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New Technology and Old Police Work Solve Cold Sex Crimes

By JAMES MARKEY

In 2001, when the court system convicted a serial rapist of multiple sexual assaults in both Arizona and Florida, a new dawn began for his victims. During cross-examination, victim after victim described how their lives had been changed forever. The rapist's life sentence, though, finally gave his victims the chance to return their lives to normalcy. Many victims had experienced dramatic life changes, and they had been waiting months, or even years, for a conviction. The credit for arriving at this point goes first to the victims for surviving and never giving up hope and, second, to the detectives who diligently pursued these cases while employing new technology to uncover the guilty suspect.

The offender's rapes spanned over 20 years, and police speculate that the total number of rapes he committed could register in the hundreds. After confessing to some recent crimes under investigation by the Phoenix, Arizona, Police Department, the rapist also began to describe details of numerous other unsolved crimes still carried by police departments across the country. In essence, these investigations had gone cold, but the Phoenix Police Department began to see an opportunity arising. Could it solve some unsolved crimes by reinvestigating and trying to match known offenders to these unsolved crimes? Realizing that sex crime offenders have expansive careers and analyzing the rapist's span of crimes, the Phoenix

Police Department determined that solving serial sex crimes needed a new formula.

ESTABLISHING A COLD CASE TEAM

Across the United States, hundreds of unsolved sexual assault crimes exist. What happens to the victims of these cases? Many of the victims still may be living in a state of fear or shock. Moreover, nonresolution by police in high-profile cases erodes victims' and the public's confidence in the justice system, and this same nonresolution empowers suspects to believe that they can beat the system. Upon completion of the serial rapist's case, the Phoenix Police Department conducted an internal

audit of its resources and began to ask many questions. How can thousands of victims be better served? How can victims be given new hope and confidence that their cases will remain priorities with local police departments? Within most sex crimes units, detectives' tenures fluctuate, and investigations are worked until all leads are exhausted and have resulted in no suspects. The Phoenix Police Department realized that reopening these cold cases, solving the complex crimes, linking multiple offenses, tapping into new DNA technology, and presenting a resolution to the victims represented department priorities. After all, a component of community-based policing includes solving crimes.

Early in the audit, the department realized that this effort deserved a multidisciplinary team approach. The department's investigation, laboratory, and victim services divisions all combined to form the nucleus of the team. With a strong nucleus assembled, the

department explored outside its doors for additional partners in the effort. Through good public relations and hard work, the department secured grant funding for the program and solidified the strong, existing relationship with the local prosecutor's office. With assembly of the team finished, the first cold case sex crime team devoted specifically to investigating sexual assaults could offer new hope for many sexual assault victims.

DEVELOPING A STRATEGY

The internal audit of the Phoenix Police Department revealed over 1,700 sexual assault examination kits gathering dust while waiting for evaluation and screening. In addition, over 700 new sexual assaults were being reported each year. The first priority of the new cold case team became gaining a genuine commitment from the entire chain of command of the police department. By gaining a commitment and a vow of cooperation from every officer, including the chief,

this goal was reached, allowing investigators to begin research.

After identifying the need for a team effort, the logistics of establishing a team became the priority. In 2000, the department applied for a state of Arizona grant just as it became available. After a review process, the department received the grant, resulting in 18 months of funding for the creation of the Phoenix Cold Case Sex Crime Team.¹

Upon release of the funds, the cold case team began to develop a strategy for success. With the understanding that a program is only as good as the people who run it, a seasoned investigator, with 10 years of experience in sex crime investigations, was chosen to lead the team. A complete understanding of sexual offenses, rapists, and their victims is a key component for the successful investigation of these crimes. With an investigator in place, the team began to enlist other partners to ensure success. The department's laboratory was in the process of obtaining national certification for DNA testing. Knowing that lab results would play a big part in these investigations, the team forged a relationship. However, resources, including personnel, became an issue. The cold case team witnessed an evidence bottleneck occurring in the lab—the limited staff could not handle the dozens of requests for sex kits. Thus, the cold case team decided to transfer the grant-funded position of detective to the lab to hire a new analyst. The lab, in turn, looked for additional funding. The lab located funding in a National Institute of Justice grant that would allow it to outsource kits to private labs for screening.²



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A complete understanding of sexual offenses, rapists, and their victims is a key component for the successful investigation of these crimes.
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Sergeant Markey serves with the Phoenix, Arizona, Police Department.

DEALING WITH NEGLECTED VICTIMS

The cold case team next wondered how it should approach victims living with unresolved incidents for extended periods of time. Professional advocacy became the logical solution. Funding allowed the department to hire an advocate to deal with the multitude of victimization issues that would arise from these cases. Most victims had left the area, moved their lives forward, or done their best to forget the crime. However, most still were interested in prosecuting and had been wondering what had become of the investigation.

To help reluctant or frightened victims cope with the reopening of a case, the advocates, generally civilian police employees, specialize in victim assistance and crisis intervention. Furthermore, advocates can act as a resource referral for long-term assistance. These advocates help victims over the initial fears and concerns of prosecution, explain the justice system, gain their confidence, and occasionally renew cooperation. Several cold case victims simply are pleased, and most certainly surprised, to find their cold case not forgotten but still an active case.

Two specific hurdles of investigations and prosecutions are deceased and unwilling victims. A basic right of accused individuals is to face their accusers. How should this be addressed with no victim? As

with all obstacles, police departments should work closely with prosecutors to develop a review process that addresses each case on an individual basis. All victims, including those deceased,³ make statements at or around the time of the assault. These statements typically are voiced to police, medical personnel, and, on many occasions, friends. Courts may treat these statements as exceptions to the hearsay rule, and witnesses of these

these cases if the victim wishes to do so. Many times the prosecutor's office will negotiate a strong plea agreement with suspects. This practice satisfies most victims while avoiding harmful court trauma and still holding suspects responsible for their actions.

After establishing the cold case team, Phoenix investigators tackled numerous neglected victim cases, but which, when they turned cold again, were filed without new leads

or suspects. For many victims in the community, resolution never arrived. Taking a step back and assessing the entire situation, investigators used the theory, typical rapists commit multiple attacks during their careers, to their advantage. By deciphering "old" cases, investigators

began to see patterns in "new" cases. Linking these crimes can enhance prosecution, produce longer sentences and more plea agreements, and instill a community belief that the police continue to work and solve difficult, high-profile cases.

INVESTIGATING "NEW" CASES

The cold case sex crime team conferred with the department's existing cold case homicide squad and adopted its successful tactics, resulting in a unique database for organizing and tracking unsolved cases. All cases were reviewed and evaluated for solvability based on

Statistical Recap of the Cold Case Team

As of June 2003, the cold case sex crime team reviewed in excess of 1,000 cases dating back to the 1960s. The team identified 31 suspects with DNA evidence or another method of forensic or trace evidence and cleared 58 cases (charged, submitted for prosecution, or used as an aid in prosecution).

statements may be able to testify to them in court. Combining these statements with corroborating evidence collected at the crime scene has proven successful at combating the issue of deceased victims.

On the other hand, many victims simply do not want to pursue their case any further. Victims have blocked it out, moved on, or may just not want to relive the trauma. Ultimately, this is the victim's decision. The Phoenix Police Department respects this decision, offers as much assistance to the victim as possible, and believes other police departments should follow suit. The department also believes in avoiding court proceedings with

a set of criteria. These criteria included the reevaluation of all evidence (still in property), initial victim interviews, and all witness interviews. Investigators also deliberated the possibility of linking cases through offender behavior, method of operation, and signature.

Reevaluating Evidence

When reevaluating physical and biological evidence in these cases, investigators noted the evolution of DNA technology in the last 5 years. The cold case squad quickly learned that sex kits evaluated as recently as the early 1990s needed retesting for biological evidence based upon advances in DNA technology. With new methods and more refined testing, many cases relinquished previously unfound evidence with the use of new DNA technology.

Identifying Suspects with DNA

As with all investigations, identifying the unknown suspect ranks

as the first priority. After identifying the suspect, the focus shifts to locating the newly identified suspect. In many cases, a DNA hit from the Combined DNA Index System (CODIS) database from a cold case results in a second investigation into a suspect's current location. Not only must investigators locate and apprehend the suspect but they also must obtain a new DNA sample to confirm the original cold hit. DNA databases provide investigators with new leads in these cases, but these new leads mean starting some investigations all over again.

Recently, CODIS and other local DNA databases have begun to expand the amount of profile information investigators can access. The comparative abilities of these DNA information systems continue to evolve and improve almost on a daily basis. Each week, these DNA information systems compare more unsolved cases to known offenders than the previous

week. These databases have two distinct sections. The first is built on blood samples contributed by convicted offenders.⁴ The second section originates from DNA evidence collected, profiled, and submitted by law enforcement agencies from unsolved crimes. Even though the amount of information continues to expand, law enforcement has a long way to go in this area. As an example, a U.S. Department of Justice study in 1999 showed that of 746,962 suspect (offender) blood samples, only 362,987 have been DNA profiled, analyzed, and entered into CODIS. While waiting for comparison to unsolved crimes, unrecorded offender profiles lie dormant. Unfortunately, in the real world, personnel, multiple priority cases, and other internal factors have an impact on how and when these databases are able to fulfill their investigative potential.

The Phoenix Police Department discovered that many cold case DNA hits stem from crime scene evidence (generally biological) submitted by other law enforcement agencies on their own unknown or unsolved cases. These DNA cold case hits can help revive investigations. For example, a department may have a case go cold, with no identified suspect; however, it may find, through DNA evidence, its investigation linked with another department's unsolved case. These two agencies then could communicate and share information, helping to keep their respective investigations alive.

What happens, though, when DNA matches a known suspect?

Remedy to Statute of Limitations

Statutes of limitations also become investigative hurdles and concerns for investigators. The Phoenix Police Department recently reopened one cold case from 1994 when a DNA cold case hit from a suspect in federal custody was identified. The state of Arizona statute of limitations was 7 years for the offense under investigation. This limited the investigators' response time to file charges to a few weeks. Fortunately, the relationship with the Maricopa County Attorney's Office put the investigators in a position to file charges prior to the time limit. In August 2001, as a remedy to such problems, the Arizona legislature removed the statute of limitations for sexual assault.

Questions begin arising, such as “Is the suspect incarcerated?” “Is the suspect out of custody, roaming in another jurisdiction?” and “Is the suspect’s exact location known?” The Phoenix cold case team discovered few procedural or investigative guidelines to answer these questions. The cold case team also recognized that once a cold case hit identifies a suspect in a DNA database, the investigating agency must determine when, where, and how investigators took the original blood sample from the suspect. Chain of custody of the original blood sample can become a huge impediment for investigators. Most prosecuting attorneys concur that a second, fresh sample of the suspect’s blood is required. Analyzing this second sample confirms the initial database cold hit and ensures a clean chain of custody for future prosecution.

The Phoenix cold case team discovered that with multiple jurisdictions involved, legal issues addressing warrant and court orders for suspects’ blood samples become substantial investigative and prosecutorial concerns. Again, interagency communication and cooperation become paramount. Regardless of suspects’ current location, investigators must remain aware of the local jurisdictional laws and follow them to avoid investigative errors. The key to successful prosecution is minimizing or eliminating investigative errors that may aid the defense. Even though a quick and thorough prosecution remains one of the goals of any investigation, the Phoenix Police Department has

DNA Success

One example of a cold case success involved a 68-year-old female who was approached by a suspect in her bedroom. The suspect robbed and sexually assaulted her. The suspect fled the area and was never identified. In January 2000, detectives on the Phoenix Cold Case Sex Crime Team reviewed this case and reexamined the sexual assault kit for biological evidence. Prior tests of the kit revealed no DNA, but with new, more refined testing, DNA presented itself. Detectives submitted this evidence to CODIS, resulting in a nationwide search. They received a hit indicating that the suspect was in custody in Alabama on unrelated charges. Detectives flew to Alabama and interviewed the suspect who admitted his involvement. In March 2002, authorities convicted the suspect of sexual assault and kidnapping.

found that identification in a cold case simply means the *start* of a second investigation. However, the second investigation gives victims new hope and strengthens police departments’ connections with their communities.

CONCLUSION

Establishing a means for using cold sex crime cases to supplement current investigations constituted a creative vision that has become a monumental success for the Phoenix Police Department. Clearly, the success of any new police crime-fighting initiative is based on a multidisciplinary approach. Technology, old-fashioned police work, victim advocacy, and interagency cooperation need to work in harmony to produce positive results. All team members must be committed to their particular role, to their profession, and, most of all, to the victim. Police administrative leadership must understand

and realize the importance of such programs, not only within the department but also within the entire community. If the public and victims lose their hope and their confidence, the community will follow suit. Police departments hold the future of victims and communities in their hands, and how police departments across the United States approach high-profile crimes, especially sex crimes, will map the future of community life. ♦

Endnotes

¹ This grant has been renewed for 2003.

² For 2003, the federal government has earmarked additional grant funding for equipment and testing related to the backlog of DNA evidence. All agencies across the United States should apply for funding because many programs, if described correctly, are eligible for assistance.

³ These are mainly elderly victims who have passed away from causes unrelated to the rape.

⁴ State laws are in place as to who must provide blood samples for entry into CODIS (e.g. convicted sex offenders).

Changing Organizational Culture to Adapt to a Community Policing Philosophy

By Mark R. Hafner, M.P.A.

Many police agencies experience difficulties when trying to motivate officers to enthusiastically embrace a community policing philosophy. Agencies often start costly community policing programs only to find that few officers actually partake in the transformation while most continue to operate under traditional reactionary modes of law enforcement. Police managers first must create an organizational culture that communicates direction and mission before empowering officers to start community policing programs. Otherwise, the agency will have many programs, but the underlying organizational culture will not develop a partnership with the community—the main ingredient required for a community policing philosophy.

The Problem

On January 29, 2001, I accepted the chief of police position in Keller, Texas, a community of 30,000 residents located in the Dallas/Fort Worth metropolis. During the past decade, the city of Keller has grown rapidly from a small rural town to an upscale community with a high demand for customer service. I quickly learned that the department had well-trained officers, an adequate level of funding, and community policing programs, such as bike and mounted patrols and a citizen police academy. But, something was missing; an underlying dissension existed in the community. Citizens perceived the department as an agency that suppressed and harassed people, particularly the youth.

Officers were not breaking the law; however, they did not appear as professional, compassionate, and courteous as they should have. The local newspaper had printed several editorials from citizens complaining about police harassment. Before I arrived, the

community had shown their dissatisfaction toward the department by rejecting a local sales tax referendum that would have provided new funding for community policing programs.

The Plan

After spending 6 months listening to the public and observing day-to-day police operations, I determined that the Keller Police Department, as an organization, failed to continuously improve and adapt to change. It was a competent law enforcement agency, but it lacked the ability to develop a meaningful partnership with the community. At one of the first staff meetings, I asked the supervisors and managers to articulate the agency's mission statement and core values. Most could not genuinely answer the question, and the ones that attempted to provide a response only talked about the enforcement aspect of the job. An emphasis on building partnerships with the community while providing value-driven service committed to excellence was missing. The employees were not acting as a team but, rather, as individuals with their own agendas. Certain cliques existed among departmental leaders and employees. For example, one clique emphasized enforcing laws, while another focused on building partnerships with the community. The organization lacked a common mission and vision.

Chief Hafner heads the Keller, Texas, Police Department.



Police agencies must have mission statements that incorporate the residents' desires and visions of what they want their department to focus on. I spent 6 months talking to residents, business leaders, high school students, and senior citizens, asking them to help shape the future of their police agency. I shared the information I gained with the agency's staff at a retreat we conducted away from the department location. I created a mission statement easy to remember that contained the essential elements necessary to bring a meaningful change: *The Keller Police Department is a value-driven organization committed to excellence and will partner with the community to make Keller a better place to live, visit, and conduct business.*

Together, at the retreat, we adopted our new mission statement and the organizational philosophy to carry it out; we exhaustively discussed the statement and the plan to implement it.

The next step included building an organizational culture that would work enthusiastically toward meeting our mission. The Keller command staff realized that we would never achieve the optimal level of service externally until we began to perform at the optimal level internally. Police agencies often find it hard to motivate officers and employees to embrace a community policing philosophy because, although managers communicate the expectations regarding problem resolution and customer service, it is business as usual internally. The culture inside serves as a mirror effect outside.

The Keller Police Department adopted a philosophy of continuous improvement. Individuals and organizations should recognize how adept they are, but they never should become complacent. Learning leads to improvement, which, in turn, requires learning. We understood that we effectively could not embrace a community policing philosophy without improvement.

One of the agency's lieutenants who understood the vision, mission, and values required to bring about a lasting change needed by our department developed

our culture around a philosophy he named "E to the 4th power." All of our decisions, choices, and relationships are built on empathy, edification, enthusiasm, and excellence. When we focus on others and not ourselves, we become much happier and content. We strive to proactively create value in all that we do and with everyone we encounter. Unfortunately, many people descend into the pitfalls of self-focusing. In our work life, this translates into bad morale, selfishness, dissension, low productivity, and the popular "us against them mentality."

In our personal life, it results in depression, addiction, broken relationships, and self-pity. Therefore, we trained and developed team members to realize that the secret of a happy existence means serving something larger than ourselves and continually improving. We tested all of our individual and organizational decisions, choices, actions, and thoughts against E to the 4th power. If our decisions, choices, and actions did not promote E to the 4th power, we were not truly in line with our organizational philosophy. The mission statement

identified our commitment to the external customer, and the organizational philosophy demonstrated our commitment to each other as team members.

The Results

For the first time, the direction and expectations became clear to everyone within the organization. Now, we test all of our initiatives and actions using two questions: Does it make Keller a better place to live, visit, and conduct business? And, does it promote E to the 4th power? We even ask these questions in reference to budget expenditures for equipment, training, personnel, and new programs. If one action fails the test, we do not continue to consider it. We believe that if our organization spends the time developing better people, we, in turn, will become better employees.

Our community policing programs now have a meaning of value attached to them. Our employees

“

...if our organization spends the time developing better people, we, in turn, will become better employees.

”

Elements of E to the 4th Power

Empathy

- Listen first
- View things from the perspective of others
- Be mature
- Forgive others
- Seek win-win solutions
- Share information exhaustively
- Be open to learning

Edification

- Build partnership relationships
- Empower and recognize each other
- Be a team member
- Create value to receive value
- Honor those who are absent

Enthusiasm

- Have fun
- Serve each other as internal customers
- Improve the quality of life for all stakeholders
- Adapt to change
- Take ownership
- Be passionate

Excellence

- Have high expectations
- Take pride
- Have high performance and ethical standards
- Be accountable
- Be problem-resolution oriented
- Be quality driven

are more empowered and receive greater job satisfaction. Employees use less sick leave, and the corresponding overtime expenditures remain within our budget goals. The change in our philosophy has secured very competitive wages and benefits, and employees rarely leave the organization. Now, peers hold each other accountable using the mission statement and E to the 4th power. On their own, officers have placed the mission statement on the sun visors of their patrol cars to continuously remind them of their focus to build partnerships with the community.

The quality of life for all stakeholders has improved dramatically. Community support for the police department has risen, and the negative editorials in the local newspaper have ended. Keller citizens gave their stamp of approval by overwhelmingly voting for an increase in the sales tax to fund a building expansion project. The Keller Chamber of Commerce endorsed the sales tax referendum and, after its passage, awarded the distinguished service award for 2001 to the Keller Police Department for exceptional service to the community. These results sent a strong message to the employees that we are heading in the right direction.

Our external communications with the public showed a dramatic increase since we adopted our new mission statement and organizational philosophy. The e-safe program that allows citizens to communicate with our department via the Internet increased from 495 e-mails in 2000 to 2,565 e-mails in 2001. Our calls for service also increased from 30,844 to 38,376 during that time period. Our employees are working harder to serve the public. Additionally, our internal communications have improved with monthly newsletters from the chief and a commendation folder in a computer software program that allows employees to commend each other for actions that clearly exhibit E to the 4th power.

Additionally, the Keller Police Department made the symbol of our organizational culture the actual performance evaluation. If E to the 4th power is the basis and foundation of how we make decisions and choices, then we have to actually measure *ourselves* by empathy, edification, enthusiasm, and excellence. Now, our individual behaviors and attitudes impact

our salary step raises in addition to the traditional performance measures. Moreover, the city manager has recognized the contagious effect of E to the 4th power and organized a committee to implement it citywide.

Conclusion

The task of proactively developing and creating value to others is imperative to any agency that desires an effective community policing program. Police managers should talk with community residents to gain their input in helping to shape their

agency. Further, all department employees must share a common vision.

Once an agency designs a mission statement to form a partnership with the community, it then can create an internal philosophy based on empathy, edification, enthusiasm, and excellence. Police departments must clarify their expectations and mission before they attempt to empower employees to begin programs within their communities. Without partnership relationships *internally*, law enforcement managers cannot expect their employees to build them *externally*. ♦

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Unidentified Homicide Victims

The Pittsburg County Sheriff's Office in McAlester, Oklahoma, seeks information regarding the identities of a male and female found in April 1995, approximately 10 miles north of McAlester, Oklahoma, along the outer road adjacent to U.S. Highway 69.

The Crime Scene

Members of the Pittsburg County Sheriff's Office in McAlester, Oklahoma, discovered the two bodies, a male and a female, and estimated that the victims were shot and killed on or around March 18, 1995, 3 weeks prior to their discovery. After being shot, the victims were dragged about 40 feet into the woods and positioned next to each other, head-to-toe. Additionally, the bodies were located approximately 50 yards west of an active Union Pacific Railway track, which runs north and south and about one-half mile from the entrance of Crower Point, a Lake Eufaula public campsite.

The male victim was shot once in the chest and the female victim was shot twice in the chest. Ballistic examination on the projectiles retrieved from the victims determined that they were consistent with a .38-caliber or a .357-caliber bullet and displayed rifling characteristics of a Smith and Wesson or a Ruger model revolver. The male victim's left rear jean pants pocket was cut open, and he wore a watch

with a Le Watch leather band. The watch was set 1 hour behind Oklahoma time, which is central standard time. No identifying information was found on the victims or in the area of the crime scene. It is unknown if the victims rode the railway transportation

system, were hitchhiking, or drove an automobile. The victims may have been married; they wore matching wedding bands.

Alert to Law Enforcement

Law enforcement agencies should bring this information to the attention of all homicide, crime analysis, missing person, and patrol units. Missing person units should be especially interested in

missing persons where a husband and wife are missing or where a young couple may have run off together to get married. Patrol units should be queried to ascertain where they interviewed any runaways or hitchhikers matching the above descriptions prior to April 1, 1995.



Any agency with similar solved or unsolved cases should contact Under Sheriff D. G. Stoneshipher of the Pittsburg County Sheriff's Office, McAlester, Oklahoma, at 918-423-5858 or Crime Analyst Glen W. Wildey, Jr., of the FBI's Violent Criminal Apprehension Program (ViCAP) at 703-632-4166 or at gwildeyj@leo.gov.

Victims' Descriptions



Sex: Male
Race: White
Age: 18 – 25
Height: 5'6" – 5'9"
Weight: 175 – 185
Hair: Short / brown
Eyes: Unknown



Sex: Female
Race: White
Age: 18 – 25
Height: 5'4" – 5'6"
Weight: 130 – 140
Hair: Shoulder length long wavy / blond / frosted
Eyes: Unknown

Male Clothing

Upper Body : (Outerwear) Turquoise (possible) Ocean Pacific t-shirt, black long sleeve jacket

Lower Body : (Outerwear) Light blue Levi jeans with back belt, size 31 waist – 34 length

Upper Body : (Undergarments)

Lower Body : (Undergarments) Dark color bikini shorts with geometric design

Jewelry: 14-karat gold wedding band

Watch with a Le Watch leather band, set 1 hour behind central standard time

Tattoos: R on back of left forearm below the elbow
Eyeball with teardrop on back of right forearm, below the elbow
Cross on front of left upper arm (bicep)

Female Clothing

Upper Body : (Outerwear) Red Lassen Sportswear shirt with one front pocket

Lower Body : (Outerwear) Blue jeans, size 10

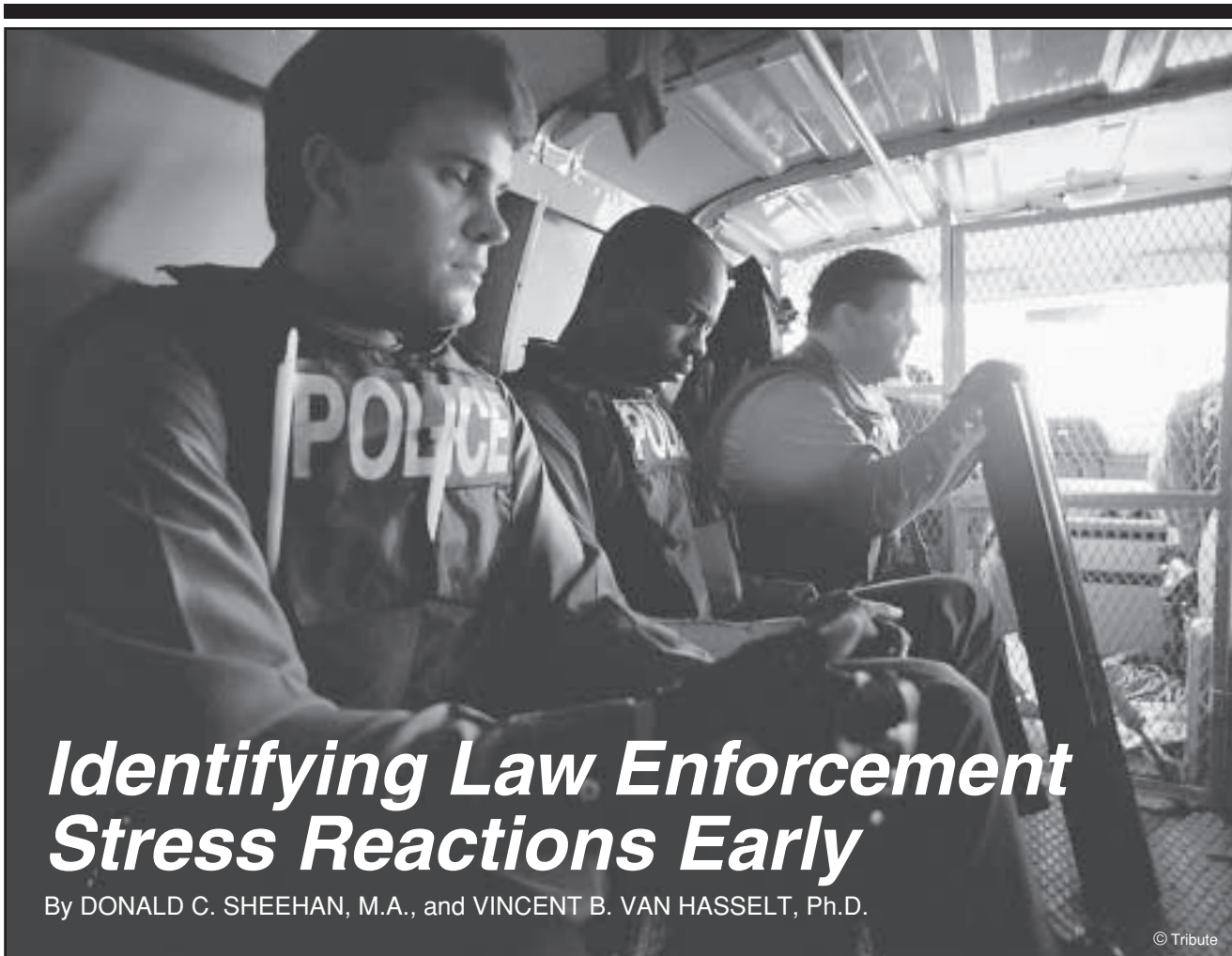
Upper Body : (Undergarments) White bra, 38-D

Lower Body : (Undergarments) Panties, large (not consistent with the blue jeans size)

Jewelry: Two-piece wedding band set with small diamond, which matches the male's wedding band

Le Watch with brown leather band

Other: (Dental) Only one tooth filling



Identifying Law Enforcement Stress Reactions Early

By DONALD C. SHEEHAN, M.A., and VINCENT B. VAN HASSELT, Ph.D.

© Tribute

The collapse of the World Trade Center and the partial destruction of the Pentagon starkly and vividly showed the whole world the damage inflicted upon America by the Al Qaeda Terrorist Organization. These horrific acts harmed all Americans, including thousands of law enforcement officers. Clearly, large-scale critical incidents are stressful, but so are the numerous smaller scale events that so many law enforcement officers encounter on the job. Who can accurately measure the stress caused by being wounded in

the line of duty, having a partner killed or injured, shooting another person, seeing abused or deceased children, and witnessing severe motor vehicle accidents? Who can calculate the effects of continued exposure to murders, suicides, kidnappings, hijackings, rapes, and other violent acts that assault the sensibilities of law enforcement officers? Too often, assistance is delayed until officers display maladaptive behaviors, such as excessive drinking, domestic violence, or even suicide. Predictably, adverse events take their toll, but, as yet, the

extent of the stress reactions has not been fully assessed. The time has come to identify stress reactions early so that officers can receive meaningful help *before* problems emerge.¹

Reviewing Causes

Critical incidents, both large and small, are not the only events that negatively impact law enforcement officers. Other more subtle, but no less devastating, factors interfere with the psychological equilibrium so necessary for the emotional welfare of law enforcement

officers. For example, organizational stressors, such as inadequate training, poor supervision, lack of recognition for superior job performance, perceived nepotism in awarding promotions and financial incentives, inadequate pay, and insensitivity to family or personal needs, often cause discord.² Job stressors, such as long hours, “on-call” status, and extended periods outside the home, can have adverse effects. Varied work schedules caused by rotating shifts, irregular days off, and court time frequently interfere with sleep patterns and family activities. Public scrutiny, media focus, and civil litigation can make inherently difficult situations even more stressful. Specialized duties, such as undercover assignments,³ evidence recovery, crisis negotiation, and hostage rescue, also increase stress levels.

Moreover, law enforcement officers have personal problems just like everyone else. The normal physical changes associated with aging can be quite stressful for officers who rely on their ability to physically control situations. Natural changes to all of the body’s systems (muscle, bone, cardiovascular, respiratory, nervous, immune, and neuroendocrine) have strong consequences.⁴ Eventually, fading visual acuity, failing hearing, diminishing muscle mass, waning stamina, dwindling dexterity, and attenuating balance impose limitations on officers whose years of experience alone cannot always offset. Injuries and illness also play a part in this dynamic. Psychological factors, such as unfulfilled personal relationships, lack of spiritual meaning,

loss of control over an important aspect of their lives, unrealized career goals, and interpersonal conflict, can prove incredibly stressful.

Summarizing Reactions

Critical incidents alone do not cause most law enforcement officers undue stress; neither do cumulative stressors, such as organizational and job factors, nor personal stressors, such as physical and psychological elements. Instead, the confluence of all of these different factors does. Proof of this exists everywhere. Cumulative stress contributes to high rates of gastrointestinal disorders, high blood pressure, and coronary heart disease in the law enforcement community. Alcohol and prescription drug abuse often occurs. High levels of domestic violence in law enforcement families have been related to stress on the job.⁵ Critical incidents leave

some officers with acute stress disorder (ASD) or post-traumatic stress disorder (PTSD) and many more with transitory symptoms, such as intrusive thoughts, sleeping difficulties, changed eating patterns, and muted emotional responses.

Since 1980, when the American Psychiatric Association introduced PTSD as a diagnosable condition, several developments have occurred. In 1994, the short-term pattern of some severe psychological reactions was acknowledged with the inclusion of ASD. Most discussions of these extreme reactions to stress revolve around core symptoms experienced after a life-threatening event and include—

- reexperiencing the trauma in the form of nightmares and intrusive thoughts;
- avoiding reminders of the event; and



Special Agent Sheehan, formerly a state-certified school psychologist, is an instructor in the Law Enforcement Communication Unit at the FBI Academy.



Dr. Van Hasselt teaches psychology at Nova Southeastern University in Fort Lauderdale, Florida, and serves as a part-time officer with the Plantation, Florida, Police Department.

- experiencing numbing to the point of not having loving feelings, increased arousal in the form of exaggerated startle response, hypervigilantism, and sleeping difficulties.

Many factors influence whether or not a particular incident results in ASD, PTSD, or its symptoms. Recent research⁶ suggested that certain factors predict the likelihood of someone experiencing PTSD and its symptoms. Most predictive was a dissociative experience during or in the immediate aftermath of the traumatic event and high levels of emotion during or shortly after the traumatic event. Perceived life threat during the traumatic event and perceived social support following the event are helpful predictors. Other less strong predictors include prior trauma, psychological adjustment

before the trauma, and a family history of mental illness. Prior exposure to a similar event probably is the most difficult to understand because it is counterintuitive. In most other aspects of life, experience helps. Unfortunately, many law enforcement officers discover that repeated exposure to certain events can have seriously detrimental effects. The frequency, duration, and intensity of stressors represent determining factors as well. Stress reactions vary among individuals because perceptions of situations differ and reactions are subjective.

These debilitating symptoms are not the worst things that can happen. Sadly, among law enforcement officers, job-related stress frequently contributes to the ultimate maladaptive response to stress: suicide.⁷

Making Critical Distinctions

Discussing this topic requires making some distinctions. According to Dr. Han Selye, the generally acknowledged founding pioneer of stress research, stress is the nonspecific response of the body to any demand placed upon it.⁸ A stressor is an external, environmental event that has the potential to cause a reaction. A stress reaction is an internal sequence of events that occurs as a result of a real or imagined threat. A negative stress reaction is called distress. However, not all law enforcement officers exposed to stressors become distressed.

On a positive note, stress management appears to help, and sound reasons for this exist. Because stressors are external events, individual law enforcement officers and their organizations cannot always control them. Sometimes, unfortunate

Law Enforcement Officer Stress Survey

First Rating Scale

For each scenario, please circle a number from 1 (Not Common) to 7 (Common) that best reflects how common the situation is for you. For example, a 1 would mean you have not experienced the situation, whereas a 7 would mean the situation is extremely common.

1 2 3 4 5 6 7

Not Common

Common

Second Rating Scale

For each scenario, please circle a number from 1 (Not Difficult) to 7 (Extremely Difficult) that best reflects how difficult or problematic that situation is or has been for you. For example, a 1 would mean that the situation is not difficult or problematic for you at all, whereas a 7 would mean that the situation is extremely difficult or problematic for you.

1 2 3 4 5 6 7

Not Difficult

Extremely Difficult

Scenarios

1. You are called to a burglary in progress. The assailant may be armed.
2. You are called to respond to a silent alarm from a bank.
3. You respond to a shooting in progress between two gangs.
4. You are executing an arrest and search warrant for a violent criminal and are unsure of his location.
5. You are executing an arrest warrant when the suspect barricades himself. There may be other people with him.
6. You respond to a major motor vehicle accident with multiple injuries and possible fatalities.
7. You are engaged in the promotional process.
8. You have been brought up on civil rights violations that are untrue.
9. You have plans with your family, but work demands interfere and you are unable to participate.
10. You are on a high-pursuit chase in icy conditions.
11. You are investigating an officer's death in which suicide is suspected.
12. You are responsible to notify the parents of a child killed by a hit-and-run driver.
13. You are called to contain a public rally that is becoming agitated.
14. You have been recruited to investigate a fellow officer.
15. You have been injured during an assault, and your backup is late responding.
16. You find that your subordinates did not complete the assignment you gave, for which you are responsible.
17. You must rely on employees you feel are not trustworthy or competent.
18. You are trying to solve a high-profile case while the public pressures for immediate results but continues to be uncooperative.
19. You have spent hours putting data into your computer, only to have it go down and lose your data.
20. You are making progress on a case when you are reassigned for political reasons.
21. You find that work is taking up more time and energy, leaving you with little left for family and recreation.
22. You are unable to complete a project because your supervisor keeps changing the direction or priorities.
23. You are on your way to a high-emergency call when the radio has interference and you are unable to get all of the information you need.
24. Changing shifts has interfered with your sleep patterns, causing you to experience increased fatigue.
25. You frequently argue with your spouse, but are unable to resolve anything because of scheduling conflicts.

Note: The authors invite law enforcement officers to use this survey as an early screening device.

events happen in spite of everyone's best efforts. Stress management focuses on the reactions that are internal and more subject to individual control. The reasoning for this states that officers cannot always control what somebody else does to them, but, at some point, they can choose to control their own reactions to the event.

Stress management, as practiced by the FBI,⁹ involves three distinct steps: understanding, recognizing, and coping. The understanding and recognizing steps occur preincident, wherein administrators take great care to ensure personnel understand the nature of the stress response and learn to recognize the common symptoms experienced by those responding to stressful events. Coping constitutes the FBI's third stress management step that transpires after events happen and where administrators make every effort to support personnel through a variety of programs, such as employee assistance, chaplain support, critical incident seminars, and peer support. Although not all law enforcement agencies in the United States may have such a comprehensive program, the underlying principles are useful in moving effective law enforcement stress management forward.

Identifying the Pressing Issue

All of this information has been thoroughly studied, documented, and discussed. The potential ill effects of job-related stressors clearly are established for law enforcement officers. Researchers no longer need to focus on the stressors officers experience or all of their

negative reactions. Now, the critical task is to identify, at the earliest stage possible, when particular law enforcement officers incur an excessive stress reaction to the numerous pressures confronting them. To this end, the authors present the Law Enforcement Officer Stress Survey (LEOSS) as a potential tool for agencies to employ in their efforts to help their officers cope with job-related stress.

“
Sadly, among law enforcement officers, job-related stress frequently contributes to the ultimate maladaptive response to stress: suicide.
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Developing the Context

For 5 years (1995-1999), Special Agent Sheehan taught Stress Management in Law Enforcement (SMILE) at the FBI Academy. The purpose of the course was to reduce drinking, prescription drug abuse, domestic violence, divorce, suicide, and other maladaptive responses to stress among members of the FBI National Academy. These individuals, comprised of command-level law enforcement officers, attended a 10-week training program involving various criminal justice subjects. Chosen from local, state, and federal agencies throughout the

United States and from several foreign countries, these veteran officers provided invaluable insight into job-related stress.

As part of the course, which had 50 officers per session, Special Agent Sheehan asked these highly successful officers what bothered them. The lists he compiled revealed a staggering assortment of human suffering. The problems—personal and professional, traumatic and cumulative, and large and small—all appeared. Class after class replicated the results. These observations buttressed what Special Agent Sheehan had observed year after year while working with the spouses, children, parents, siblings, and partners of slain officers during National Police Week under the auspices of Concerns of Police Survivors, Inc.¹⁰ He realized that something was missing between stress management training and treatment for severe stress reactions.

Finding the Missing Link

Stress management training makes law enforcement officers more stress resistant, and various treatment modalities by mental health practitioners can help those who have extreme reactions. To date, what has been missing is an assessment tool that provides early detection of stress-related problems among law enforcement officers. To be useful, a law enforcement stress evaluation tool has to have several characteristics. It specifically must address the unique challenges and stressors that officers face. It also has to be brief in format to facilitate its use by a population

that historically has resisted interaction with the mental health system.

Formulating the Answer

Special Agent Sheehan discussed the problem with Dr. Van Hasselt, who suggested using a behavioral analytic model¹¹ to construct a screening device. This is a sophisticated and highly effective means of identifying distress in law enforcement officers. It involved five basic steps: situational analysis, item development, response enumeration, response evaluation, and construction of the instrument. Simply put, the authors asked officers to identify major areas of stress. Then, based on these responses, the authors formulated the situations into scenarios.¹² They asked other officers to rate each scenario on two different scales. One scale evaluated the likelihood that a law enforcement officer would encounter the situation described. The second scale rated how difficult each situation would be for the officer experiencing it. Thus, the resulting instrument became the Law Enforcement Officer Stress Survey.¹³

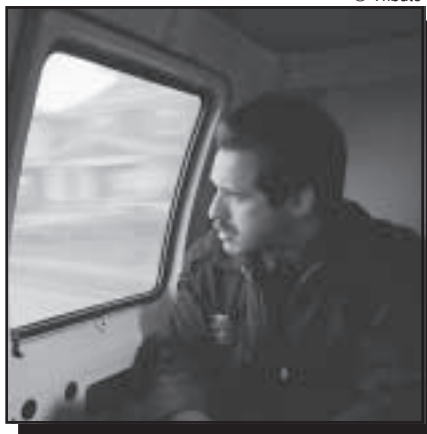
Taking the Next Step

The authors have completed the first phase of the development of LEOSS.¹⁴ The next step will involve determining scoring strategies and developing norms. The objective is to develop a tool that can help all law enforcement officers. To this end, individual law enforcement officers exhibiting distress reactions can receive timely assistance. In addition, law enforcement managers can design training programs to show their officers

effective strategies for dealing with stressful situations.

Conclusion

Granted, the law enforcement profession is inherently stressful for many reasons, and numerous officers experience distress in a variety of forms. But, officers are not destined to suffer as much as they have in the past. A valid and reliable early screening tool that effectively and efficiently measures stress reactions by officers can assist mental



health practitioners in making timely, focused interventions and law enforcement supervisors in formulating useful training programs. The authors will continue to explore the possibilities of the Law Enforcement Stress Survey becoming that tool. ♦

Endnotes

¹ For a complete examination of the authors' work on the Law Enforcement Stress Survey, see V.B. Van Hasselt, D.C. Sheehan, A.H. Sellers, M.T. Baker, and C. Feiner, "A Behavioral-Analytic Model for Assessing Stress in Police Officers: Phase I, Development of the Law Enforcement Officer Stress Survey

(LEOSS)," *International Journal of Emergency Mental Health* 5, no. 2 (Spring 2003): 77-84.

² J.M. Brown and E.A. Campbell, *Stress and Policing: Sources and Strategies* (New York, NY: Wiley, 1994).

³ S.R. Band and D.C. Sheehan, "Managing Undercover Stress: The Supervisor's Role," *FBI Law Enforcement Bulletin*, February 1999, 1-6.

⁴ H.L. Bee, *The Journey of Adulthood* (Upper Saddle River, NJ: Prentice Hall, 2000).

⁵ D.C. Sheehan, ed., U.S. Department of Justice, Federal Bureau of Investigation, *Domestic Violence by Police Officers* (Washington, DC, 2000).

⁶ E.J. Ozer, S.R. Best, T.L. Lipsey, and D.S. Weiss, "Predictors of Post-traumatic Stress Disorder and Symptoms in Adults: A Meta-Analysis," *Psychological Bulletin* 129, no. 1 (2003): 52-73.

⁷ D.C. Sheehan and J.I. Warren, eds., U.S. Department of Justice, Federal Bureau of Investigation, *Suicide and Law Enforcement* (Washington, DC, 2001).

⁸ H. Seyle, *Stress Without Distress* (New York, NY: Signet, 1975).

⁹ D.C. Sheehan, "Stress Management in the Federal Bureau of Investigation: Principles for Program Development," *International Journal of Emergency Mental Health* 1 (1999): 39-42.

¹⁰ For information, access the organization's Web site, <http://www.nationalcops.org>.

¹¹ V.B. Van Hasselt, A.E. Kazdin, M. Hersen, J. Simon, and A.K. Mastantuono, "A Behavioral-Analytic Model for Assessing Social Skills in Blind Adolescents," *Behavior Research and Therapy* 23 (1985): 395-405.

¹² The authors used the officers' own words in the scenarios to better describe how law enforcement officers refer to situations that they encounter in the performance of their duties.

¹³ *Supra* note 1.

¹⁴ The authors gratefully acknowledge the cooperation and support of the FBI National Academy and Nova Southeastern University in gathering data for this project, but do not release any rights to the Law Enforcement Officer Stress Survey. The authors developed the LEOSS external to any institution and retain its sole intellectual property.

Notable Speech

The Artists of Police Work

By Jim Cunningham

Chiefs, captains, and lieutenants like me network and attend meetings. We sit on boards, councils, and task forces. We develop programs and work on projects. We deal with the politics and business of running a police department. We endeavor to provide 100,000 people with a safe and secure community. Our jobs are full of challenges, but it is the individual beat cops who actually make it work, breathe life into it, and give it real value.

One of the funny things about police work is the ability of the people at the very foundation of the organization to make the most important decisions; decisions that have powerful meaning, make permanent impact, and make quantum changes in peoples' lives. And, they do it without re-reviewing policy or the latest case law. They do not confer with the city attorney or consult with the city manager. They are expected to take immediate action, and that is what they do.

The beat cop is an individual. There are tall ones, short ones, thin ones, and...well...*burly* ones. But, there is one thing that they all have in common—when people are in crisis, it is a beat cop who comes to their aid. In the moments when there are blood and pain and injustice and suffering, there is little time to defer to brilliant management, program formation of “managerial support.” Given their training, experience, education, and, most important, their gut instincts—and just plain guts—beat cops respond and take care of business.

A beat cop meets with broken children who don't need policy set in the future—they need their little bones set *now*. They don't need a children's safety review committee—they need safety *now*. They don't need an administrator to schedule a meeting concerning the problem—they need a hero *now*—and they find that hero in a beat cop, as does the abused spouse, the sexual assault victim, the robbery victim, and the Alzheimer's patient found walking blocks from home on a cold, dark night.

Administrators are about the business of policing. But, those amazing beat cops—they are about practicing the craft of police work. It is a craft, you know, part science and part art, part application of law and part application of common sense, and part of what you hear and see and part of how the hair on the back of your neck stands on end when you walk into a room devoid of any objective catalyst for that uneasy feeling.

Because, you see, when the fat's in the fryer, budgets, grants, and protocol make no difference. It is the beat cops who make the difference—often a huge difference. They are the artists of the craft. They are the most important heroes we have.

Consider this: lessons learned from the tragedy at Columbine required a complete revamping of tactics in an active-shooter event. Officers were trained to immediately form small teams, actively seek out and engage the shooter, and neutralize that threat. As we saw during the sad events at two of our local high schools, there wasn't enough time or people to follow even that sparse plan. There was only time for the individual action of beat cops.

Now, what action would most people take upon hearing gunfire? Duck and cover? Run? Hide? In both

Lieutenant Cunningham serves with the El Cajon, California, Police Department and delivered this speech on the Elk's Lodge #1812 Law Enforcement Appreciation Night in 2002.

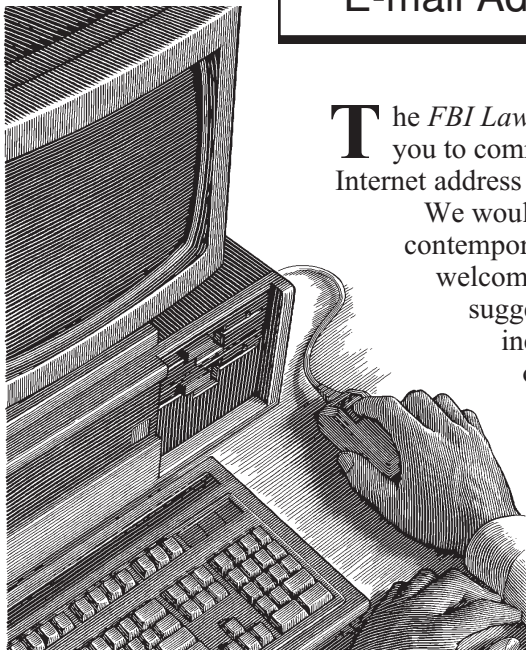


cases, officers and deputies took the second option—they ran. But, they did not run away, they ran *toward* the gunfire. They looked death in the eye and spat in it. They immediately advanced on active shooters, neutralized them, and saved untold lives. Saved *untold lives*.

We have cops here tonight like my friend who spent the night in a hospital after crawling into a burning trailer to save an elderly woman who otherwise would have died. How is it that, faced with consuming fire and thick smoke, he did not have to stop and make a decision or choose his course of action? I submit to you, my friends, he made that

choice a long time ago, when he was much younger and shorter. He would watch his father pin on his badge, load his wheel gun, and head out the door to work. He knew way back then the dangers and sacrifices of being a good beat cop. So, when the time came, his direction was clear. Take a deep breath and hope it is not your last. *Do the job of a beat cop*. These men and women don't make their business in an office behind a desk; they make their living on the street, practicing the wonderful, dangerous, thrilling, compelling craft of police work. They are the *real* heroes who make a *real* difference. ♦

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PROGRESS

An Enhanced Supervision Program for High-Risk Criminal Offenders

By GREG HAGENBUCHER



Overall, a relatively small number of offenders commit the majority of crimes in the United States. Or, to illustrate this numerically, 100 different individuals do not commit 100 different crimes; instead, more like 20 people perpetrate that number of offenses.¹ Because a significant number of previously convicted criminals repeat their illegal acts following incarceration, does a method or means exist whereby government entities can deter such recidivism? Can local agencies take action?

While most corrections departments place formidable rules of supervision on criminal offenders in their care and custody, the

methods they use may well determine whether offenders return to their criminal behavior. Can improved and intensified monitoring of these individuals on probation/parole reduce criminal activity and, thereby, recidivism?

Program Development

The Wausau, Wisconsin, Police Department and the Wisconsin Department of Corrections (DOC)/Division of Community Corrections in Marathon County believed that a concentrated effort to ensure compliance with rules of supervision could result in reduced criminal activity and recidivism. To this end, these two agencies formed

a partnership to develop a program to help increase rule compliance. Developed specifically to work with high-risk offenders, or those deemed by the DOC to require the most supervision, such as gang members, violent criminals, and sex offenders, the two agencies called their effort Proactive Gang Resistance Enforcement, Suppression, and Supervision or, more simply, by the acronym PROGRESS.

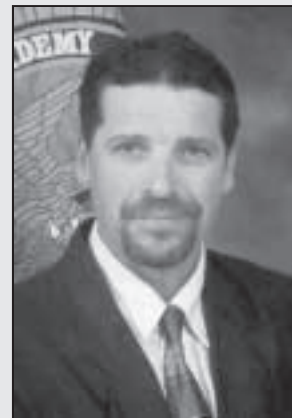
The agencies designed the program to allow probation/parole agents to conduct systematic home visits on high-risk offenders during the hours of least expectation.² They felt that to ensure effective

placement, supervision, and compliance, offenders needed rules, limits, structure, and consistency. Home visits could afford the agencies the opportunity to determine or detect risk factors before offenders violated their rules of supervision. The program had two basic objectives: 1) for offenders to become aware of the increased certainty of detection of rule violations and 2) for offenders to experience the immediate consequences of such violations. In short, the agencies wished to stress the *certainty* of punishment, not the severity. They hoped that these objectives would cause offenders to, ultimately, voluntarily comply with the rules of supervision or at least react with a greater degree of compliance.

Program Implementation

The process of conducting home visits on high-risk offenders necessitated a creative, flexible, and adaptable partnership between the DOC and the police department. This included defining each partner's goals and objectives, identifying and securing resources, establishing procedures, and gaining support from such other entities as the district attorney's office, the sheriff's department, and the city council. Moreover, because the process required DOC probation/parole agents and Wausau Police Department officers to work non-standard hours, the agencies had to recruit experienced agents and officers possessing traits best suited for the task, such as good communication skills, resourcefulness, and the ability to make decisions on their own.

“
The *PROGRESS* program achieved its ultimate goal of increasing rule compliance.
”



Inspector Hagenbucher serves with the Wausau, Wisconsin, Police Department.

Probation/parole agents always led the home visits with the police officers available as support and to provide safety and immediate action if custodial detention or criminal activity was discovered.³ First-time home visits were comprehensive and, thus, more time consuming than follow-up visits. During first-time visits, probation/parole agents discussed the rules of supervision not only with the offender but also with other occupants of the home, when applicable. They performed a walk-through of the residence to ensure that the living situations complied with these rules and recorded such items as the number and location of exits plus the location and sleeping arrangements for the offender and other occupants. This process allowed agents to meet the offender's family or other occupants, thereby enabling them to assess the offender's environment and to offer support and assistance.

Which offenders the agents visited and when they contacted them varied, depending on the rules of

supervision. Regardless, agents always completely documented all home visits. They recorded such information as the time of contact and those present at the home. At those visits when the offender was not available, agents left notice of their presence and any instructions for the offender.

Program Results

Working at least once a week and averaging about 30 visits per night, the PROGRESS team conducted nearly 130 nights of home visits during the 2 years of operation (October 1999 through September 2001). The team worked approximately 1,150 hours, averaging about 5 hours a night. It made nearly 2,500 offender contacts in about 4,000 home visits and slightly more than 1,100 contacts with offenders' families or friends. The team found roughly 200 offenders in violation of supervision.

The majority of violations involved alcohol and curfew infractions followed by contact with unauthorized persons. Violations

PROGRESS Activity Report
October 1999 through September 2001

	1st Year	2nd Year	Total
Evenings Worked	55	69	124
Offender Contacts Initiated Each agent made about 28 unscheduled, unannounced home visits per evening primarily for surveillance, resident verification, and community support. Agents could return to a house a second time the same evening.	1,586	2,361	3,947
Offender Contacts Offenders located during the evening at their residence, workplace, or other locations. Agents documented all information gathered.	1,076	1,389	2,465
Offenders Not at Home As visits were unscheduled, no assurance existed that offenders would be home. Agents made valuable collateral contacts. If unable to locate offenders, agents left notice for offenders to contact them within 24 hours.	508	830	1,338
Violations of Supervision Offenders taken into custody or ordered in on a violation of supervision as detected or witnessed by the agents upon contact.	116	83	199
Police Arrests Offenders taken into custody generally for newly discovered criminal violations or outstanding warrants.	32	16	48
Collateral Contacts Contacts made with or without the offender present. Generally family members or significant others, but also were acquaintances present at the home.	523	581	1,104
Collateral Arrests Offenders' acquaintances or family members taken into custody/arrested during contact with offenders in PROGRESS program.	23	21	44
Agent/Officer Hours Total number of probation/parole agent and police officer hours worked during program. Each agency dedicated about 24 hours per month.	586	595	1,181

per contact by year demonstrated a reduction of 43 percent from October 1999 through September 2000, which showed a rate of 1 per 13 visits, compared with October 2000 through September 2001, which revealed a violation rate of 1 per 26 visits. Interestingly, the beginning quarter (October through December 1999) reported a ratio of 1 violation per every 7 visits, while the ending quarter (July through September 2001) recorded a ratio of 1 violation per every 39 visits.

Not all violations of supervision resulted in custodial arrests. About 20 individuals on high-risk supervision had their probation/parole revoked as a direct result of violations or crimes discovered during home visits. About 15 people received formal alternatives to revocation (i.e., not ending their probation/parole but imposing new, more stringent rules of supervision). Police arrests for discovery of criminal violations or outstanding warrants showed a fairly consistent decrease during the program. In over 20 cases, officers arrested friends and family members for encouraging offenders to violate their rules of supervision.

Program Evaluation

The PROGRESS program achieved its ultimate goal of increasing rule compliance. The program's objectives of offenders becoming aware of the increased certainty of rule violation detection along with experiencing the immediate consequences for such

violations contributed greatly to the program's success. Statistics indicated a steady decline in the number of rule compliance violations, which decreased from 14 percent in the first year to 3 percent in the second. The program has proven successful in other areas as well, such as the reduction in arrests by law enforcement officers for criminal offenses detected during home

Define Partner Goals

Law Enforcement Agencies
Protect and serve the community
Enforce federal, state, and local laws
Develop proactive programs
Partner with the community

Probation/Parol Agencies
Protect and serve the community
Hold offenders accountable
Develop offender competency
Partner with the community

visits and the increase in the number of offender contacts initiated. The number of police arrests declined from a high of 12 during the first quarter to 2 for the last quarter. The program attributed the increase in the number of offender contacts initiated to the decreases in rule violations. Although rule violations are time consuming, the decrease in the number of violations allowed additional time for home visits. Finally, the program worked so well in the first year of monitoring high-risk gang and violent crime offenders that the DOC added high-risk sex

offenders to the list of homes to visit.

Besides these quantitative outcomes, some unexpected benefits occurred as well. For example, the media presented several excellent articles about the program. In addition, the program garnered positive responses from the offenders involved, as well as their families. Perhaps most notable, many offenders exhibited a much higher level of interaction with agents and officers, even to the point of helping in investigations.

The PROGRESS program also had a positive effect on the relationship between the DOC and the police department. The partnership enabled each agency's members to discover the importance of the other's operations, encouraging flexibility, creativity, trust, and respect. Improved information sharing helped officers investigate and solve crimes and provided probation/parole agents with information

on high-risk offenders' known associates. Both agencies benefitted greatly from the exchange of information and the atmosphere of cooperation. In the final analysis, the program's success resulted primarily from the dedication of the personnel involved and the close collaboration between the DOC and the Wausau Police Department.

Conclusion

Recognizing that only a few individuals commit the majority of crimes represents a well-known problem, but finding ways to

combat this has been a challenge. Too often, the law enforcement and the corrections sides of the equation have not joined together to pursue workable partnerships. The Wausau Police Department and the Wisconsin Department of Corrections/Division of Community Corrections in Marathon County, however, developed a program that demonstrated PROGRESS in this area.

The Proactive Gang and Resistance Enforcement, Suppression, and Supervision program revealed how law enforcement officers and probation/parole agents can form a team that not only punishes offenders who violate their rules of supervision but also helps offenders attempting to change their past criminal behavior and become productive members of society. Such efforts deserve the support of communities searching for strategies to help reduce crime by decreasing recidivism. ♦

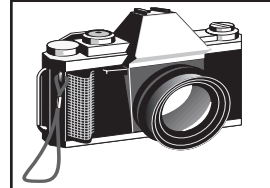
Endnotes

¹ For example, in 1999, less than 1 percent of known gang members committed 38 percent of assaults in Wausau, Wisconsin. In 2000, less than 1 percent of the people on supervision in Marathon County, Wisconsin, were responsible for 45 percent of aggravated assaults.

² The author points out that law enforcement officers and probation/parole agents must comply with the terms of the parole agreement, state law, and the U.S. Constitution when making home visits, which are legal if included as one of the conditions of parole/probation by the court sentencing the defendant. See 534 U.S. 112, 122 S.Ct. 587.

³ For an informative overview of Fourth Amendment issues, see Thomas D. Colbridge, "Probationers, Parolees, and the Fourth Amendment," *FBI Law Enforcement Bulletin*, July 2003, 22-32.

Wanted: Photographs



The *Bulletin* staff is always on the lookout for dynamic, law enforcement-related photos for possible publication in the magazine. We are interested in photos that visually depict the many aspects of the law enforcement profession and illustrate the various tasks law enforcement personnel perform.

We can use either black-and-white glossy or color prints or slides, although we prefer prints (5x7 or 8x10). We will give appropriate credit to photographers when their work appears in the magazine. Contributors should send duplicate, not original, prints as we do not accept responsibility for damaged or lost prints. Send photographs to:

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Stopping Domestic Violence: How a Community Can Prevent Spousal Abuse by Pamela J. Jenkins and Barbara P. Davidson, Kluwer Academic/Plenum Publisher, New York, New York, 2001.

All law enforcement officers should read *Stopping Domestic Violence* because it provides a comprehensive assessment of domestic spousal violence. The book stresses the relationship of law enforcement with the victims, supporting social agencies, medical personnel, and local shelters for abused spouses and proves informative to any reader, regardless of position held or responsibility accorded.

The book contains up-to-date information on real implications concerning primary prevention efforts in the community setting in terms of on-scene and emergency room responders, perpetrators, and law enforcement officers. The goals of response agencies should include accepting other agencies' response requirements and responsibilities, as well as their acceptance of law enforcement's role in the issue of spousal abuse—all of this in the interest of victim safety.

Throughout the book, the authors stress highlighting, changing, and improving the various perceptions of all agency personnel toward others and how to hold perpetrators accountable for their spousal abuse violence. The authors introduce each chapter with a scenario that sets the theme for the information that follows.

A unique aspect of the book and its direct impact on all agencies, specifically those in law enforcement, concerns the inclusion of 15 major opportunities for spousal abuse prevention. These range from police interfacing in the community, decision-making processes, and battered women strategies on escaping, avoiding, and surviving an abusive environment to law enforcement's linkage with and response to the indicators and dynamics of domestic spousal abuse.

Stopping Domestic Violence contains two prominent features for law enforcement agencies. One outlines what constitutes a victim safety plan, while the other, a primary spousal abuse prevention model, encompasses law enforcement and health care adapting to the community-policing techniques on domestic spousal abuse violence. This also includes establishing law enforcement units specializing in handling domestic spousal violence and proactive strategies on community partnerships, including interfacing with mental health agencies. The victim safety plan commences with notification and protection of evidence, emotional health, safety during an explosive spousal abuse incident, spousal safety while in the workplace and in public environments, and spousal safety while at home.

Stopping Domestic Violence has invaluable content, which is critically suited for any agency that responds to spousal abuse incidents. Some aspects also could prove useful for incorporating into lesson plans for those officers in academies, as well as initial in-service and refresher training programs. In addition, information in the book can aid in updating law enforcement departmental policies and procedures. Agencies easily could modify the chapter lead-in scenarios and include them in departmental skill level promotional examinations and personnel selection assessment centers, both for recruits and experienced officers. Overall, the book has many uses for members of the law enforcement community.

Reviewed by
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Bulletin Reports

Victims

First Response to Victims of Crime Who Have a Disability, presented by the Office for Victims of Crime (OVC), provides information to help law enforcement personnel respond in a sensitive and effective manner to victims of crime who have mental or sensory disabilities. It offers guidelines and tips for first responders called to serve such victims and includes a section for each disability. It also addresses two federal laws that prohibit discrimination against individuals with disabilities: the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. This handbook is available from the National Criminal Justice Reference Service (NCJRS) at 800-851-3420 and can be accessed electronically at <http://www.ojp.usdoj.gov/ovc/publications/infores/firstrep/2002/welcome.html>.

Evidence

Using DNA to Solve Cold Cases, presented by the National Institute of Justice (NIJ), serves as a practical resource for law enforcement personnel who review old, cold, or unsolved cases that may be solved through the use of DNA technology and databases. This NIJ Special Report looks at the science and technology of DNA testing and databases and provides background information on legal and practical considerations for applying DNA technology to unsolved cases. It also delivers a step-by-step process to help investigators select cases that most likely would be solved with DNA evidence. This report is available from the National Criminal Justice Reference Service (NCJRS) at 800-851-3420 and can be accessed electronically at <http://www.ojp.usdoj.gov/nij/pubs-sum/194197.htm>.

Web-Based Resources

The Bureau of Justice Statistics (BJS) presents Crime and Justice Data Online, an interactive Web site that provides quick access to comprehensive and easy-to-use criminal justice data. Data are available on crime trends from the FBI's Uniform Crime Reports (UCR); on homicide trends and characteristics from the UCR and the FBI's Supplemental Homicide Reports (SHR); and on large law enforcement agencies from the BJS's Law Enforcement Management and Administrative Statistics (LEMAS) surveys. This site can be accessed at <http://www.ojp.usdoj.gov/bjs/dataonline/>.

Violent Crime

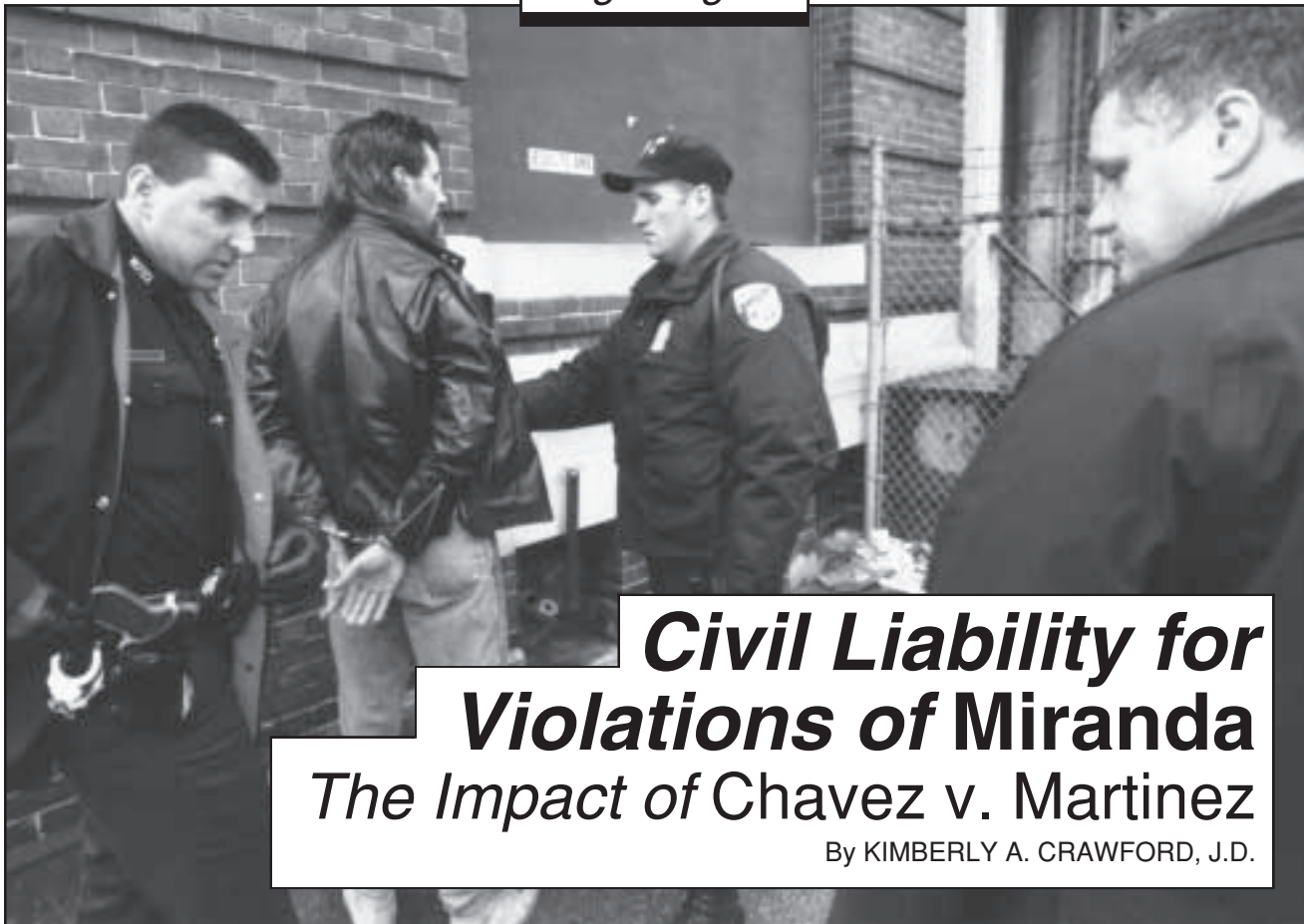
The Bureau of Justice Statistics (BJS) presents *Third-Party Involvement in Violent Crime, 1993-99*, which uses data from the National Crime Victimization Survey to present detailed information about third-party involvement in violent crimes. Third-party individuals (other than the victim or offender) may, for example, play a role in the formation or escalation of violence, intervene to stop an

assault, or be eyewitnesses. Data in this report include how the actions of third parties may influence the outcome of events. It also covers the prevalence of third-party involvement in violent crime and characteristics related to the victim, offender, location, and weapon involved. This report is available electronically at <http://www.ojp.usdoj.gov/bjs/abstract/tpivc99.htm> or by contacting the National Criminal Justice Reference Service at 800-851-3420.

Reference and Statistics

The Bureau of Justice Statistics (BJS) presents *Use and Management of Criminal History Record Information: A Comprehensive Report, 2001 Update*, which discusses in nontechnical terms the complex, interrelated network of local, state, and federal information systems that provide criminal history records to both criminal justice and noncriminal justice users. This report is an update of a report first published in 1993, which was the first descriptive review of the nation's criminal history information systems. This 2001 update reflects changes in the handling of criminal history records that occurred during the 1990s as a result of policy developments, societal changes, technological advances, and other factors. In all, six comprehensive chapters review how criminal history record information is used and managed. This report is available electronically at <http://www.ojp.usdoj.gov/bjs/abstract/umchri01.htm> or by contacting the National Criminal Justice Reference Service at 800-851-3420.

Bulletin Reports is an edited collection of criminal justice studies, reports, and project findings. Send your material for consideration to: *FBI Law Enforcement Bulletin*, Room 209, Madison Building, FBI Academy, Quantico, VA 22135. (NOTE: The material in this section is intended to be strictly an information source and should not be considered an endorsement by the FBI for any product or service.)



Civil Liability for Violations of Miranda ***The Impact of Chavez v. Martinez***

By KIMBERLY A. CRAWFORD, J.D.

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In *Dickerson v. United States*,¹ the Supreme Court of the United States opened the door to more civil suits against law enforcement officers when it held that the warning and waiver provisions of *Miranda v. Arizona*² reached “constitutional proportions.” Very recently, in *Chavez v. Martinez*,³ the Court, while not closing that door completely, narrowed the opening by limiting the circumstances under which an officer may be civilly liable for *Miranda* violations. This article examines the effects of *Chavez* on officer liability and makes recommendations regarding interrogation strategies that employ

intentional violations of the rule in *Miranda*.

Potential for Liability Under *Dickerson*

When the Supreme Court decided *Miranda* and created the now famous warnings and waiver requirements, it recognized that its ruling was not constitutionally mandated. Rather, the Supreme Court referred to the *Miranda* provisions as a “prophylactic rule”⁴ and invited Congress and the states to devise alternative means of protecting the Fifth Amendment right against compelled self-incrimination.⁵ Accordingly, 2 years after

Miranda was decided, Congress passed a statute that was designed to replace the mandatory *Miranda* requirements.⁶ That statute was ignored by law enforcement and prosecutors for more than 30 years. Consequently, the Supreme Court had no opportunity to consider the validity of the statute until it granted review in the *Dickerson* case.⁷

At issue in *Dickerson* was the admissibility of a confession obtained in technical violation of *Miranda*.⁸ The trial court, finding the confession to be voluntary, nevertheless suppressed it because of the *Miranda* violation. The Fourth

Circuit Court of Appeals, however, reversed, finding that the confession was admissible under the federal statute that had replaced the mandatory requirements of *Miranda*. On review, the Supreme Court rejected the federal statute and reinstated the order of suppression. In doing so, the Supreme Court held that after more than 30 years, the *Miranda* ruling had reached “constitutional proportions” and could not be replaced by a statute.

The practical implication of the *Dickerson* decision is to open the door for increased civil suits against law enforcement officers based on allegations of *Miranda* violations. Title 42, Section 1983, U.S. Code provides that state and local law enforcement officers who, intentionally or through gross negligence, deprive individuals of their federal constitutional or statutory rights may be sued in federal court. A similar suit may be filed against federal law enforcement officers pursuant to the Supreme Court decision in *Bivens v. Six Unknown Federal Narcotics Agents*.⁹ Prior to the decision in *Dickerson*, civil actions filed against law enforcement officers claiming violations of *Miranda* were easily defended on the grounds that *Miranda* was not constitutionally mandated and, therefore, could not support an action under either Section 1983 or *Bivens*.¹⁰ The decision in *Dickerson* appeared to negate this defense.

Constitutional Basis for Suits Claiming *Miranda* Violations

Quite predictably, in the wake of *Dickerson*, a number of suits

were filed against law enforcement officers claiming damages for violations of *Miranda*. The constitutional basis for these actions depends on the nature of the violation. As a result of *Dickerson*, even unintentional violations of *Miranda* could generate suits alleging violations of the Fifth Amendment Self-Incrimination Clause. *Dickerson* conferred constitutional weight to the Supreme Court’s reasoning in *Miranda* that custodial interrogations, without the benefit of warnings and waivers, create a psychologically compelling atmosphere that violates the Fifth Amendment protection against compelled self-incrimination. Thus, even rudimentary violations of *Miranda* could conceivably result in civil actions in federal court.

Intentional violations of *Miranda* may engender civil suits under the additional constitutional theory that such violations are a denial of due process under both the

Fifth and Fourteenth Amendments.¹¹ In the area of confessions, due process protects individuals from outrageous government behavior.¹² Consequently, civil suits alleging that intentional violations of *Miranda* constitute outrageous government behavior have found a foothold in some courts.¹³

Chavez v. Martinez

The Supreme Court’s decision in *Chavez* essentially foreclosed the possibility of a successful civil suit being brought against law enforcement officers for simple, unintentional violations of *Miranda*. While it left open the possibility of civil suits for intentional violations, it narrowed the likelihood of success to the most egregious situations.

The plaintiff in *Chavez*, a man by the name of Oliverio Martinez, was shot multiple times during an altercation with two police officers. Shortly after the shooting, Officer Chavez, a patrol supervisor, arrived

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...as *Miranda* law becomes more complex, it is critical for departments to adequately train personnel regarding confessions law.

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

on the scene and accompanied Martinez to the hospital. Because of the severity of the injuries to Martinez, Chavez was concerned that he would not survive. Consequently, Officer Chavez questioned Martinez regarding the shooting and the events that led up to it while he was receiving medical treatment. Chavez never advised Martinez of his *Miranda* rights. Martinez admitted taking a gun from one of the two officers and pointing it at them.

Martinez, permanently blinded and paralyzed from the waist down by the shooting, was not criminally prosecuted and his statements were never used against him. Nevertheless, Martinez filed a civil suit under Section 1983, claiming that the interrogation of him violated both his Fifth Amendment right against compelled self-incrimination and his Fourteenth Amendment due process rights. Chavez filed a motion for dismissal on grounds of qualified immunity that ultimately was denied by the trial court and the Ninth Circuit Court of Appeals.¹⁴ The Supreme Court of the United States granted review.

The decision in *Chavez* is very complex. Numerous justices filed concurring and dissenting opinions. A majority agreed that there was no Fifth Amendment self-incrimination violation, but the justices could not agree on the underlying reasons. A majority of the Court also concluded that Martinez should be given the opportunity to pursue a due process claim of outrageous government behavior. As a result, qualified immunity was granted on the self-incrimination violation, but the case was remanded to the lower

court for further proceedings on the due process question.

Self-Incrimination Clause

The Fifth Amendment provides in part that “[n]o person...shall be compelled in any *criminal case* to be a witness against himself.”¹⁵ Because Martinez was never prosecuted, the statement taken from him in violation of *Miranda* was never used against him in a criminal case. Consequently, four Supreme Court justices concluded that there was no Fifth Amendment Self-Incrimination Clause violation.¹⁶ Two

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**...it is unlikely
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Miranda will result
in successful civil
suits.**

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other justices¹⁷ agreed that there was no violation, but felt that the reasoning of the other four justices was too simplistic. Rather, these justices opined there are circumstances under which the protections of the Fifth Amendment were extended beyond its “core”; however, this would require a “powerful showing” by the plaintiff that the exclusion of statements taken in violation of the amendment is an insufficient remedy. Because Martinez made no such showing,

the fifth and sixth justices combined with the other four to grant qualified immunity on the claim of a self-incrimination clause violation.

The practical result of this portion of the *Chavez* decision is that statements taken in violation of *Miranda* that are suppressed, or otherwise never used to prosecute, do not violate the Fifth Amendment Self-Incrimination Clause and, therefore, cannot support a successful civil suit alleging a violation unless the plaintiff is able to make the unlikely “powerful showing” that suppression of the statement is not sufficient to remedy the violation. When *Miranda* violations are unintentional, it is inconceivable that such a “powerful showing” could be made. Even when violations are intentional, it is doubtful that courts would find suppression of the resulting statements an inadequate remedy unless intentional violations are so pervasive, or so egregious, that an additional deterrent is deemed necessary.

Due Process

Both the Fifth and the Fourteenth Amendments protect individuals from the denial of “life, liberty, or property, without due process of law.”¹⁸ The suppression of statements in a criminal case on due process grounds depends upon an analysis of whether the statements are involuntary or the product of “outrageous government behavior.”¹⁹ In civil cases, however, the due process analysis requires a showing that the government behavior was so outrageous that it “shocked the conscience”²⁰ of the

court. Of course, “conscience shocking” is a rather nebulous standard; some courts’ consciences seem more easily shocked than others. In an effort to standardize the analysis, the Supreme Court in *County of Sacramento v. Lewis*²¹ noted that “the official conduct most likely to rise to the conscience-shocking level is the conduct intended to injure in some way unjustifiable by any government interest.”²² Consequently, only the most egregious infliction of injuries that are not, in any way, justified by legitimate interests of the government will support claims of due process violations.

Four justices in *Chavez* were satisfied that the intentional violation of *Miranda* did not deprive Martinez of his due process rights. These justices noted that Chavez did not interfere with Martinez’ medical treatment nor did the interrogation exacerbate the injuries. Moreover, they recognized that the need to investigate a police shooting, particularly in light of the critical nature of the victim’s injuries, was a justifiable government interest.

A majority of the Court, however, was not willing to deny Martinez the prerogative to pursue his claim of liability on due process grounds. Consequently, the case was remanded to the lower court to provide him that opportunity.

Practical Implications of *Chavez v. Martinez*

The issue before the Court in *Chavez* seemed relatively simple: does the taking of a statement without required *Miranda* warnings

constitute a violation of the Fifth Amendment protection against compelled self-incrimination if it is never used in a criminal case? Unfortunately, the decision of the Court is anything but simple. Six different opinions were filed, with many justices concurring in part and dissenting in part. As a result, there is no absolutely clear rule of law that can be derived from this quagmire.

Undoubtedly, foremost in the mind of Officer Chavez is the fact that this case is not over. Mr. Martinez will have the opportunity



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to make his case for a Fourteenth Amendment Due Process violation sometime in the future. The success of that case will depend on whether the lower court is convinced that the actions of Officer Chavez were so egregious that they were unjustified by the government’s interest in obtaining a statement from a critically injured victim of a police shooting. The final outcome of this case is unpredictable. Three Supreme Court justices found that “the need to investigate whether there had

been police misconduct constituted a justifiable government interest, given the risk that key evidence would have been lost if Martinez had died without the authorities ever hearing his side of the story.”²³ Others, however, compared Officer Chavez’s conduct to “the kind of custodial interrogation that was once employed by the Star Chamber [and] by the Germans of the 1930s and early 1940s.”²⁴

When this particular case is resolved, despite the outcome, there will remain a number of unresolved issues concerning the impact of *Miranda* violations.²⁵ Based on the *Chavez* decision, however, there are certain predictions and recommendations that can be made.

First, it is unlikely that unintentional violations of *Miranda* will result in successful civil suits. Statements that violate *Miranda* either are not used by the prosecutor or are suppressed by the criminal court. Consequently, unless plaintiffs can show that exclusion is an inadequate remedy, unintentional violations of *Miranda* do not violate the Fifth Amendment Self-Incrimination Clause. Moreover, unintentional violations are unlikely to “shock the conscience” of the court and, therefore, unlikely to support a successful due process claim. Nevertheless, as *Miranda* law becomes more complex, it is critical for departments to adequately train personnel regarding confessions law. The best way to avert liability under Section 1983 is to avoid the constitutional violations that underlie the civil actions.

Next, it is unquestionable that intentional violations of *Miranda*

will continue to spur future civil actions against law enforcement officers. Despite the fact that there are legitimate uses for statements taken in violation of *Miranda*,²⁶ the very fact that officers have intentionally disregarded a Supreme Court rule will amount to “outrageous government behavior” in the opinion of some judges. Plaintiffs will undoubtedly be encouraged to file due process suits by the prospect of monetary damages awarded to deter such behavior.

Finally, there may be times when the risk of civil liability arguably is outweighed by the need for governmental action. In *Chavez*, for example, the need to interrogate Martinez to obtain information necessary to discipline a potentially unwarranted use of force or to defend a future civil action filed by Martinez or his survivors may outweigh the risks posed by the intentional *Miranda* violation. A strategy that calls for an intentional violation of *Miranda*, however, should not be left to the discretion of an individual officer. Rather, the formulation of such a strategy should involve the highest levels of management and include a balancing of the government interests and risks. Moreover, management should seek the advise of competent legal counsel well versed on *Miranda* law and acquainted with any predisposition of local judges toward intentional violations of *Miranda*. ♦

Endnotes

¹ 530 U.S. 428 (2000).

² 384 U.S. 436 (1966).

³ *Chavez v. Martinez*, ___ U.S. ___ (2003).

⁴ *Id.* Even after its decision in *Dickerson*, the Supreme Court continues to refer to *Miranda* as a prophylactic rule.

⁵ *Miranda*, 384 U.S., at 467.

⁶ 18 U.S.C. § 3501.

⁷ For a detailed discussion of *Dickerson*, see Thomas D. Petrowski, “*Miranda* Revisited,” *FBI Law Enforcement Bulletin*, August 2001, 25-32.

⁸ The lower court concluded that although *Dickerson* had been requested to come to the FBI and not arrested, custody occurred sometime during the questioning and, therefore, he should have been advised of his *Miranda* rights.

“
...management should seek the advise of competent legal counsel well versed on *Miranda* law and acquainted with any predisposition of local judges toward intentional violations of *Miranda*.
”

⁹ 102 S. Ct. 2727 (1982).

¹⁰ Prior to *Dickerson*, there was some support in the Ninth Circuit for the argument that intentional violations of *Miranda* were a violation of due process and, therefore, could support a claim under both § 1983 and *Bivens*. For a discussion on the topic, see Kimberly A Crawford, “Intentional Violations of *Miranda*: A Strategy for Liability,” *The FBI Law Enforcement Bulletin*, August 1997, 27-31.

¹¹ The Fifth Amendment Due Process requirement, as written, applied only to the federal government. The Fourteenth Amendment Due Process clause was later adopted to hold states to the same standard.

¹² See *Arizona v. Fulminate*, 111 S. Ct. 1245 (1991).

¹³ See, e.g., *Cooper v. Dupnik*, 963 F.2d 1229 (9th Cir. 1992).

¹⁴ *Martinez v. Oxnard*, 270 F.3d 852 (2001).

¹⁵ U.S. CONST. Amend. V. (emphasis added).

¹⁶ The four justices agreeing on this issue were Justice Thomas, Justice Scalia, Justice O’Connor, and Chief Justice Rehnquist.

¹⁷ Justice Souter wrote a concurring opinion that was joined in its entirety by Justice Breyer.

¹⁸ U.S. CONST. Amend. V and XIV.

¹⁹ *Supra* notes 11 and 12.

²⁰ *County of Sacramento v. Lewis*, 523 U.S. 833 (1998).

²¹ *Id.*

²² *Id.* (internal quotation marks omitted).

²³ *Supra* note 3. Justice Thomas wrote this part of the opinion that was concurred in by Justice Scalia and Chief Justice Rehnquist.

²⁴ *Supra* note 3. (concurring and dissenting opinion written by Justice Stevens).

²⁵ The Supreme Court has already granted certiorari in two cases involving *Miranda* violations. See *State v. Seibert*, 93 F.3d 700 (Mo. 2002) cert. granted 123 S. Ct. 2091 (2003); *United States v. Patane*, 304 F.3d 1013 (10th Cir. 2002) cert. granted 123 S. Ct. 1788 (2003).

²⁶ In *Michigan v. Tucker*, 417 U.S. 433 (1974), the Supreme Court held that a *Miranda* violation that resulted in the identification of a witness did not preclude the government from calling that witness to testify at trial. In *Oregon v. Elstad*, 105 S. Ct. 1285 (1985), the Supreme Court similarly held that a second statement obtained from a custodial suspect following one taken in violation of *Miranda* is not necessarily a fruit of the poisonous tree and may be used at trial. Moreover, in *Harris v. New York*, 401 U.S. 222 (1971); *Oregon v. Hass*, 420 U.S. 714 (1975), the Supreme Court concluded that statements taken in violation of *Miranda* may be used for impeachment purposes.

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

The Bulletin Notes

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



Officer Glaser

Officer Bridget Glaser of the Fort Wayne, Indiana, Police Department was dispatched to a fight at a local restaurant involving a male subject armed with a knife. Upon her arrival at the scene, Officer Glaser was directed to the kitchen of the restaurant and informed that an employee had a knife and had severely battered another employee. Once in the kitchen, she approached the alleged perpetrator and conducted a cursory weapon search of the male. She then asked him what had occurred. The subject very angrily replied that he would “show her what happened,” and he made a move toward a cart holding several knives. Officer Glaser struck the perpetrator in the shoulder, knocking him away from the knives. The perpetrator then fled on foot out of the building. After a short chase, Officer Glaser and a backup unit apprehended the individual. Officer Glaser’s fortitude and determination ultimately led to the arrest of a dangerous offender.



Officer Milano

After completing a midnight shift, Officer Camen Milano of the Southfield, Michigan, Police Department was driving home when he saw smoke and flames billowing from a nearby house. After trying to vocally rouse the residents, Officer Milano entered the residence to determine if anyone was inside. He immediately encountered a woman and her son, who had an emotional illness. Officer Milano assisted them to safety outside, where he was informed that a man with physical disabilities was still inside. Officer Milano then reentered the burning home, located the man, and began helping him to safety. Overcome with smoke and heat, Officer Milano was forced to temporarily leave the man in a hallway. Once he regained strength outside, Officer Milano crawled back inside, located the man, and successfully removed him from the home. Fire and rescue officials credit Officer Milano with directly saving the life of an individual with physical disabilities while placing his own life in jeopardy.

Nominations for the *Bulletin Notes* should be based on either the rescue of one or more citizens or arrest(s) made at unusual risk to an officer’s safety. Submissions should include a short write-up (maximum of 250 words), a separate photograph of each nominee, and a letter from the department’s ranking officer endorsing the nomination. Submissions should be sent to the Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Madison Building, Room 209, Quantico, VA 22135.

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Patch Call



The patch of the Schuylkill Haven, Pennsylvania, Police Department depicts a time in which Schuylkill Haven served as an important transit point—when coal was the major industry in the state. The center of the patch features a coal car train and a river barge.



The patch of the Illinois State University Police Department features the year the university was established, 1857, along with the eagle, shield, sun, and water from the Illinois state seal. The primary colors of the patch, red and white, serve as the school colors of Illinois State University.