed courses and
standards adequately reflected the needs of the law enforcement profession and higher
education. All participants introduced themselves by stating their name, professional
position, and particular interest in the project. This allowed everyone to get to know
each other, and it provided crucial information about individuals and their unique
expertise. For example, one sheriff had developed a cadet program with high school
students, a corrections representative was responsible for screening new applicants, and
a post-secondary representative taught specific courses in criminal justice and oversaw
degree programs. Participants were then asked to determine whether the course names
developed by the public safety educators were appropriate and suggest alternative
course names if necessary. Although there was no disagreement about the course
names, industry representatives did switch the proposed order of the courses.

After this discussion, individuals were assigned to four separate focus groups based
on their areas of expertise. Each focus group was then assigned a particular course and
asked to review the proposed standards for each course, delete any standards that were
inappropriate, and suggest any standards that were needed to complete the courses in the
law enforcement pathway. As in the teachers’ focus group, participants in the industry
and higher education representatives’ focus group used Post-it® notes to aid in the
generation of ideas during brainstorming sessions. Each idea was then placed on a flip
chart in the appropriate knowledge and skill area to facilitate ease of transcription. This
process was repeated one more time with each group reviewing a different course.

Following the focus group meetings, a draft document containing the combined
input of the teachers and industry representatives was prepared. This document
was supplemented with information obtained from the national standards and
from various states that have begun to develop law enforcement standards and a
curriculum, including Arizona, California, Florida, New York, Texas, and Virginia.
Feedback from participants in the focus group showed that they were satisfied with
how much they participated in the process and felt ownership of the project.
Web-Based Evaluation Survey

Once a draft of the entire curriculum was complete, stakeholders were contacted and asked to complete a web-based evaluation of the curriculum. Fifty-eight high school public safety teachers and administrators, post-secondary teachers and administrators, and industry representatives completed the survey. The methodology in this survey replicated that used for evaluation of the national standards (States’ Career Clusters Initiative, 2002). Respondents were asked to assess the importance of all of the standards included in the curriculum as well as to suggest changes to the curriculum. Twenty-one percent of the respondents were high school teachers, 52% were high school administrators, 9% represented post-secondary education institutions, and 19% represented law enforcement. Respondents from all 12 county regions in Georgia participated, representing both rural and urban areas.

Figure 1
Validity Scores for Law Enforcement Standards

![Figure 1](image)

N = 233 Standards

Participants were asked to rate each standard on a four-point scale, with one being “not at all important” and four being “very important.” Standards that fell below a 3.2 average on the scale were reviewed and either modified or discarded from the final curriculum. As shown in Figure 1, 15 (6%) of the 233 standards fell below 3.2. Eighty percent of the standards received a validation score of 3.4 or higher on a four-point scale. Respondents also suggested several other areas that should be included in the curriculum. Additional standards were added in response to respondents’ comments.

Qualitative data from the survey indicated that respondents were satisfied with the standards, were very supportive of the goals of this project, and were pleased with their level of inclusion in this project. Some comments included the following:
• I think it is a strong base for local schools to build on.
• Seems very thorough, with course content and academic integration of skills.
• We would like to have the standards ASAP as we are building a full criminal justice/law enforcement program for high school students.

Additionally, some concerns included the need to work with post-secondary education programs on articulation agreements, the need to provide money for materials and supplies to rural schools, accessibility to computers and technology for all students, and the need to ensure that all material is age- and skill-level appropriate for post-secondary education and the workforce. Comments regarding these concerns included the following:

• A very thorough set of standards, although I feel some areas may be too advanced.
• Location of schools, budgets, and student load may dictate what the instructor may, or may not be able to do.

These comments demonstrate that for the standards to be truly successful, adequate resources must be allocated for the programs. Model lesson plans should be developed to assist teachers with converting these standards into teachable materials, and ongoing communication with post-secondary institutions and law enforcement representatives is essential to ensure that the curriculum sufficiently prepares students for their futures after completing high school.

As a final step in the revision process, current public safety teachers developed lesson plans for each of the four courses. These teachers submitted additional modification suggestions, including an indication that there was a deficit in terms of content that related to forensics. This content was added to the fourth course in the law enforcement curriculum. Following these changes, the curriculum and standards were placed on the Georgia Department of Education website for public review and were subsequently adopted by the Georgia State Board of Regents in the spring of 2004.

Discussion and Conclusion

The state of Georgia has reached an important milestone in developing a public safety curriculum for high school students interested in becoming law enforcement professionals. Although it is far too soon to predict the outcomes for this curriculum, it is hoped that it will yield graduates who are well prepared for post-secondary education and the workforce.

While the major goal of this project to develop a public safety and law enforcement curriculum was met, it was not without challenges and problems. As the history of standards in the United States literature highlighted (National Council of Teachers of Mathematics, 1989; National Education Goals Panel, 1991; U.S. Department of Education, 1994), consensus and capacity building were integral to each phase of this project. Any lack of vigilance on our part as facilitators and researchers concerning the communication networks between the Georgia Department of Education, public safety teachers, high school administrators, post-secondary educators and administrators, and the law enforcement industry resulted in delays and frustration. For example, immediately after the purpose of the meeting with industry and post-secondary education representatives was announced, several key stakeholders began to articulate their interests and voice concerns that they were not being accommodated. For instance, representatives from
technical schools sought assurances that their role in facilitating education and developing higher level job skills was properly understood. Similarly, law enforcement officials who had participated in prior efforts to develop criminal justice standards for stand-alone programs wanted reassurance that their work was not being duplicated or discounted. Participants from all agencies wondered whether they would be forced to comply with the new standards—not because they opposed the standards but because of potential financial and political ramifications in implementing such an expansive program. Finally, since most of the industry representatives were high-level officials, it was important to recognize their positions, the value of their time, and the significance of their much needed participation in the focus group. This process graphically illustrates the political nature of developing educational standards that are acceptable to all participants and the need to ensure that key stakeholders are not only involved but feel enfranchised.

Time spent developing these communication networks produced positive results and ultimately led to a finished product. Focus groups, the web-based evaluation, as well as numerous phone calls, e-mails, and face-to-face meetings fostered a team spirit that facilitated positive contributions by all stakeholder groups.

One area in which our project did not achieve the success we had hoped for was in the response rate of our validation survey; therefore, the generalizability of these findings is limited. The response rate for the survey was 40% for the high school teachers but only 15% for all participants. The survey was distributed primarily through the Internet, which may have negatively impacted the response rate. Limited and/or slow access to the Internet, incompatible software or hardware, and/or a lack of knowledge and ability to use the Internet in spite of access may have limited participation. Participants who had access to the Internet may not have had the knowledge or familiarity of navigating within this environment and may have been too embarrassed to come forward and ask for the survey in another format (Solomon, 2001). To address technology limitations, lack of Internet knowledge and different learning styles, Dillman (2000) suggests using mixed-mode surveys (i.e., web-based, mail surveys, telephone surveys) to maximum response rates. It is also possible that the length of the survey served as a deterrent to participants.

Future efforts to develop curricula in public safety, criminal justice, and other fields should continue to involve all stakeholders in the process. This process is critical to curriculum development, but it also provides the added benefit of deepening the networking and relationship between high school educators and law enforcement. We found that even individuals with limited roles were pleased to have been included, and many offered valuable contributions to the curriculum. Future evaluation research should explore the outcome of this curriculum in terms of preparing students for both post-secondary education and careers in public safety and criminal justice. Finally, research should compare job performance outcomes and attitudes of individuals in law enforcement positions who have completed high school public safety curricula with those who have not completed such programs.

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References


Endnotes
1 Sample curriculum frameworks for Florida programs are available from the Department of Education (Florida Law-Related Education Association, n.d.).

2 This address list was given to us by the Public Safety Training Center in Forsyth, Georgia.

3 The entire curriculum can be viewed at www.glc.k12.ga.us/passwd/search/srchqcc/select_cs.asp?Grade=9-12&SubjectID=29&DISPLAY=Browse&keywords=&ResName=StandardSL.

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An Analysis of the Al Qaeda Manual from the Perspective of Domestic Law Enforcement

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The so-called Al Qaeda Manual was recovered by the Manchester Metropolitan Police, U.K., during a search of the home of an Al Qaeda member during the 1990s. It was not in printed form but rather in a computer file. The manual was in Arabic and was subsequently translated into English. The translation of the complete manual consists of approximately 180 pages and is available online on various websites. The authors of the manual refer to the communist governments of Russia and Afghanistan, both of which no longer exist. Apparently, the manual was written during the anti-Soviet insurgency in Afghanistan during the 1980s; other references in the book support this assumption. In the lesson titled “Communications,” there is no mention of cellular or satellite phones, the Internet, or e-mail, all of which have become crucial to Al Qaeda operations. There is no mention, much less a specific chapter or lesson, of suicide attacks, which have become the staple of Al Qaeda terrorist attacks. Therefore, the manual is obsolete in some respects as far as certain combat and combat support operations are concerned. The manual is a mixture of an operations manual, a training directive, and an operational security procedure. It was introduced as evidence in the trial of the perpetrators of the U.S. Embassies in Kenya and Tanzania. The Afghan insurgency precipitated the birth of Al Qaeda, and its experience in that conflict formed the bedrock on which this terrorist organization is founded. Al Qaeda is at this time the most serious international terrorist threat that the United States faces, both overseas and within America. American law enforcement agencies and officers will have to face and defeat the terrorist threat within U.S. borders. It is imperative to be cognizant about the threat in order to be able to defeat it; therefore, it is highly instructive to analyze the Al Qaeda Manual from the perspective of domestic law enforcement and extract relevant lessons for the domestic fight against international terrorism.

The manual is actually titled Declaration of Jihad Against the Country’s Tyrants/Military Series. The title page contains an emblem of a globe, emphasizing the Middle East and Africa. The globe is penetrated by a sword, which shows that even though the manual was written during and for the Afghan insurgency in the 1980s, Al Qaeda’s global terrorist outlook had already been developed. The next page contains a partial definition of jihad in radical Muslim terms, which states that Islamic governments can only be established by violent means. In the words of the manual, “pen and gun; word and bullet, tongue and teeth” are necessary to establish such governments. This terminology originates in the Koran, which in many instances is ambiguous in its stipulations on how the Islamic faith is to be defended and propagated, giving radical Muslim terrorist organizations such as Al Qaeda ample opportunity to chose and pick the citations from the Koran that best fit their violent and extremist intentions. The following page contains various pledges by “sisters” to support the jihad. One of those pledges, apparently addressed to the sisters’ sons and husbands, directs the sisters to “make them desire death.” Even though during the Afghan
insurgency, suicide terrorist attacks had not been established as a formal tactic yet, the spiritual basis for them had already been established.

The other introductory pages of the manual set the stage for violent jihad, which is declared to be the duty of every Muslim. The current worldwide “bitter situation” for Islam is explained with the “love of the world and loathing of death” of the current generation of Muslims, which may explain the wave of Radical Muslim suicide terrorism now prevalent all over the world. Jihad and the “dialogue of bullets, the ideals of assassinations, bombing, and destruction, and the diplomacy of the cannon and machine-gun” are declared the only way that Islamic governments can be established. The manual is divided into 17 lessons.

Lesson 1

The first lesson contains a definition for Military Organization and the requirements thereof, which demonstrates that for Al Qaeda, the term military means insurgency and terrorism. The main objective of jihad is the overthrow of non-Muslim governments. The first lesson gives some hints about supporting activities that might be encountered in connection with terrorist activities within the United States:

- White-collar crime activities, primarily for the funding of terrorist activities
- Establishment of temporary housing and hiding places
- Communication, transportation, and information
- Weapons procurement

These are activities that Al Qaeda expects will be conducted during the preparation of a terrorist attack. The coverage of these issues in Lesson 1 is proof of the strategic importance given to them by Al Qaeda.

In order to detect such activities and thwart a possible terrorist attack, domestic law enforcement needs to . . .

- Thoroughly investigate incidents of white-collar crime, especially credit card abuse, money laundering, rip-off schemes, and forgeries of currency and identifying documents.
- Be cognizant of the typical features of terrorists’ temporary lodgings.
- Be alert to movements and communications of terrorists and their supporters.
- Be alert to the procurement of components of improvised explosive devices and the indicators of the manufacture of such devices, as well as the procurement and transportation of firearms and ammunition.

The first lesson provides the mission statement for the “Military Organization” (i.e., Al Qaeda). The overriding objective is the overthrow of non-Muslim regimes; on a strategic level, this means no less than the establishment of a global Muslim Empire (i.e., the resurrection of the Caliphate, the historic period shortly after the establishment Islam). The original Caliphate came closest to be a true pan-Islamic state with superpower status, which is the goal of Al Qaeda. Specific other missions are as follows:

- Intelligence collection
- Kidnapings
Assassinations
Forced jail-breaks of imprisoned terrorists
Spreading of disinformation and rumors
Attacks on targets that are symbolic of the immoral, Western lifestyle (These are declared to be nonvital targets.)
 Destruction of targets of political and economic value
 Destruction of infrastructure targets

These other missions are apparently not listed in their order of importance to Al Qaeda.

Lesson 2

The second lesson of the Manual lists 14 requirements to become a member of the "organization" (i.e., Al Qaeda). These are the same traits that current Al Qaeda recruiters look for in a potential suicide mission recruit, and they are instructive as to the characteristics of suicide terrorists:

1. The member must be a Muslim. The core membership of Al Qaeda and affiliated organizations consists exclusively of Muslims. This does not preclude that non-Muslims could be recruited to (perhaps even unwittingly) perform support tasks for Al Qaeda operations. In particular, this applies to information gathering and procurement of supplies necessary for a terrorist operation within the United States. Al Qaeda benefits greatly from recruiting terrorist operatives who are familiar with the target country, ideally have lived there for a long time, or even are citizens of the target country. The requirement of adherence to the Muslim faith makes immigrants from Muslim countries and their offspring, as well as converts (who are susceptible to feeling that they have something to prove) especially vulnerable for Al Qaeda recruitment efforts. The perpetrators of the July 2005 suicide attacks in London fit this pattern; they were native-born British citizens of Pakistani and Caribbean origin. The first-ever female suicide terrorist from Europe was a native Belgian woman who had converted to Islam and was convinced by her radical Muslim husband to commit a suicide attack in Iraq. Traditionally, Al Qaeda membership and participation in terrorist operations were restricted to males. The Al Qaeda Manual makes no reference to female members. Females are relegated to the role of giving birth to future jihadists and raising them in the right spirit. In late 2005, however, three Al Qaeda-sponsored suicide terrorist attacks occurred that involved female suicide operatives. These attacks were committed by husband-wife terrorist suicide squads. The male (master) terrorist functioned as the squad leader, and the female as a mere tactical adjunct to the male suicide operative. This configuration apparently is compatible with Al Qaeda’s fundamentalist interpretation of the Koran and its restrictive role for females. For law enforcement officers, profiling of radical Muslim terrorists as Middle Eastern males is no longer appropriate.

2. The member must be committed to Al Qaeda’s ideology (i.e., he or she must be a radical Muslim, conforming to Al Qaeda’s view of Islam as an ideology that is superior to any other and at the same time has total control over all aspects of an individual’s personal life. Al Qaeda does not want to have to go through the effort to build a potential member or suicide terrorist from scratch. Recruiters will look for potential members who already show the required radical disposition.
High-profile suicide operatives such as the 9/11 pilots were required to swear a personal oath of allegiance to Osama bin Laden. Apparently, Al Qaeda has no problems finding recruits with that radical Muslim predisposition.

3. **Maturity.** The Al Qaeda member cannot be a minor. It appears that the lower age limit is drawn at 15 years, based on a historic decision supposedly made by the prophet Muhammad. Besides Koranic stipulations, practical considerations probably play a major role in Al Qaeda’s decision as to what should be the minimum age of a suicide terrorist. Perhaps the most famous example of a failed suicide mission involved a Palestinian boy in his early teens, who completelyfaltered under the pressure of the suicide mission and surrendered to Israeli security forces, while the action was caught on camera. Spectacular failures like that can cause a major embarrassment for the terrorist group that dispatched the terrorist, and a highly professional organization like Al Qaeda will not risk such embarrassment by deploying an immature operative.

4. **The member must be willing to undergo martyrdom.** Even though suicide missions had not been tactically defined when the manual was written, the ideological basis was established by the manual. Recruits that enrolled at Al Qaeda’s Afghanistan training camps were presented with a questionnaire that asked point-blank if they were willing to be considered for “martyrdom” operations. Law enforcement officers need to be aware that all Al Qaeda operatives that are dispatched to the United States are imbued with that spirit and will be willing to sacrifice their own life for their cause; this also applies to operatives in support roles such as intelligence gathering. All Al Qaeda operatives must be considered armed and dangerous, especially immediately before and during the commission of the actual attack.

5. **Obedience and discipline.** Any individual who is being deployed on a suicide mission needs to have the trait of absolute obedience. Hardly ever is a radical Muslim terrorist suicide operation the act of a lone wolf or desperado. The suicide attack itself is the culminating action of a carefully prepared and integrated tactical operation. All participants in such an operation, especially the suicide operative himself, must have a high degree of military discipline to bring the operation to a successful conclusion even in a hostile environment such as presented by the United States.

6. **Ability to keep secrets.** The manual equates betraying operational secrets with a betrayal of the Muslim faith. Al Qaeda recognizes that especially for operations in hostile territory, such as the United States, each deployed operative must be absolutely trusted to safeguard any information that he has on pending operations or the organization itself. Secrecy explicitly extends to the wives of any operative, citing the example of the prophet Muhammad. One of the hallmarks of Al Qaeda operations is a high degree of compartmentalization, by which members and cells operate on a strict need-to-know basis. Sometimes the psychological pressure of an imminent suicide mission on the operative’s mind may cause a breakdown in secrecy that law enforcement officers can exploit to detect the imminent commission of such an attack. Suicide terrorists have been observed to make exaggerated threats about the outcome of their pending mission to third parties.
7. **Physical health.** The manual cites a commandment, supposedly issued by Allah, excusing all ill or infirm believers from jihad active duty. Terrorist suicide missions are on par with military Special Forces Operations, and Al Qaeda does not permit religious zealots, as desirable as their attitude may be, to imperil the success of a tactical operation, if they are physically unfit. Law enforcement officers have to expect that the tactical and combat skills of Al Qaeda operatives are on par with those of true warriors.

8. **Patience.** The manual recognizes that preparations for successful attacks may take considerable time, and the member will be required to bear with that. For the 9/11 operatives, this requirement was the second most important one, after the willingness to commit to a suicide mission. The Al Qaeda leadership had expected that the preparation for the 9/11 attacks could take several years. The requirement for patience also applies to Al Qaeda sleeper cells. Al Qaeda is known to favor the sleeper cell concept that was pioneered by the Soviets during the Cold War. Members of sleeper cells are living seemingly normal lives in the community in which they are planted (to include jobs and social contacts), but they are waiting for the day when they are activated in the commission of a terrorist attack.

9. **Mental calmness and stamina.** Al Qaeda demands of their members that they be resistant to the infliction of psychological trauma upon themselves as well as on their enemies. A suicide mission subjects an individual to the ultimate stress, and Al Qaeda recognizes that as in all combat action, there will be the “fog of war” working against the suicide terrorist—meaning there will be unanticipated obstacles and difficulties during the mission that the suicide terrorist must overcome on his own initiative. Law enforcement officers must be ready for a resourceful, flexible opponent.

10. **Intelligence.** Contrary to popular perceptions, suicide terrorists are not expendable cannon fodder—especially those sent on complex, high-profile missions. The authors of the manual use the example of a German spy in Britain during World War I who managed to extract military secrets from an unwitting lady. Officers should expect a high degree of deceptiveness from any Al Qaeda operatives encountered in the field.

11. **Caution and prudence.** On-the-feet-thinking and avoiding rash judgment is an important requirement for the success of any terrorist mission. The manual uses two historical cases to illustrate the importance of quick wit in warfare. Law enforcement officers should expect as much in field contacts with potential suicide terrorists.

12. **Truthfulness.** The manual advises that dishonest persons should never be recruited, especially not as spies; therefore, Al Qaeda operatives should be expected to be true warriors and not charlatans.

13. **Observation and analytical skills.** These are critical traits especially during the preparation of a terrorist attack. The manual describes an infamous incident in which Israeli counter-terrorist agents prevented the shoot-down of their Prime Minister’s airplane by a shoulder-fired missile. The agents’ keen observation skills enabled them to recognize a vendor cart near the Rome airport as a
disguised launch platform for an SA-7 ground-to-air missile, and the attack was prevented. Al Qaeda is not blinded by its fanaticism and is willing to learn from the successes of even its worst enemies. Also notable in the manual’s description of this incident is the cursory mention of what the owner of the vendor cart received; he was beaten and kidnapped by the Palestinian terrorists responsible for this incident. In Al Qaeda’s view, such action is completely justified.

14. Ability to act and pretend. This is a critical skill for target penetration in a suicide attack. Remarkably, the manual again uses a historical example, this time a Soviet sleeper agent who was playing the role of a colonel in the U.S. military. He was discovered only when he started to speak Russian while he was unconscious due to injuries sustained in an automobile accident. Al Qaeda favors the use of sleeper tactics to place cells in a hostile country. It must be expected that such sleepers or sleeper cells currently exist in the United States.

Lesson 3

The third lesson contains two paragraphs; one relating to financial security and the second relating to false identities. The authors direct Al Qaeda members that financial assets be divided into two parts: (1) an operational fund and (2) a fund whose sole purpose is to generate a profit (for the furtherance of terrorist objectives). This coincides with the Al Qaeda concept of storefront businesses whose sole purpose is the furtherance of terrorist goals by providing a mechanism for money laundering, procurement of weapons and other assets, and pretenses for travel and immigration. The long-standing Al Qaeda practice of compartmentalization applies to financial security as well: operatives are directed to split funds among several physical locations and to keep members in the dark about the location of funds, even going so far as to keep funds with nonmembers (likely without these nonmembers knowing the nature of the funds entrusted to them).

The paragraph on forged documents makes a false identity complete with matching forged identifying documents mandatory for undercover Al Qaeda operatives. The authors recommend that the operatives appear without the traditional Muslim full beard in photographs on identifying documents. The passport photos of the 9/11 terrorists, that were released in the aftermath of the attacks, confirm this. Not a single one of them appears with a full beard. Officers must be aware that the traditional Arabic system of family names and surnames greatly facilitates the concealment of a real identity or the possession of multiple identities, without committing an outright identity theft or forgery. Al Qaeda realizes that the cover names used by undercover operatives should not appear out of place or attract undue attention in their area of operation, and the members should be consistent in using only one chosen false name at any given time. Al Qaeda members are directed to obtain forged documents through their “chain-of-command” and not rely on haphazardly falsified documents. Law enforcement officers must expect expertly made forgeries when encountering any Al Qaeda member. In the United States, officers should not expect to encounter any forged U.S. passports. The authors of the Al Qaeda Manual expect that the authorities of any given country are better at detecting forgeries of documents issued by their own authorities. Al Qaeda realized that small details such as the accent of an operative may give him away to professional law enforcement officers. Operations like 9/11 show that for the United States, Al Qaeda prefers to obtain genuine entry visas for its operatives, even if those may have been obtained
under false pretenses such as business travel or education. One of the selection criteria for the 9/11 cabin hijackers was a clean background in order to make sure they would not appear on any terror watch lists. Al Qaeda makes multiple identities mandatory for the leaders of its operations and other important operatives. These operatives are required to learn details about their various identities in order to proficiently play their roles.

Lesson 4

The fourth lesson defines Al Qaeda’s “bases” as both hide-outs in inaccessible rural areas and urban apartments, demonstrating the global terrorist outlook of Al Qaeda. Even though the manual was apparently written during the Afghan insurrection, operations are not restricted to any particular country or situation but will be carried out wherever jihad necessitates them. Of interest to domestic law enforcement are mostly the procedures regarding apartments. These serve different purposes (e.g., “work preparation”). It should be expected that apartments will be used for the manufacture of explosive devices. Law enforcement officers should be cognizant of and watch for the preincident indicators for the illegal construction of improvised explosive devices. The manual provides several important features that Al Qaeda operatives’ apartments should possess: they should be located on the first floor and be equipped with means for quick exit in case of a raid by law enforcement. The apartment should be equipped with hiding places where documents and other incriminating or important items can be concealed. The apartment should offer privacy from other residents of the apartment complex. New developments are preferable because they offer more anonymity than older, established neighborhoods. The manual sets strict guidelines for the behavior of tenants and visitors of such apartments. First of all, following standard Al Qaeda procedure, knowledge about the apartment is to be limited to persons with a need to know. Tenants are not to isolate and seclude themselves from the neighbors and general population, in order to avoid attracting undue curiosity and attention. They are to avoid all suspicious activities such as visiting and conducting other activities at odd hours. Al Qaeda members are reminded that modern apartment buildings are usually constructed of light materials; therefore, loud talking about incriminating matters must be avoided. Tenants and visitors are reminded to agree on secret signals or signs to communicate with each other when it is safe and appropriate to approach the apartment. If there are signs that law enforcement agencies are monitoring the apartment, counter-surveillance must be conducted. Tenants of Al Qaeda safe houses are directed to conceal their Muslim faith and use false identities, for which documentation must be on hand. All visitors to safe houses must be careful to blend in with the surroundings of the apartment and adjust their appearance to the neighborhood where the apartment is located. While the Al Qaeda Manual refers to “apartments,” for Al Qaeda operations in the United States, there is no reason to believe that operatives would not rent a house for their purposes.

Law enforcement officers have long been familiar with stash houses for illegal drugs. The observable features of such stash houses may resemble to some degree an Al Qaeda safe house. In order to detect the real nature of such an Al Qaeda “base,” it will in most cases be necessary for officers to actually gain entry. This could occur in connection with a call for service, such as a noise disturbance or false alarm. Several features may then be present that should alert the officer to the possibility that he or she is encountering a hide-out of international terrorists. The tenants of
the apartment or house may exhibit a “non-traditional family structure”; several males may be living together in some sort of apparent roommate arrangement. The presence of females can no longer be ruled out (in late 2005, Al Qaeda conducted its first ever use of female suicide bombers in Iraq); however, children will in all likelihood be absent. The residence may be sparsely furnished; items such as camping or outdoor furniture may be prevalent. It may contain components for improvised explosive devices or even completed devices; in that case, officers should proceed with extreme caution, similar to established procedures when encountering a methamphetamine lab. The home may contain radical Muslim and bomb-making literature; officers should be aware that such evidence may also be contained in computer storage media, such as hard drives or CD-ROMs. The tenants will exhibit an extreme concern for privacy and be reluctant to admit officers to the residence. Windows may be blacked out, and if there is a back yard, it may show signs of disuse and neglect. Firearms as well as surveillance equipment may be present in the residence. Officers should also look for any directly incriminating evidence such as photos, drawings, or blueprints of potential targets for terrorist attacks.

Lesson 5

The fifth lesson on communications and transportation covers (landline) phone calls and faxes, written communication, wireless communication, personal meetings, and couriers but doesn’t mention the means of communication now commonly used, such as cell phones, e-mail, and the Internet; no mention is made of encryption software, which has become widely available since the manual was written. In these respects, the chapter is somewhat obsolete. Al Qaeda is acutely aware of the problems that phone and radio communications pose due to the possibility of interception by the enemy. Law enforcement should expect all the standard communications security measures such as frequency changes and the move of transmitters in order to avoid triangulation; the manual also mentions more advanced countermeasures, such as jamming and the deliberate spreading of false information on communication channels, the interception of which by the enemy has been detected. For critical communications, Al Qaeda prefers the use of couriers, probably even more so after it discovered that its satellite phone communications were intercepted by U.S. intelligence. The manual covers the use of in-person meetings and couriers in detail; members are directed to take all standard precautions of clandestine operations and spying. Without specific intelligence, such activities will be hard to detect for law enforcement officers.

Lesson five also contains precautions to be taken by Al Qaeda members when using public or private transportation. When using trains, members are directed to place their (unmarked) luggage in a different car than the one in which they are riding. The intention is to avoid identification of the owner if the luggage is searched and found to be suspicious. The manual prescribes the use of forged documents to purchase vehicles for use in covert operations (e.g., vehicle bombings). The color of the vehicle should be altered before the mission and (if it is not destroyed in the mission) changed back to the original color after the mission. Al Qaeda apparently has a preference for the use of motorcycles, probably due to their speed and mobility; this is borne out by the Al Qaeda training videos that were captured in Afghanistan. On an actual mission, the vehicle will bear fictitious license plates. Vehicles used in overt operations such as intelligence gathering, on the other hand, will have the
proper plates and documentation; vehicle operators will make every effort to abide by all traffic laws.

In a footnote within this lesson, Al Qaeda defines the important concept of compartmentalized terrorist cells, in order to protect the organization, if one of the cells is detected and taken out.

Lesson 6

The sixth lesson is a short chapter on training issues. It defines requirements for training sites, trainees, and trainers. Remarkably, these requirements are geared toward clandestine tactical training (e.g., firearms training in a hostile environment, such as the United States). The most important requirement for a tactical training site is seclusion. As in all aspects of terrorist operations, the *Al Qaeda Manual* stresses the importance of security; the training location must be guarded while training is performed, and all traces of training activities are to be removed after conclusion of the training session.

In the United States, ownership of weapons is a constitutional right, which is much different from less democratic societies. Many citizens exercise this right, and legal activities involving firearms abound, such as hunting and practice shooting. It is important for officers to distinguish legal gun-related activities from clandestine terrorist training activities. Law-abiding gun owners will make no attempt to hide their activities and will conduct these in some form of social context (e.g., with friends, family, or as part of a club). The *Al Qaeda Manual* prescribes that tactical training activities in hostile territory should be conducted in remote locations and that all evidence is to be removed after the conclusion of the training. Such training would involve elaborate scenarios, full-automatic gunfire, and possibly also explosions. Reports of such activities that are not related to local gun enthusiasts should be investigated thoroughly. Judging by the Al Qaeda training videos (use of live ammunition in conjunction with a lack of general firearms proficiency), it is also likely that such training sessions will cause gunshot injuries to participants. Reports from medical facilities of unexplained gunshot wounds, especially involving Middle Easterners need to be followed up thoroughly. The manual recognizes this weakness, and the availability of medical services is one of the stated requirements for tactical training sites.

The trainees at such a tactical training facility in hostile territory should not know each other or the location of the site. The number of trainees should not exceed ten.

The number of instructors should also be kept to a minimum; they should not know each other, and their identities should not be known to the trainees. Such excessive secrecy is certainly a bonus for operational security; however, it will have a negative impact on the quality of the training; it should be expected that in reality, these stringent security requirements will not always be met.

Lesson 7

Lesson seven is a short chapter on how to buy, transport, and store weapons and explosives. All actions taken by members in regard to weapons are focused on
avoiding detection by law enforcement. Al Qaeda terrorists will be very secretive about their weapons—the opposite of domestic extremists who openly show their defiance of laws relating to firearms. The instructions for purchasing weapons are geared towards clandestine purchases in which the seller as well as the buyer will make every attempt to conceal the transaction from the authorities. If weapons are transported by vehicle, the manual advises to deploy a decoy vehicle with the purpose of detecting check points and other potential problems for the vehicle that actually transports the weapons. The manual anticipates that weapons may be stored in residences where only the (male) head of the household knows about their presence. In this case, the weapons should not be stored in a room that is used by all family members. This procedure is a clear indication that Al Qaeda envisions the existence of sleeper cells in hostile territory with the purpose of supporting its terrorist operations. The term *weapons* means firearms as well as explosives and detonators. The party responsible for the weapons is instructed to keep written records of all materials. This has important implications for law enforcement because the written records may be encountered during legitimate law enforcement business, and the presence of such records clearly indicates the possibility of clandestine terrorist activity.

**Lesson 8**

Lesson 8—member safety—gives brief but concise instructions on how to avoid detection and attention by law enforcement. Al Qaeda distinguishes between overt and clandestine members. Overt members would have functions like intelligence gathering, recruiting, funding, and procurement. They are advised to keep a low profile and quietly focus on their mission. Clandestine members are instructed to completely disguise their Muslim faith in appearance and behavior. Lesson 8 foresees the recruitment of undercover jihadists in foreign countries. They are advised not to change their appearance, routines, and social behavior after being recruited for jihad. Al Qaeda clearly recognizes the value of undercover sleeper cells. Al Qaeda commanders (cell leaders) are reminded of their value to the organization and use even more stringent security measures. The manual specifically prohibits all members to travel with their wives because their veiled appearance would attract undue attention in non-Muslim countries. In recent months, Al Qaeda seems to have softened its standards regarding the exclusion of females from its operations. In late 2005, Al Qaeda for the first time deployed husband-wife suicide bombers teams in Iraq and Jordan.

**Lesson 9**

Lesson 9 covers security plans. A security plan is prepared for every Al Qaeda terrorist endeavor and has importance equal to the operations plan. A major focus of the security plan is to provide for secure worldwide travel of members, without being intercepted. The first example used to illustrate the importance of a security plan is a terrorist’s trip to Afghanistan via Pakistan without his intention of acquiring terrorist training being detected. The importance Al Qaeda places on operational security is significant because it must be expected that Al Qaeda members are trained to avoid detection by law enforcement. During law enforcement encounters, terrorists will exhibit a high degree of preparedness; appropriate deceptive answers for standard field interview questions are covered in the manual. Lesson 9 provides security procedures for meetings of Al Qaeda members in hostile territory. The
distinction between overt and clandestine members applies here as well. Al Qaeda is not too concerned with the activities of overt members; it is obviously expected that their cover as foreign students, etc. will provide them with sufficient security, so that they can meet at mosques, apartments, etc. without arousing any suspicion. The manual provides an extensive list of security procedures for meetings of covert members (i.e., members of operational squads). Law enforcement officers should expect the following for such meetings:

- The meeting location will be protected by at least one armed guard.
- The perimeter of the meeting location will be under counter-surveillance.
- Law enforcement facilities in proximity to the meeting location will be under surveillance to provide early warning of any law enforcement response.
- If a meeting location is raided by law enforcement, officers should expect stiff resistance. Some of the terrorists present will engage in a firefight with officers, while others will either destroy evidence or attempt to flee with it. Speed and overwhelming firepower will be the key to the success of a raid.
- Al Qaeda members are taught preplanned answers to be given under interrogation.

The final part of lesson nine uses the example of an assassination operation to demonstrate the importance of the security plan. Al Qaeda, as mentioned before, clearly distinguishes between the tactical plan and the security plan, which will always be prepared for a terrorist operation. The most distinguishing feature of Al Qaeda operational security is the strict need-to-know basis under which the members operate and the compartmentalization concept; both features increase the survivability of the organization in case of a raid or infiltration by law enforcement. For a typical assassination operation, the Al Qaeda Manual recommends the use of multiple cells, consisting of three members each. They are to be equipped with forged identification documents and matching covers. In preparation for possible capture and interrogation of cell members, the manual instructs leaders to teach the members preconceived answers to give under interrogation. In this cover story, the operation will be blamed on an Al Qaeda leader who is already known to law enforcement and beyond reach of authorities in the country where the operation took place.

Lesson 10

Lesson 10 covers special tactical operations, and the example used to illustrate the issue is again an assassination. Al Qaeda recognizes the difficulty of such tactically complex undertakings and admonishes the member to take into account that several failures of such operations could cause severe negative repercussions for the morale and reputation of Al Qaeda. While in the current Iraq war, assassinations are a common tactic, for overseas operations, Al Qaeda currently favors mass casualty attacks. Lesson ten provides a list of requirements for members who participate in special operations. This list resembles requirements for military special operations troops; however, added requirements are (Muslim) religiousness and a blank terrorist rap sheet. Al Qaeda recognizes the drawbacks of special operations: they are expensive and can cause a violent backlash against Al Qaeda by the targeted nation. Also, special operations cannot by themselves cause the downfall of an enemy regime. All these concerns were borne out by the American reaction to the 9/11
attacks. Al Qaeda special operations consist of three phases: (1) the reconnaissance or research phase, (2) the planning phase, and (3) the preparation/execution phase.

Lesson 11

Lesson 11 is titled “Espionage,” and it is one of the chapters of the manual that is most applicable to operations in hostile territory such as the United States. Its scope is limited to open source intelligence gathering and applies to Al Qaeda members operating overtly in the United States under a legitimate pretense or cover. Al Qaeda is confident that it can acquire 80% of enemy information pertinent for its terrorist operations from open sources, and that includes information on the enemy’s operational and counter-terrorism policies. Only 20% of pertinent information will have to be obtained through covert means—primarily tactical information on enemy VIPs and infrastructural targets. Al Qaeda recognizes that open source spies must have a college education in order to be useful and specifically advises that students should be infiltrated into the enemy country. The free media of the United States and other Western countries are recognized as an advantage for Al Qaeda. Lesson 11 establishes the justification of spying by Muslim organizations such as Al Qaeda. It states that Islam is inherently superior to any other religion or human form of society, and therefore, it is permissible for Islam to spy on its enemies, while for Islam’s opponents, spying on Islamic countries is unjust. This closely parallels Cold War era Soviet doctrine, which stated that any war by Communist countries is inherently justified because it is being waged by “progressive forces”; whereas, any war, even a defensive one, by the “reactionary” Western countries is unjust. The manual gives important directions to Al Qaeda operatives on how to resolve the conflict between living an Islamic life according to the Koran and yet be able to disguise one’s Muslim faith and deceive the enemy. The manual states that the Muslim terrorist is completely justified in adjusting his appearance to the non-Islamic society where he is operating: shaving of the beard and wearing of Western clothing are allowed. Avoidance of mosques and other Muslims is explicitly advised; however, the undercover Muslim terrorist is not absolved of the duty to fast. He is advised to use excuses for not eating according to the habits of the hostile society in which he is living. This is an inhibition to fully blending into American society, especially during the month of Ramadan, and regarding the consumption of pork and alcohol, which are forbidden. These religious inhibitions and restrictions placed on an undercover radical Muslim terrorist pretending to be a normal member of society give law enforcement officers a chance to detect such an individual and initiate further investigation of him. In this context, the manual explicitly refers to the “Muslim man.” Apparently, when the manual was written, there was no place (yet) for female Al Qaeda operatives. There has been a recent dramatic change in Al Qaeda’s attitude toward female terrorists: in late 2005, the first instances were recorded in which Al Qaeda deployed husband/wife suicide bomber teams. The tactical subordination of the female terrorist under her husband apparently provides a way around the traditional Islamic prohibition of the use of females for military operations.

Another area of interest is the prayer requirement; the manual allows the combination of certain daily prayers but does not permit the total elimination of prayer. The ritualistic nature of Islamic prayer makes it hard for the Muslim terrorist to conceal his true affiliation. Legitimate, nonterrorist adherents of the Muslim faith have no reason to lie about or conceal their faith. Finally, Lesson 11 explicitly justifies and commands the torture and killing of hostages in the furtherance of Islam. This
operation procedure has important implications for law enforcement officers. They must under all circumstances avoid being disarmed or taken hostage by Al Qaeda terrorists, the chances of survival in this case are nil.

Lesson 12

Lesson 12 is the covert-operations counterpart to Lesson 11. As mentioned above, Al Qaeda expects that only 20% of all necessary information will have to be collected through covert means. This covert information mainly consists of specific target information for a terrorist attack, such as on targeted individuals or infrastructure. The lesson gives detailed instructions on the information-gathering process as well as on counter-surveillance. The following methods are prescribed for covertly gathering information: Surveillance, intelligence, observation; theft; interrogation; excitement; drugging; recruitment. Any member carrying forged credentials must be cognizant about their contents; officers must expect that members will have well-prepared cover stories consistent with their identifying documents. The manual prohibits members from carrying any weapons during the information-gathering process. Al Qaeda members are instructed to use false vehicle license plates with small numbers in order to prevent potential witnesses from reading and memorizing the numbers. These instructions are apparently intended for Third World countries where hand-printed license plates are common. For operations in the United States, officers should expect either paper tags or actual, but fictitious, license plates. The product of intelligence gathering on a specific individual or installation will consist of a diagram and a detailed verbal description.

In addition, photography plays an important role for Al Qaeda, and the manual recognizes the importance of proficiency in that field. The authors are concerned with the risks of using outside film processing services for the development of any spy pictures; it should be expected that Al Qaeda will make extensive use of digital picture technology. In order to gain access to restricted areas and information, the manual explicitly endorses the use of infiltration tactics and bribery. Interrogation, according to the manual, explicitly includes torture. The kidnapping, torture, and murder of politicians, law enforcement officers, and military personnel was practiced by Marxist terrorist groups within Western countries during the 1970s. Should Al Qaeda decide to launch an all-out terrorist campaign in the United States, officers must expect the repeat of such tactics. An important section of lesson 12 covers the recruitment of agents. The primary purpose of the recruitment of agents is intelligence gathering. In other words, Al Qaeda foresees the recruitment of agents (i.e., spies for Al Qaeda within target countries such as the United States), but less so the recruitment of members of Al Qaeda. The 9/11 Hamburg cell and the events of July 2005 in London have shown, however, that even full-blown suicide terrorists can successfully be recruited within Western countries. The manual prohibits Al Qaeda members from recruiting agents using coercion due to entanglement in love affairs, as well as recruiting individuals who display an addiction to amusement and gambling; apparently, Al Qaeda does not want inferior characters in its ranks. Among other groups, political refugees and employees at ports of entry are specifically mentioned as valuable candidates for Al Qaeda recruiting efforts. Al Qaeda distinguishes between direct agents and indirect agents. Direct agents receive an agreed-upon salary and know that they are working for Al Qaeda. They also receive formal training as needed. Indirect agents are unaware that they are performing services for Al Qaeda. They do not receive any training beyond on-the-job training, and their remunerations
frequently take the shape of favors and nonmonetary gifts. Al Qaeda is clearly biased toward the use of Muslims for intelligence gathering duties and even for spies that are unaware that they are working for Al Qaeda.

Lesson 13
Lesson 13 consists of extensive instructions on the use of codes and ciphers. It is based on non-electronic forms of communication and appears to be somewhat dated after the advent of encryption software that can be obtained with relative ease. For basic emergency communications in hostile territory, the codes and ciphers presented in the manual are still applicable, however. Officers should be aware of this if they encounter any writings with number-letter combinations that have no apparent explanation or meaning. Inconspicuous writings such as personal letters could also bear hidden communication in the form of additional writings in invisible ink.

Lesson 14
Lesson 14 deals with assassinations and kidnappings using firearms. The first part of the lesson consists of a brief introduction into handguns and assault rifles and a cursory firearms course. The cursory nature of this part of the manual is obvious in the lack of firearms proficiency demonstrated in the Al Qaeda training videos that were captured in Afghanistan. Some of the scenarios in the manual directly correspond to the training scene in the videos. Trainees seen in the videos commit serious weapon handling errors: holding and firing assault rifles with arms extended forward and ejection port side up, traversing the field of fire of other participants in the scenarios (muzzling), failure to secure handguns before patting down detained individuals, conducting tactical movements such as room clearing with handguns held with the muzzle upward instead of at a low-ready, and no consideration of “fatal funnels” and blind corners.

The apparent lack of proper weapon control and retention techniques could have important consequences for an officer about to be taken hostage by Al Qaeda terrorists. An officer who is disarmed and taken hostage in the context of a terrorist attack has no expectation whatsoever of being released and surviving the hostage-taking. The best chance of survival is to take immediate action before the officer is disarmed and detained. The apparent weakness of Al Qaeda’s firearms training provides the officer with a small window of opportunity to disarm and overpower the assailant and possibly use his weapon against him and other terrorists. This necessitates that the officer is proficient in disarming techniques and familiar with weapons likely used by Al Qaeda terrorists, especially the AK-47 assault rifle and its variants.

Israeli efforts at hardening likely targets for terrorist suicide attacks by deploying armed guards at such targets have forced some suicide bombers to change their tactics. They carry firearms to disable the armed guard and subsequently penetrate the target, which is then attacked with an explosive suicide device. It is quite possible that in the future, firearms will become a more integral part of terrorist suicide attacks.

The second part of Lesson 14 consists of instruction on ambushes and other assassination methods. Motorcycles seem to be one of Al Qaeda’s favorite tools for ambushes, probably due to their combination of speed and mobility. While it has not happened on a large scale yet, it is conceivable that motorcycles could be used...
for future suicide attacks. Lesson 14 closes with several case studies of real-life assassinations, again showing Al Qaeda’s willingness to learn from its enemies and past experiences. Of interest are the ambush character of Al Qaeda assassination attempts and the importance the organization places on prestrike surveillance.

**Lesson 15**

Lesson 15 is a very basic instruction manual for improvised explosive devices, not going beyond a description of components of improvised explosive devices. The brief and superficial nature of the lesson may explain failures like Richard Reid’s attempt to blow up an airliner with plastic explosives, which he attempted to ignite with a match. He obviously didn’t understand the concept of an explosive train, even though that concept is briefly explained in Lesson 15. Most notably, Lesson 15 is geared towards timed explosive devices and mentions suicide bombings only very briefly in connection with a failed assassination attempt. There are no instructions in the lesson on the execution of suicide bombings, and in this respect, the lesson is obsolete. Recent experiences in Iraq, where Al Qaeda has achieved remarkable proficiency in the construction of highly lethal improvised explosive devices also show that Lesson 15 is obsolete. For future bombing attacks in the United States, it must be expected that Al Qaeda will apply knowledge and experience gained in Iraq. Lesson 15 contains a section on booby traps and specifically mentions entertainment electronics and cars as objects for booby traps.

**Lesson 16**

Lesson 16 deals with killing individuals by using knives and clubs or poison. The section on knives and clubs is very brief and geared towards guard removal and self defense. The lesson identifies body parts for lethal attacks with knives and clubs. The importance of knife combat tactics for the 9/11 operation had apparently not yet been foreseen when the manual was written. The section on poison mentions Ricin. Ricin is a biological toxin that plays a major role in the concerns about biological terrorism. The manual provides a field procedure for the extraction of Ricin from castor beans.

**Lesson 17**

Lesson 17 consists of detailed instructions to the Al Qaeda terrorist on how to counter interview and interrogation techniques by law enforcement in case he is captured. The lesson is apparently based on experiences in Afghanistan during the anti-Soviet insurrection, where torture of captured jihadists by the communist Afghan puppet regime was commonplace; however, the lesson also applies to mental and emotional distress caused by legal interview and interrogation techniques used by American law enforcement. Al Qaeda recognizes the difference between confessions made to a law enforcement officer and testimony during court proceedings. The manual advises the captured terrorist that he may have to reveal some of his secrets under interrogation, be it physical torture or emotional distress. The terrorist is advised, however, to immediately deny in court any revelations that he may have made to any law enforcement officer. Specifically, Al Qaeda terrorists are instructed to demand a medical exam in order to prove having been subjected to torture. These instructions in the manual have several important implications to officers who interrogate potential Al Qaeda terrorists. First, the manual concedes that Al Qaeda members, despite all the training and indoctrination they have received, are susceptible to
break down under interrogation, and interrogation meaning just that, not physical torture. In addition, it is important for any law enforcement officer to document that he did not cross any legal boundaries during his interrogation of the suspect. Any confessions should be at least in writing and preferably videotaped. Al Qaeda understands that all statements will be used against the suspect and that the suspect’s best course of action is to immediately request an attorney and not say anything. The remainder of lesson 17 contains detailed instructions on how to resist physical and psychological torture.

Conclusion

The *Al Qaeda Manual* was written in the context of the Afghan insurrection against the Soviets in the 1980s. Since the end of the Afghan Civil War, Al Qaeda has evolved into a radical Muslim terror organization with a global outlook and global reach. Some of the more recent tactics of Al Qaeda are not covered in the manual, most notably terrorist suicide bombings; however, the manual must be considered a valid Standard Operating Procedure of the most dangerous terrorist enemy the United States is currently facing. In order to defeat this enemy, American law enforcement officers must be cognizant of the enemy’s tactics. The manual contains valuable intelligence for officer safety and survival, the detection of Al Qaeda activities within the United States, and the investigation of terrorist incidents. It also provides a first-hand account of Al Qaeda’s global terrorist perspective and a general understanding of the radical Muslim threat.

Bibliography


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Essays on Terrorism

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The following three essays discuss the causes and cures for terrorism. They were written at particular points in time and include references to specific events, but the principles they describe are timeless, I believe. “How to Defeat Terrorism” was written in May 2004, at a time when the U.S. occupation of Iraq could see no light at either end of the tunnel. “Identifying Terrorists as a Diagnosis Problem” was written in December 2002 as a critique of the proposed “Total Information Awareness” program. It has been lightly edited to remove references to TIA, since many people have forgotten it. “The Seeds of War (a parable)” was written shortly after 9/11.

In all three essays, I highlight tempting courses of action that not only won’t work but which would make things much worse. Do you remember learning to ride a two-wheeled bicycle? First you learn to steer, to turn the bike in the direction you want to go. Then, you learn what to do when the bike starts to lean over. Since you want to go back upright, there is an irresistible temptation to steer towards where you want to be. Do this, and you’re flat on the ground in an instant. The hard part about learning to ride a bike is learning to do just the opposite: to steer into the lean. Then, the bike picks itself right up and you can stay balanced. Your first instinct is exactly wrong. You have to learn to overcome that instinct and do the opposite in order to ride a bike. It’s much the same with fighting terrorism.

How to Defeat Terrorism

Terrorism is a tactic used by a small set of extremists to fight against an overwhelmingly powerful opponent while surrounded by a large population that mostly just wants peace and quiet.

Terrorism can be defeated. To do this, first we need to understand how terrorists are kept away in the best case, then how terrorists can fight against this mechanism, and finally what works and what doesn’t work to foil those aims.

The Thin Blue Line

Although terrorists are not merely criminals, it is helpful to think about what keeps criminals under control in our society. Ask any police officer: it is not the police and the courts who keep criminals at bay. It is the society as a whole. It is the ordinary people who call the police when they hear a problem starting. It is the ordinary people who trust the police and cooperate with them to bring criminals to justice. The “thin blue line” only works when it is backed up by the vast majority of ordinary people.

This, by the way, is why police brutality is so damaging to law and order in our society. If ordinary people lose trust in the police, they won’t call and they won’t cooperate. If they fear that calling the police to quiet down a loud party could result in their neighbors’ kids being shot dead, they won’t call. And they also won’t cooperate in more serious cases. Without community backup, the “thin blue line” starts to feel very thin indeed. And criminals become bolder.
Likewise with terrorists. Terrorists are defeated when the large majority of the community feels that they can trust the local authorities to maintain law and order and work for the common good. Then, ordinary people will turn the terrorists in to the authorities when, or even before, they strike.

The Unabomber was an insane but highly intelligent man living alone in the woods, writing a manifesto, and killing and maiming people with mail bombs. After his manifesto was published, he was turned in to the FBI by his brother, who recognized the writing and made the correct but agonizing decision to be loyal to society over blood. We can only wish that a relative or neighbor of Timothy McVeigh had been in a position to make a similar decision before he struck in Oklahoma City.

In even the best, most civilized, law-abiding society one can imagine, there will be small numbers of extremists tempted by terrorist tactics. Ideally, the vast majority of people will see them as marginal nut-cases and will report them to trusted authorities if they show signs of turning extreme ideas into dangerous action. Terrorist acts can never be totally eliminated, but a cohesive community that trusts its authorities can defeat a continuing terrorist movement.

One Man’s Terrorist Is Another Man’s Freedom-Fighter

But what if the society is not civilized? What if the authorities are hated and feared rather than trusted? Then, the true terrorist can always find support and hiding places among sympathizers who are not willing to become terrorists themselves but are not willing to support the authorities either.

The terrorists’ best strategy is to drive a wedge between the people and the authorities. Then, the “thin blue line” becomes thinner and weaker. The ordinary people, or at least some of them, protect and support those they see as fighting for freedom, religious faith, patriotism, or some other deep value, against overwhelming odds.

The biggest danger to the terrorist is the trust the people have in the authorities. As that trust is weakened or destroyed, the terrorists gain strength and freedom of action. Their primary goal must be to eliminate the trust between the people and the authorities.

How can they act most effectively to eliminate that trust? Here is where the meaning of terrorist violence is often misunderstood. The classic terrorist act is to blow up some innocent victims, but the actual destruction is not the goal, in a military sense. There is a symbolic goal of showing that the more-powerful enemy can be touched and deeply harmed, but even that is not the real goal.

The real goal is to provoke massive retaliation. The tiny group of terrorists who actually committed the act may escape entirely, may take casualties, or may even be entirely destroyed, but the larger terrorist movement feeds on the retaliation. The important thing (from the terrorists’ perspective) is for the massive retaliation to harm many people in the general population, even among their own supporters.

The point is to incite the authorities to act in a way that erodes the people’s trust in them. The people lose trust; the terrorists are seen as freedom-fighters; and they gain support, cover, strength, and freedom of action.
From the terrorists’ perspective, the more horrible the original strike, the better, since it will provoke a more drastic retaliation. And the more horrible the retaliation, the better, since it will destroy the people’s trust in the authorities and strengthen the terrorists. From the terrorists’ perspective, the actual damage to their own people is a benefit, not a cost, of terrorist action.

**Those Who Do Not Learn from History Are Condemned to Repeat It**

Sadly, case studies of this strange dynamic are easy to come by, once you realize what to look for.

**Israel-Palestine**

The Israeli-Palestinian conflict is a textbook case. There is no military benefit to a suicide bomber killing people at a cafe, a wedding, or on a bus. The benefit to Hamas comes from the massive retaliation, killing the innocent along with the guilty, bulldozing homes and farms, and creating major economic hardship for the large masses of Palestinians who would gladly live in peace with Israel. Israel pegs the price of peace to stopping the terrorists, which ordinary Palestinians have no way of doing. And the immediate impact of the retaliation is to solidify hatred against the Israelis. (We’re long past the point of talking about “trust” here.)

So, Hamas has reached the successful point of being able to provoke the Israeli Army to act to build up its strength among the Palestinians. The vicious cycle in that region is that hardliners in Israel use precisely the same method. When Israeli extremists create new settlements in Palestinian territory or commit terrorist acts against ordinary Palestinians, they provoke the strongest retaliation the Palestinians are capable of, which is more suicide bombers to slaughter innocents among the ordinary people of Israel. This eliminates any trust in the Palestinian authorities (small a) and solidifies hatred against Palestine. This elegant pair of mutually reinforcing feedback cycles strengthens terrorism on both sides and makes the chances for peace remote.

**Iraq**

Now let’s think about Iraq. Terrorists strike U.S. troops, provoking retaliation. The retaliation almost certainly involves collateral damage, eroding trust in Americans and inflaming hatred. By now, this cycle should look familiar.

The terrorists’ goal is the erosion of trust in the U.S. authorities and our attempt to rebuild Iraq, even more than physical destruction. It’s hard to imagine Al Qaeda coming up with something more effective than the pictures from Abu Ghraib prison for destroying the trust of the ordinary Iraqi people in the civil authority of the U.S. troops.

Because this abuse does such direct strategic damage to our mission in Iraq, the soldiers directly involved must be punished, of course, but so should the entire chain of command. Since our overall mission explicitly requires winning the hearts and minds of the Iraqi people, it is military professional malpractice to fail to anticipate the pressures on the front-line troops and put discipline in place to prevent such abuse. This abuse is due to more than “a few bad apples,” but even if it were only that, a military commander is responsible for knowing that a few soldiers may be “bad apples” and having controls in place to prevent them from acting out.
The decapitation of Nick Berg was a miscalculation on the terrorists’ part. (They aren’t all geniuses either, of course!) Ordinary Iraqis were revolted and offended by having this crime done in their name. Furthermore, the decapitation took attention away from the Abu Ghraib pictures, which were doing real damage to the U.S. cause. We could still save their cookies by some sort of massive retaliation, but the responsible authorities seem to be handling this in a more controlled way. Finding and prosecuting the specific individuals involved and their accomplices would strengthen the U.S. position significantly.

There are signs that not all the news from Iraq is bad. First, there is measurable progress in restoring the Iraqi infrastructure and providing water, sewers, electricity, oil pipelines, local government, and eventually jobs. [This is where the real war is fought. The soldiers are mostly there to keep the bad guys from interfering with the engineers and their work.] Second, the ordinary people of Najf have demonstrated against the religious extremists and in favor of the moderates and of course in favor of peace and quiet.

**9/11**

This view of terrorists, retaliation, and trust also helps us understand the terrible events of 9/11 and who has profited from the aftermath.

The destruction of the World Trade Center and the murder of 3,000 people was a horrifying act that devastated the victims’ families and shook the economy for a while. The symbolic impact on the United States and its effect on our national confidence was massive, but from a military perspective, the blow was not significant. Compare it with the Pearl Harbor attack in 1941, which crippled the Pacific fleet as we entered a war with Japan.

Osama bin Laden’s purpose for the 9/11 attack was (and is) to provoke massive retaliation from the United States against Islam. He hoped that our retaliation would finally unite Islam against the United States as a common enemy and that his vision for a fundamentalist pan-Islamic state would sweep away all the more moderate governments in the region, as well as movements toward a pluralistic culture.

In the final chapter of his book *Against All Enemies*, Richard Clarke gives an excellent description of the conflict we should have pursued after 9/11 and contrasts it with the wars we actually did pursue. The invasion of Iraq is not only a distraction from more important goals but a provocation that is making Osama bin Laden’s dream come true.

The purpose of the original attack was to provoke our retaliation, which would affect primarily the ordinary Islamic people, destroying what trust they had for the United States, and making them more willing to give aid and comfort to the terrorists among them. To a surprising extent, we have fallen right into Osama bin Laden’s trap. The future of the world depends on finding our way out.

**How to Win the War on Terrorism**

When terrorists are isolated criminals, viewed with suspicion by the vast majority of the general public, and reported to the authorities when they turn violent, then the war on terrorism has been won.
What weapons will it take to win this war? Just as the Maginot Line in France was impotent against Nazi blitzkrieg at the beginning of World War II, purely military tactics and strategy will fail against the terrorists and will even be exploited to their advantage. It appears to me that our current professional military leaders generally understand this point, while our hawkish civilian leaders without military experience generally do not.

It’s tempting to think that a war against terrorism can be won by killing all the terrorists. In the real world, this naive plan doesn’t work. A serious attempt to find and kill all the terrorists also sweeps up many ordinary people, and some of them and their relatives become new terrorists, creating more terrorists than were destroyed. The harder the authorities pursue this strategy, the more it looks like genocide, and the more effectively they recruit new terrorists.

The “weapon” we need is the trust and cooperation of the general population of the country where the terrorists are based. As we have seen, terrorists understand this and use fiendishly clever strategies for eroding this trust and fomenting resentment and hatred. (Incidentally, most terrorists are not clever enough to invent this. But they read about strategy and tactics in the writings of Mao Tze Tung and Ho Chi Minh, who were. Fortunately, these same sources are required reading for our professional military leaders.)

The “simple” strategy for defeating terrorism is as follows:

- Avoid getting killed by them; make clear that overwhelming power is available, but avoid using it.
- Gain the trust and cooperation of the general population.
- Refute the terrorists’ lies; demonstrate truth and openness to criticism.
- Create, publicize, enforce, and obey a simple “Bill of Rights”; demonstrate even-handedness in local disputes.
- Demonstrate justice, even when treated unjustly; avoid massive retaliation, even when taking casualties.
- Visibly work for economic justice for the oppressed.

The people will turn the terrorists in for trial and prosecution.

Obviously, implementing this strategy is far from simple. There are trade-offs between the actions required to avoid getting killed and the ones needed to gain trust. Since gaining trust is building the “weapon” that wins the war, however, it takes priority, and one can’t be absolutely safe. Whether you call it nation-building or peace-making, it’s a dangerous line of work, actively opposed by unfriendly people.

**Avoid Getting Killed**

Aside from the obvious personal motivation to stay alive, the strategic reason to prevent terrorist attacks is to foil their attempt to provoke massive retaliation. Impotence is the worst-case outcome for a terrorist, not death. We need good enough intelligence to detect and prevent terrorist acts, but this cannot take absolute priority since it trades off against being a free and trustworthy society. Therefore, some attacks will occur, and there will be casualties.
It is important for both the terrorists and the general population to understand clearly that terrorist acts cannot possibly defeat our forces militarily. Failing to attend to this point led to disastrous errors by Reagan in Beirut and Clinton in Somalia. Currently in Iraq, terrorists can reasonably conclude that the United States will leave under sufficient pressure. They may or may not be correct, but their ability to draw that conclusion is dangerous to us in itself.

The hardest part about a war on terrorism comes when a terrorist attack succeeds. The whole point of the attack is to do something horrific to provoke massive retaliation. The right response must be measured, deliberate, and appropriate. President Bush’s speech on September 20, 2001, was a brilliant example of the correct response to a successful terrorist attack. (Sadly, he did not stay that particular course, as he and his administration demonstrated their obsession with Iraq.)

**Gain Trust and Cooperation**

A measured, deliberate, and appropriate response gains the trust and the cooperation of the people.

To do this, we must be trustworthy. It also means that the training of our troops for this kind of war must be very different from past wars. Our soldiers must be more than warriors who kill people and destroy things. They must also serve as community police, and even as social workers and political advisors. News reports from Iraq make it clear that our soldiers are vividly aware of this dual role, and they are vividly aware of the fact that they are well-trained and equipped as warriors but not as community police.

Above, I’ve outlined some of the specific methods for building trust and cooperation from the people.

- Refute the terrorists’ lies; demonstrate truth and openness to criticism.
- Create, publicize, enforce, and obey a simple “Bill of Rights”; demonstrate even-handedness in local disputes.
- Demonstrate justice, even when treated unjustly; avoid massive retaliation, even when taking casualties.
- Visibly work for economic justice for the oppressed.

There are surely many other effective methods to be identified, improved, evaluated, and applied.

**The People Will Turn in the Terrorists**

If the people trust the authorities and respect the efforts taken to make their lives secure and safe, they will turn in suspected terrorists, knowing that they will receive fair trials. The Unabomber’s brother turned him in because he was willing to trust the government’s pledge not to seek the death penalty.

Terrorists are not merely criminals. Their extremist ideological motivation makes them far more dangerous than even large organized criminal gangs. Even so, to win against terrorism, in the end they must be treated as ordinary criminals. They must be tried and punished, with full legal rights and protections, not for their
extremist beliefs, but for their terrorist actions that disrupt the safe conduct of society for ordinary citizens.

The Unabomber sits in federal prison for his bombs that killed and maimed. Timothy McVeigh was executed for murder many times over. Their public trials and the public safeguarding of their rights were not out of soft-heartedness or compassion for criminals. They are public ceremonies, reaffirming the value of law and order in our society. They both represent and cultivate the trust that the people have in their government.

That trust is the weapon that defeats terrorism. They cannot stand against it. We must not throw it away.

**What Should We Do?**

If we understand which weapons actually work against terrorists and if we understand how terrorists try to destroy our weapons, we can see what we need to do and what we need to avoid doing. We can see why the Abu Ghraib prison photos are so damaging to us.

Traditional war is not easy or certain. And the new ways are not easy or certain either. The “simple” strategy above for defeating terrorism requires great knowledge, cleverness, and wisdom to put into action.

War requires discipline. War requires sacrifice. War requires restraint at certain times and carefully planned action at others. A war against terrorism is unlike the major wars of the past. If we try to fight like we fought wars in the past, we will lose, and we won’t understand how or why. We need to learn how to fight with new weapons.

The alternative is a world of perpetual conflict between opposing groups of extremists, locked in a deadly embrace in which each side confirms the beliefs of the other and helps in recruiting more extremists. The ordinary people in the middle, who just want peace and law and order, are repeatedly savaged to cultivate more recruits for one side or the other.

This is indeed a “clash of civilizations” but not between Islam and the West. The clash is between extremists of all kinds on the one side and the forces of pluralism, tolerance, peace, and law and order on the other.

**Identifying Terrorists as a Diagnosis Problem**

Consider the problem of identifying terrorists as a problem in diagnosis.

Out of a large population, you want to diagnose the very few cases of a rare disease called “terrorism.” Your diagnostic tests are automated data-mining methods, supervised and checked by humans. (The analogy is sending blood or tissue samples to a laboratory.)

This type of diagnostic problem, screening a large population to look for a rare disease, has some very counter-intuitive properties.
Suppose the tests are highly accurate and specific:

- 99.9% of the time, examining a terrorist, the test says “terrorist.”
- 99.9% of the time, examining an innocent civilian, the test says “innocent.”

Terrorists are rare: let’s say, 250 out of 250 million people in the United States.

- When the tests are applied to the terrorists, they will be detected 99.9% of the time, which means that almost certainly 249 will be detected, and with only a 25% chance of missing the last one. Great!
- However, out of the remaining 249,999,750 innocent civilians, 99.9% accuracy means 0.1% error, which means that 250,000 of them will be incorrectly labeled “terrorist.” Uh, oh! (These are called “false positives.”)

The law enforcement problem is now that we have 250,250 people who have been labeled as “terrorist” by our diagnostic tests. Only about 1 in 1,000 of them is actually a terrorist.

If we were mining for gold, we would say that the ore has been considerably enriched, since 1 in 1,000 is better than 1 in 1,000,000. There’s still a long way to go, though, before finding a nugget.

But we are talking about people’s lives, freedom, and livelihoods here. The consequences to an innocent person of being incorrectly labeled a “terrorist” (or even “suspected terrorist”) can be very large.

Suppose, out of the innocent people incorrectly labeled “terrorist,” 1 in 1,000 is sufficiently traumatized by the experience so that they, or a relative, actually becomes a terrorist. (This is analogous to catching polio from the polio vaccine: extremely rare, and impossible with killed-virus vaccine, but a real phenomenon.)

In this case, even after catching all 250 original terrorists, 250 new ones have been created by the screening process!

The numbers I’ve used give a break-even scenario, but 99.9% accuracy and specificity is unrealistically high. More realistic numbers make the problem worse. Nobody knows what fraction of people traumatized as innocent victims of a government process are seriously radicalized. One in 1,000 is an uninformed guess, but the number could be significantly higher.

A mass screening process like this is very likely to have costs that are much higher than the benefits, even restricting the costs to “number of free terrorists” as I have done here. Adding costs in dollars and the suffering of innocents just makes it harder to reach the break-even level.

Ask your neighborhood epidemiologist to confirm this analysis. It is applied routinely to public health policy and applies no less to seeking out terrorists.

There are alternative ways to detect and defend against terrorists. Mass screening for something very rare is seriously questionable in terms of costs and benefits, exactly because the true positives can be completely swamped by the false positives.
The Seeds of War (A Parable)

I offer a parable to illustrate the seeds of war.

The point of this is not to say that the West is somehow responsible for terrorism. Obviously, the terrorists are responsible, and they must be brought to justice; however, we need to understand the mechanisms in place that feed terrorism and that would be invoked by certain types of retaliation. It makes no sense to act without understanding the context.

The purpose of this parable is to provide intuition about one such mechanism.

Written 10/2/2001 in the aftermath of September 11.
Think about the aftermaths of Afghanistan and Iraq, too.
To fight terrorism, you must know where it comes from.

Imagine that you and your family live in a really bad neighborhood. You struggle every day to make ends meet. You try to keep your children safe from the criminals who live in your area. You work hard to teach your children to be good people, and to live right, even though they are surrounded by examples of people who get rich through immorality and crime. You go to church with your neighbors and try to support each other in the same struggle, since the odds against each of you are overwhelming, but together you may have a slightly better chance.

You watch TV, and you see rich people in the suburbs who have everything you ever wanted, who worry about crabgrass in the lawn instead of gunfire in the street. You work two jobs at minimum wage, hating the fact that your children are home alone, while the people on TV complain about the high cost of gas for the SUV to take the kids to soccer games. You and the members of your church tell each other and try to believe that different people have different lots in life, and each follows his or her own path to salvation. Meanwhile, on TV, you hear the people in the suburbs complaining about how all the people in your neighborhood are criminals and lazy and should be run out of town. You try hard to remember that they don’t understand and to forgive them.

Then, one day, a really terrible crime is committed by a gang from your neighborhood. A bomb goes off in the suburbs, and many innocent people are killed.

You are shocked, and your heart goes out to the families who are suffering. A few of your meaner-hearted neighbors say that they are glad that the suburbs now know what it’s like. You shut them up, telling them to have compassion for anyone who suffers. A few particularly foolish kids dance in the street and show up on the evening news. Your church holds a prayer service for the victims of the bomb.

The police barricade the streets around your neighborhood and won’t let any of you out, though a few sneak past. On TV, you hear some of the rich people in the suburbs say they want to bomb your entire neighborhood to kill the whole gang. If that also kills innocent people like you and your family, well, that’s too bad, they say.

How do you feel? What do you do?
Now, suppose the police actually do bomb your neighborhood. The bombs kill your parents, your wife, your daughters, and your sons. In your family, the only survivors are you and your youngest son.

How do you feel? What do you do?

Benjamin Kuipers, PhD, holds an endowed professorship in computer sciences at the University of Texas at Austin. He investigates the representation of commonsense and expert knowledge with particular emphasis on the effective use of incomplete knowledge. He received his BA from Swarthmore College, and his PhD from MIT. He is a fellow of AAAI and IEEE and has served as department chairman.
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