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Director

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# Managing Joint Terrorism Task Force Resources

By JAMES CASEY, M.A.

In a post-September 11 world, successful management of a joint terrorism task force (JTTF) may represent one of the most important aspects of law enforcement's unified war on terrorism. The September 11 attacks placed a high profile on FBI-sponsored JTTFs across the nation and have presented unique management issues for the FBI and participating agencies of the task forces. Organizational and strategic analysis of the threats posed by international and domestic terrorism can help law enforcement executives at all levels develop management structures and protocols for successfully operating the nation's JTTFs, proving mutually beneficial to the FBI, participating law enforcement agencies, and the country's national security effort.



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## History

Many of the FBI's task forces dealing with significant crime problems grew out of the agency's close working relationship with the New York City Police Department (NYPD). Both organizations have a history of innovative approaches to law enforcement and highly competent investigators willing to try new concepts. The first formal FBI task force, the Bank Robbery Task Force, primarily was staffed with FBI

special agents and NYPD detectives, followed closely by participation from a host of other federal, state, and local law enforcement partners. The task force concept flourished, and, by the mid-1980s, many other formalized FBI-sponsored task forces existed, dealing with such issues as fugitives, drugs, and, eventually, terrorism. The joint task force concept is not new nor did the FBI develop it. Many levels of law enforcement successfully have used the



concept for years to handle specific crime problems. All FBI-sponsored task forces, however, have two common elements that make them unique: 1) written memorandums of understanding (MOUs) between participating law enforcement agencies and 2) FBI funding to pay for participating state and local departments' expenses, such as officer overtime, vehicles, gas, cell phones, and related office costs.

Prior to September 11, the United States had 35 formal JTTFs. Shortly after the attacks, FBI Director Robert Mueller instructed all FBI field offices to immediately establish formal terrorism task forces. Today, the FBI has a JTTF in each of its 56 field offices, as well as 10 stand-alone, formalized JTTFs in its largest resident agencies.<sup>1</sup> Many other field offices sponsor JTTF annexes in small- to medium-sized resident agencies, but these entities formally are attached to the respective field office. Agents and officers may reside physically in a smaller resident agency but work for the field office's JTTF. Also, shortly after September 11, Attorney General John Ashcroft ordered the U.S. Attorneys' Offices (USAO) to establish antiterrorism task forces (ATTF). The mandate and mission of the ATTFs initially were unclear to many

individuals in the law enforcement community, as well as to some of the USAOs, who thought that a duplication of effort at the federal law enforcement level would occur and confuse JTTF and ATTF participants. In practice, the ATTFs have evolved into senior-level working groups with scheduled policy and intelligence briefings, while the JTTFs have remained the day-to-day operational and investigative components of the law enforcement community.



***Proper staffing of the task force is critical.***



### **Structure**

Proper staffing of the task force is critical. A supervisory special agent (SSA) accomplished in counterterrorism investigations oversees the daily operations of the task force. A basic JTTF consists of a group of FBI special agents experienced in international and domestic terrorism investigations combined with other federal, state, and local law enforcement officers who bring a variety of skills to the task

force environment. A complex mix of available resources in each jurisdiction and the historic working relationships these agencies enjoyed prior to the establishment of the task force present subtle differences within each JTTF, particularly in major U.S. cities.

Task force coordinators constitute a critical component of the JTTF. Coordinators, generally, are special agents experienced in counterterrorism who can handle administrative functions effectively. JTTF coordinators obtain MOUs for all participating agencies and manage the overtime budgets for state and local officers, acquiring automobiles, cell phones, laptop computers, and, in some cases, off-site work space for the task force. Additionally, coordinators serve as the primary line investigator liaison to all other federal, state, and local officers on the JTTF. They frequently schedule emergency surveillance coverage of a subject or arrange court-authorized electronic surveillance, all of which counterterrorism investigations often use. To ensure success in the critical functions of directing operations, assigning cases, and managing liaison with other task force participants' home agencies, SSAs should delegate these administrative functions to task force coordinators.





Special agents in charge (SAC) of local FBI field offices must accommodate all law enforcement agencies in their territories that want to contribute to the counterterrorism mission. In the post-September 11 era of increased cooperation among all levels of law enforcement and, particularly, recognition that local law enforcement plays a critical role in protecting the homeland, the importance of a well-represented JTTF cannot be overstated. However, conflicts may arise when an agency contributes members to the task force on a part-time basis but, then, routinely assigns these employees to non-JTTF duties.

### Possible Conflicts

State and local law enforcement agencies' investigative resources are limited, which becomes the primary motivation for assigning part-time task force members to the JTTF. However, a caste system can develop on a task force that includes both full-time and part-time participants. The full-time members generally are more flexible in assignments and better able to work odd hours, doing so with little or no notice. The rest of the task force may unintentionally slight part-time members ("out of sight, out of mind"), and the supervisor often may feel reluctant to give them time-sensitive assignments. The



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part-time members also more frequently tend to matriculate to other assignments at their home agencies, which can undermine the cohesiveness of the JTTF and breed inefficiency. Although part-time participation is possible, most task forces discourage it.

In an effective JTTF, all investigators, whether from the FBI, other federal agencies, or state and local departments, are equal partners. All investigators should be assigned substantive cases and work from the established FBI protocols for investigating terrorism, completing paperwork requirements, and using data systems. Further, to establish task force esprit de corps, supervisors should encourage JTTFs to create their own seals, patches, and jackets.

Although all law enforcement agencies interested in

JTTF participation should be encouraged to join, several agencies are critical to the success of the task force. First, the task force should include the local police department where the field division's JTTF is headquartered. Generally, this is a medium- to large-sized department with detectives who have access to their agency's intelligence base as related to criminal investigative matters. This intelligence base can include formal sources, such as criminal informants, or informal relationships with business leaders and other community representatives. When a large suburban county surrounds a field office, members from that county's police or sheriff's department are important members of the task force for the same reasons. Further, the state police or highway patrol is a critical JTTF partner because



of its statewide jurisdiction, databases, and access to other important state service agencies. Agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) are an important addition to the task force because of their unique skills and databases. The Bureau of Immigration and Customs Enforcement (ICE) recently transferred to the Department of Homeland Security and proves crucial to the JTTF because of the numerous immigration issues that surround many current international terrorism investigations. This list of essential participants is not exclusive but, rather, should form the basic building blocks for a successful JTTF. A wide variety of local, state, and federal agencies make significant contributions to counterterrorism task forces across the country.

Immediate access to the National Joint Terrorism Task Force (NJTTF) located at FBI headquarters in Washington, D.C., benefits state and local law enforcement agencies participating in a local JTTF. Director Mueller set up the NJTTF as a national resource in early 2002, seeking to have representation from every federal law enforcement and intelligence agency in one location. In addition to the traditional partners, such as the Central Intelligence Agency (CIA) and FBI, the NJTTF has

agents and officers from the Naval Criminal Investigative Service, Transportation Security Agency, U.S. Coast Guard, U.S. Bureau of Prisons, and approximately 50 other significant contributors to the national counterterrorism mission. While any law enforcement officer in the United States can contact the NJTTF for specialized assistance, participation on the local JTTF provides a natural seam to the NJTTF.



***...the threat usually can be discussed even if a sensitive source or method of how the threat was received cannot.***



### **Security Clearances**

Security clearances for team members and home agency managers often present a confusing issue surrounding the administration of a JTTF. Responsibility for the protection of national security information rests with the president of the United States through the director of Central Intelligence, who serves as the final authority surrounding the handling of information related to national

security. Because FBI offices are repositories of national security information, a presidential executive order requires all employees, including task force officers assigned to these offices, to have a top secret (TS) security clearance. While most task force officers rarely handle TS information, they nonetheless work in a TS facility and, therefore, are required to have a TS clearance.<sup>2</sup> Issuance may take 6 months to 1 year to complete because, unlike secret clearances, an investigator physically must verify all of the information concerning a candidate.<sup>3</sup> According to a recent report by the Police Executive Research Forum (PERF) on terrorism, “There is a misperception that the FBI has control over the process and that local law enforcement sometimes believes that the process is an affront to their professionalism, when it is really just about following mandatory authorities.”<sup>4</sup>

In the aftermath of September 11, Director Mueller sought to have security clearances granted to many of the nation’s state and local law enforcement leaders to assuage their fears of not getting necessary terrorist information because they lacked the proper clearance. Many law enforcement officials incorrectly believed that a great deal of information that could or should have been passed to



local law enforcement was classified. Numerous local officials also were discouraged by the length of time it took for the government to process their requests for clearances. Another issue concerned the perceptions associated with different clearance levels. Again, according to PERF, “The fact that an investigator assigned to a JTTF has a top secret clearance, while the chief has only a secret clearance should not concern the chief... unless you are the chief. Elected and appointed local government leaders and law enforcement personnel attach significance, even status, to the higher of the two clearance levels.”<sup>5</sup>

The management lessons regarding clearances are threefold. First, the issue of clearances never should cause FBI managers to be in a position of not sharing timely threat information with local law enforcement executives. Effective liaison skills, operational competence, and common sense dictates that immediate threat information needs to be passed to the appropriate law enforcement officials, working around the issue of security clearances. In other words, the threat usually can be discussed even if a sensitive source or method of how the threat was received cannot. Second, unless law enforcement executives have daily, unescorted access to FBI space or a continuing

need for sources and methods information, they should acquire a secret clearance as soon as possible, not waiting unnecessarily for a TS clearance. Third, JTTF-partner executives should strive to keep their officers assigned to the task force for at least 1 year due to the time it takes those officers to acquire their own clearances. If the officer needs to be rotated or promoted, home



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agencies should provide as much notice as possible to the JTTF to coordinate the inclusion of another officer from the same agency and begin the clearance process.

### Updates and Reports

The very nature of the JTTF’s work makes it significantly different from other task forces. It is challenging for resource-strapped agencies to justify continued task force operations when performance measures are difficult to gauge.

Unlike fugitive or drug task forces, JTTFs do not have numerous arrests, search warrants, or seizures. Rather, the bulk of the work often relates to long-term surveillance, electronic court-ordered monitoring, source development, or interviews, none of which may garner significant statistics in the traditional law enforcement sense. Therefore, commanders of agencies who contribute personnel to JTTFs must be well briefed on task force operations. Successful administrators require their task force officers to provide them with weekly scheduled updates on the overall operations of the JTTF. This is particularly critical during lulls in major operations—executives must know the day-to-day duties of the JTTF, and, if a crisis occurs, they should have a firm understanding of the chain of command of other JTTF-participant agencies. The early stages of a potential terrorist incident are not the time for administrators to try to identify their counterparts among other JTTF partners.

Another information-sharing tactic is for the SAC of each FBI field office to send a personal letter to the command staff of all of the participating JTTF agencies. This monthly communication should discuss the general operations of the task force during the previous



## Wanted: Book Reviews

month, as well as the specific contributions made by that department's task force members. Nothing replaces effective liaison between all of the JTTF law enforcement agencies where successful chief executives communicate in a variety of formal and informal forums concerning terrorism issues in the community.

### Conclusion

Protecting the nation's homeland from future terrorist attacks is the responsibility of all law enforcement agencies. No single police or intelligence agency exists with the expertise, personnel, knowledge of the local environment, or money to unilaterally accomplish this mission.

Unfortunately, the very nature of terrorism demonstrates that all future attacks against the homeland cannot be prevented any more than all future crimes. But, law enforcement officials can ensure that local, state, and federal agencies do all within their power and work as hard as they can to thwart future acts—the American people deserve and expect that effort from their leaders in law enforcement. Today, an effective and efficient multiple law enforcement joint terrorism task force is the most important tool for combating the complex issue of terrorism. ♦

### Endnotes

<sup>1</sup> The FBI's field offices are located in major cities throughout the United States and in San Juan, Puerto Rico. In addition, resident agencies are maintained in smaller cities and towns across the country. The locations were selected according to crime trends, the necessity for regional geographic centralization, and the need to efficiently manage resources. For more information, see <http://www.fbi.gov/contact/fo/fo.htm>.

<sup>2</sup> The primary difference between secret and top secret information is the method by which the information is collected. Top secret information or intelligence might come from highly sensitive sources, such as human sources or foreign intelligence agencies that do not wish to be identified. This often is referred to as "sources and methods information." Generally, absent the source of the information, the substance can be shared with an individual, such as a law enforcement official cleared at the secret level with a need to know.

<sup>3</sup> Examples of the type of records that must be physically verified for a top secret clearance by an investigator include those associated with birth, education, residence, credit, employment, and military service. Additionally, personal interviews must be conducted of the candidate, employers, neighbors, associates, and references. Any discrepancies or derogatory information also must be resolved.

<sup>4</sup> Gerald R. Murphy and Martha R. Plotkin, *Protecting Your Community from Terrorism: Strategies for Local Law Enforcement*, Police Executive Research Forum, (Washington, DC, 2003).

<sup>5</sup> Ibid.

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The *Bulletin* invites criminal justice professionals to submit reviews of recently published nonfiction books they have read on topics relative to their field of expertise for possible inclusion in its Book Review department. The magazine publishes only positive reviews of between 350 and 500 words or 1 ½ to 2 pages double-spaced. As with article submissions, the *Bulletin* staff will edit book reviews for style, length, clarity, and format.

Book reviewers should include two or three compelling points that the author makes, along with the complete title of the work; the names of the authors or editors; and the publishing company, city and state, and publication date. As a guide, the staff suggests that reviewers examine book reviews in past issues of the *Bulletin* to acquaint themselves with the magazine's requirements. Reviewers should submit their book reviews typed and double-spaced on 8 ½- by 11-inch white paper with all pages numbered. When possible, an electronic version of the review saved on computer disk should accompany the document. Send book reviews to:

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## Book Review

**The Principles of Kinesic Interview and Interrogation, second edition, by Stan B. Walters, CRC Press, Boca Raton, Florida, 2003.**

Stan Walters' latest edition of *The Principles of Kinesic Interview and Interrogation* is an elegant and comprehensive contribution to the field of interviewing. Within the span of 360 well-indexed pages, he brings together the latest ideas and techniques on interviewing.

Clearly, the author understands the theater of the interview. And, while the title of the book may lead some to think that this work is strictly about nonverbal behavior (*Kinesic Interview*), this would prove erroneous. Perhaps, a more accurate title simply would be *The Principles of Interview and Interrogation* because this is squarely what the book is about.

Using his 25-plus years of experience conducting interviews, Walters has masterfully compiled a comprehensive book that delves elegantly into the field of interviewing, focusing accurately on the necessity to observe, understand, and catalog nonverbal behavior during interviews. Through the use of photographs from actual cases, the author vividly highlights behaviors that professionals should focus on to enhance their interviewing skills. If this were the limits of the book, it still would provide a considerable contribution to the study of interviewing. But, this book is so much more.

Readers, whether novices or experts in the field, will enjoy the refreshing sojourn through the complex dynamics of interviewing. The basics of interviewing and nonverbal behavior are, of course, central to this work. Readers will walk away from these chapters confident that the subject matter has been thoroughly covered and well supported by ample citations and a thorough bibliography.

The author follows the basics with a comprehensive overview on how to conduct the interview and how to effectively maneuver the interviewee while focusing on the emotions that the interviewee goes through leading up to a confession. The exploration of personality disorders and personality types is perhaps the best effort in the criminology literature to explain how these factor into the interview process and how interviewers can best deal with and use them. Understanding the personality of the interviewer, as well as the interviewee, is equally important. It is this understanding that often ensures the success of interviews. Drawing upon the works of giants, such as Freud and Jung, Walters weaves their theories into the process of interviewing without numbing psychobabble.

Walters also covers the verbal and written expressions of interviewees and how these need to be understood to capitalize on them. And, while the author admits that this work is not the final answer to issues within the realm of human communication, deception, and personality, it comes close. In fact, Walters, a true student of human behavior who possesses practical experience in interviewing, has produced a work that approximates the ideal of what an interview book *should* be about. As a teacher of interviewing and interrogation, he has well proven the Latin axiom *qui docet, disset*: he who teaches, learns. Readers of this book will learn much from this great teacher.

Reviewed by  
Joe Navarro, M.A.  
Retired FBI special agent and coauthor  
with John Schafer of *Advanced Interviewing  
Techniques*, Charles C. Thomas Publishers,  
Springfield, Illinois, 2003

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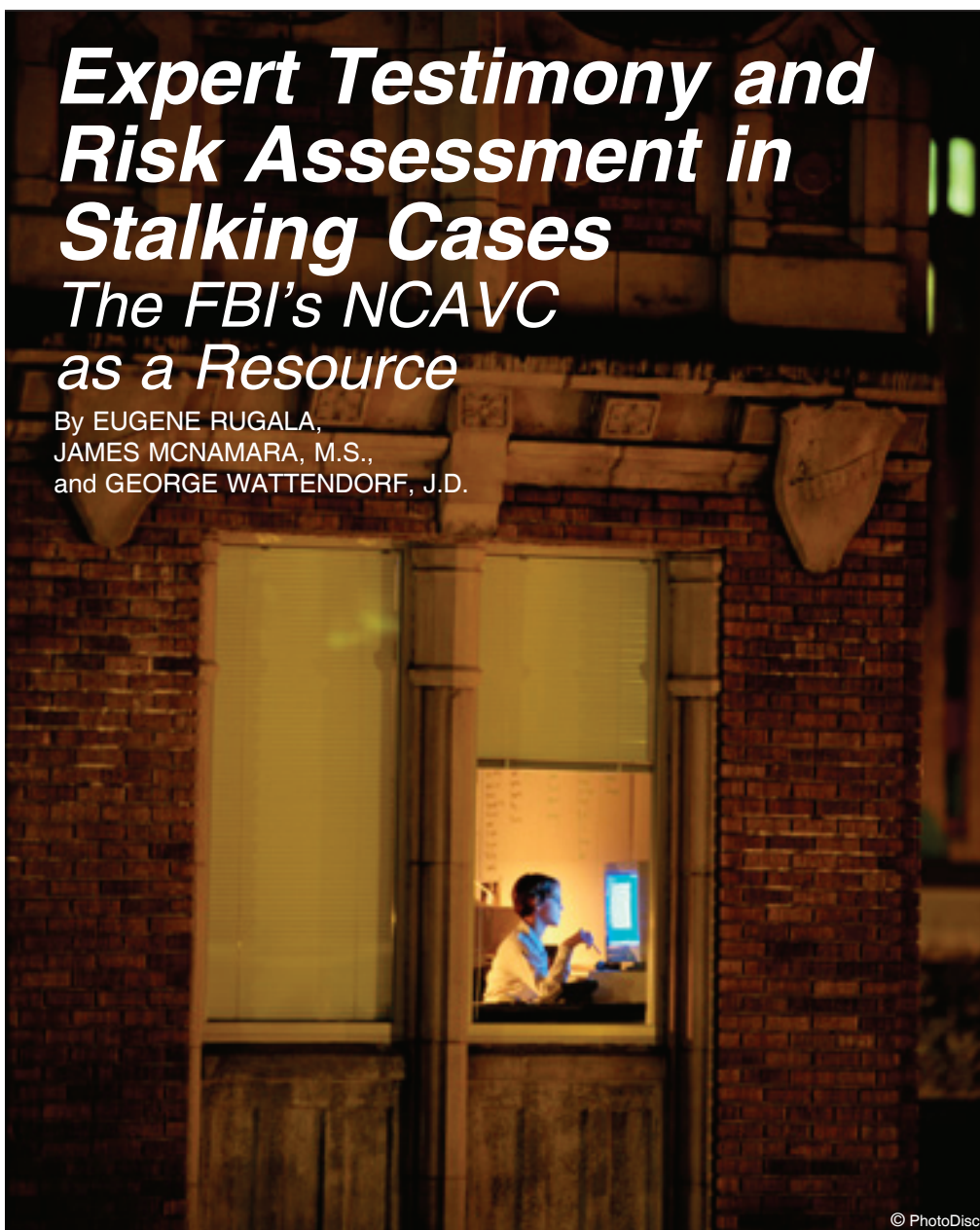




# *Expert Testimony and Risk Assessment in Stalking Cases*

## *The FBI's NCAVC as a Resource*

By EUGENE RUGALA,  
JAMES MCNAMARA, M.S.,  
and GEORGE WATTENDORF, J.D.



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change of address form, diverting Judy's mail to him. Because John would not leave her alone, coupled with her awareness of violence and death threats in his prior marriage, Judy feared for her life and obtained a restraining order.

A few days after being served, John took a revolver he owned to a gun store to trade it for a semiautomatic handgun. After a background check revealed an active restraining order, the dealer refused the purchase and later called to report the incident to the police, who immediately obtained a court order to seize the revolver. John denied to officers that he possessed the weapon. After determining through

**U**pon finding Judy in the process of moving out, John tried to strangle her. When Judy's sister, there to help in the move, attempted to stop him, he assaulted her, too. Before police apprehended John, he swallowed a bottle of

muscle relaxers and threatened to shoot himself.

After a short stay at a mental health facility, John began harassing and stalking Judy. Over the next few months, he forged her checks and fraudulently submitted a

an interview of one of his friends that he still had the handgun, the police obtained an arrest warrant for violating the court order. Following his apprehension, John volunteered the location of the weapon only after sitting in a cellblock for



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several hours. The arraignment judge continued to maintain a sizeable cash bail and ordered him held until a hearing could determine his dangerousness and mental condition.

Prior to the hearing, the defense attorney transferred the case to a higher court for bail review. The judge, who did not know the facts leading up to the arrest, relied upon the defense attorney's representation that John no longer presented a threat. The new prosecutor, also unaware of the case background, did not contest the lower bail request.

Upon his release, John went to a friend's house, stole another handgun, and, within 5 days of getting out of jail, determined Judy's place of residence. He broke into her house and, armed with the weapon, hid in a closet. Within

a short time of arriving home, she went to the bedroom where John waited. He stepped out of the closet, shot Judy to death, and then turned the gun on himself and took his own life.

Every year, this type of tragedy occurs hundreds of times throughout America. Stalking behavior precedes a high percentage of these murders.<sup>1</sup> Stalking,<sup>2</sup> as defined in the criminal justice system, refers to acts of following, viewing, communicating with, or moving in a threatening or menacing manner toward someone without that person's consent. It entails a pattern of harassing behaviors intended to frighten, intimidate, terrorize, or injure another person. The primary motives for stalking include power, control, and possession. Offenders refuse

to accept the end of the former relationship (real or perceived) and to give up their hold over the victim. Stalkers look upon the individual as a possession, one that solely belongs to them.

People targeted by stalkers often feel anxiety, stress, and fear; many times, they make dramatic changes in their lives. To escape the harassment, victims may move from their homes and change their jobs, names, or social security information to avoid discovery by their pursuers.

In the opening scenario, authorities released John twice on his own recognizance prior to the murder. In some active stalking cases, incarceration may save a life when the offender follows a path to violence. After an arrest for stalking, however, law enforcement



must confront the challenge of proving the threat potential of the individual. Unlike other types of cases in which a person's dangerousness is obvious based on past behavior, officers usually apprehend a stalking offender *before* an attack. Violations of laws prohibiting stalking have their basis in repetitive, threatening behaviors that *suggest* an imminent act of violence. Thus, when a stalker faces arrest for sending threatening letters or displaying other harassing behaviors, police and prosecutors must make a clear and compelling case for a posed threat, even though the defendant has not yet engaged in an attack. This assessment can be based upon expert testimony and other evidence that convinces a judge of dangerousness under a clear standard of proof.

### THE EXPERT WITNESS

Calling an expert witness represents one way to establish a posed threat. Criminal investigators who specialize in analyzing and investigating violent behavior can give their opinions based on their training and experience with prior cases. A prosecutor would qualify an expert witness by first establishing the officer's educational and work history and then requesting that the court recognize the investigator's suitability as an expert. A similar approach

would serve in qualifying a mental health professional or crime analyst.

A well-prepared expert witness can testify to the past behavior of the defendant and offer an opinion as to whether the individual seems likely to engage in future violence.<sup>3</sup> An



***Offenders engaging in stalking behavior follow a path that ultimately can lead to homicide....***



investigator experienced in intimate partner homicides, for example, can identify common behavior patterns characteristically seen in offenders prior to a murder. Expert witnesses also must have familiarity with studies and publications involving stalking and domestic violence murder.

Additionally, they should learn as much as possible about the individual's background by consulting with the families of both the victim and the defendant. Detailed questioning targeted at identifying prior behavior helps to determine the exact nature of the victim-offender relationship and the subject's response in past

conflicts—the crux of any assessment as to the potential for violence. Some of the suggested information to collect includes the offender's previous threats or acts of rage; prior unstable behavior (e.g., angry outbursts) or other conditions, such as weight fluctuation, depression, or recent loss (e.g., job or family); mental health background, including medications used; arrest history and prior stalking behavior; addresses over the last 10 years; suicide threats or attempts; and military or other background identifying experience with weaponry.

To gain additional information about the individual, investigators can check to see if the court has received prior presentence reports as they usually contain a great deal of insight. Experts also should consider educating the judge about state or national domestic violence murder statistics. Finally, they should consider any risk-of-flight indications and enter them into evidence as they can help determine whether a defendant should remain in custody.

Investigators experienced in stalking cases certainly can serve as experts based upon their backgrounds and knowledge. However, another resource available to law enforcement for the evaluation of threats and assessment as to the





risk of violence is the FBI's National Center for the Analysis of Violent Crime (NCAVC) located at the FBI Academy at Quantico, Virginia.

### THE NCAVC

NCAVC staff members can provide advice and assistance in the general areas of crimes against children and adults, counterterrorism, and threat assessment. Typical cases received for services include abductions and mysterious disappearances of children; serial murders; single homicides; serial rapes; threats; and assessments of dangerousness in matters, such as workplace, school, and domestic violence, as well as stalking. Other investigations that the unit responds to include extortions, kidnappings, product tampering, arsons and bombings, issues regarding weapons of mass destruction, and domestic and international terrorism. Annually, personnel handle more than 1,500 requests for assistance from both domestic and foreign law enforcement agencies.

The NCAVC reviews specific crimes from behavioral, forensic, and investigative perspectives. This analytical process serves as a tool for client law enforcement agencies by providing them with an evaluation of the crime, as well as an understanding of

the criminal motivation and behavioral characteristics of the offender. The unit also conducts in-depth research in the area of violent crime from a law enforcement perspective in an effort to gain insight into criminal thought processes, motivations, and behaviors. Staff members share the results of this research with the law enforcement and academic



communities through publications, presentations, and training and apply it to the investigative and operational functions of the NCAVC. When requested, personnel provide expert testimony.

The unit typically consults on matters of stalking when requested to conduct a threat assessment, render an opinion as to the potential risk for violence, or provide investigative strategies. If necessary, staff members will provide expert testimony at a bond hearing or at sentencing as to the level of

threat posed by an offender to a victim. Only law enforcement agencies and prosecutors' offices can request services.

### The Assessment of Threats

Threat assessment refers to the evaluation of the credibility and overall viability of the expressed intent to do harm. A thorough analysis includes examining the exact nature and context of a threat, the identified target, the threatener's possible motivation (e.g., punishment, hate, or revenge), and the offender's ability to carry it out. Other issues to consider include, among others, the threatener's personal background (e.g., criminal and psychological) and relationship with (e.g., sexual involvement) and behavior toward the victim. The NCAVC has found that looking at what has happened in the past and then comparing that with other cases in which violence has occurred represent the best predictor of future behavior.

Evaluating the potential for violence requires a consideration of the offender's behavior in its totality. The unit takes into account specific actions and other factors that suggest the potential for dangerousness. Some of these include—

- threats to kill;
- access to or recent acquisition of weapons;



- symbolic violence;
- violations of protective orders;
- prior physical violence against the victim or others, including pets;
- substance abuse;
- location of violence (public or private settings);
- status of the offender-victim relationship;
- continued harassment by phone, computer, fax, or letter at home and at work;
- surveillance of the victim and “chance” meetings;
- mental illness;
- prior intimacy with the victim;
- fantasy–homicidal/suicidal ideation;
- obsessive jealousy;
- offender viewing self as the victim;
- desperation;
- blaming of the victim for personal problems;
- loss of power/control; and
- mission-oriented mind-set with a focus on the victim.

Research suggests a strong connection between stalking and domestic violence, concluding that 81 percent of women stalked by husbands or cohabitating partners also endured physical assault by the individual. Twenty-one percent

of these victims said that the stalking occurred during the relationship, and 36 percent reported that it happened both before and after the relationship ended.<sup>4</sup>

While many stalking cases involve a known offender, thereby allowing law enforcement to analyze a threat, evaluate the stalker-victim relationship, and consider specific behaviors indicative of violence, other instances involve an unknown offender or no



***...police and prosecutors must make a clear and compelling case for a posed threat, even though the defendant has not yet engaged in an attack.***



previous stalker-victim relationship. In these cases, investigators rely on evaluating the communicated threats to identify the individual and to determine the potential for violence.

Addressing one final concern, depending on the facts and circumstances, law enforcement may analyze whether the alleged stalking, in fact, did take

place or if it was falsely reported. Such an evaluation would help lead to an informed judgment as to whether someone who has made a threat actually poses one and would aid in the formulation of the proper intervention strategy and response.

### **Case Example 1: Expert Testimony at Sentencing**

In July 2000, Eric began sending e-mails to Tina, a television reporter. The themes, mostly sexually oriented, also included intimidating and harassing threats. One of the messages contained the following: “I am not the type of obsessed viewer that hides in the bushes near your home to watch you come home from work, but we shall see. That may actually be fun.”

The local FBI office opened an investigation and identified Eric as the offender. The case agent contacted him both by e-mail and telephone and admonished Eric to stop his unwanted communication with Tina. This worked for a while. Then, rambling, handwritten letters from Eric began arriving at the victim’s television station. Telephone calls followed the letters. Tina’s fellow employees began to screen her phone calls.

In the fall of 2000, Tina accepted a full-time position



with a television station in a neighboring state. By Christmas 2000, Tina received a letter at her parent's home from Eric in which he stated that he had created a Web page titled, "Tina Hates Me." Eric began posting numerous pictures of the victim and e-mail messages to and about her at the site. Tina again began receiving telephone calls from him at her new place of employment.

In February 2001, Eric filed a civil suit against the victim that essentially accused Tina and an unknown assailant of stalking him. He wrote in his complaint that the "plaintiff has required psychiatric services due to the willful, wanton, deliberate, and negligent acts of the defendants." Eric also, using aliases, began sending Tina numerous other written and e-mail communications. In addition, he mailed several gifts to her.

Interestingly, Tina never had met Eric. She did not know who he was—not unusual in this type of case. Eric was, in fact, homeless and conducting his stalking operation of Tina out of an abandoned building. He had managed to tap into electrical and telephone lines and set up a computer system in his makeshift residence. He previously had resided on the streets, in vans, and in shelters. He also allegedly accessed the Internet at a local university

and a public library. Eric enjoyed communicating to Tina personal information about her and her family and friends that he had gleaned from the Internet, other public sources, and telephone calls wherein he pretended to be a friend or associate of hers.

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Eric had a lengthy criminal history, with nearly two dozen arrests. He abused drugs and had several arrests for passing forged prescriptions. He faced arrest once for possessing a concealed handgun and a second time for pointing a .22-caliber rifle at police responding to a shots-fired call. Eric's personal history also included a brief emotionally and physically abusive relationship with another woman and a failed enlistment in the U.S. Army.

In March 2001, the case agent contacted the NCAVC and requested a threat assessment and suggestions for investigative strategies. After

reviewing the case material submitted, the NCAVC opined that the risk to Tina would increase if Eric traveled interstate to contact her, tried to meet her in person at her residence or workplace, or attempted to circumvent any security system to reach the victim in person.

By July 2001, Eric had carried out all of the actions that the NCAVC had warned about. The FBI and the local U.S. Attorney's Office moved aggressively and executed arrest and search warrants on him. He received federal charges of interstate stalking, cyber-stalking,<sup>5</sup> and mail theft (as he had stolen mail from Tina's residence).

The NCAVC provided additional assistance to the case agent and the assistant U.S. attorney prosecuting this case in the form of on-site prosecutive strategy for trial. June 2002 brought Eric's trial and conviction, only the third federal conviction and the first in that state for interstate stalking and the first federal conviction for cyberstalking.

Further, the unit testified as to the nature of stalking and the danger posed to Tina by Eric. Because of this threat, federal authorities filed a motion for an upward departure of sentence. The sentencing guidelines recommend 57 to 71 months. The government's motion was



granted and Eric received a 96-month prison sentence.

**Case Example 2:  
Expert Testimony at a  
Bond/Detention Hearing**

Ann, a college student, first met Robert, a government employee, in the winter of 1991 on a ski trip. Both lived in the same city and began dating. Later, when Ann attended graduate school in a different state, they maintained a long-distance relationship through phone calls and occasional visits. Upon Ann’s graduation, she moved back to the area to work for a federal agency. In January 1993, she and Robert began living together.

Between January and May 1993, Robert became violent and destructive and, through his own admission, used cocaine. In May 1993, Ann moved out of their shared apartment and ended the relationship. Robert began writing letters to her; she never acknowledged receiving them as she wanted nothing to do with him.

In June 1993, Robert moved to another state and told Ann he had entered a drug treatment program. He later returned to the area and began to harass and stalk her. During this period, Robert sent three to four letters a day to her residence and place of employment. At one point, he showed up at her workplace, but security guards turned him

away. He incessantly called Ann at home and at work and would show up “by chance” at church, sometimes sitting in a pew across from her, and at the grocery store. Robert secretly watched Ann and then in subsequent letters divulged that he knew what she did at a particular date and time. The theme of many of his letters was, “I just want to talk.”

“  
***The FBI’s National  
Center for the Analysis  
of Violent Crime  
stands as a resource  
available to all of law  
enforcement....***  
”

Ann ultimately filed for a civil protection order. After the filing, Robert showed up at her residence and forced his way into her apartment, where he physically assaulted her. In another instance, he attempted to block her vehicle with his when they both sat at a traffic light and then rammed her car. Robert violated the order, which provided for no contact, numerous times.

A bench warrant was issued for Robert’s arrest. He fled to another state where he had family. While there, he began

faxing threatening letters to Ann at her place of employment. Because they crossed state boundaries and before a federal stalking statute existed, the FBI arrested Robert for the interstate communication of threats. After his conviction, he received 3 years in prison.

While incarcerated, with his mailing privileges severely restricted, Robert continued to send threatening communications to Ann by having other prisoners mail the letters for him. Further, he told inmates that, upon his release, he planned to kill her. When prison guards checked his cell, they found a 12-page manuscript titled, “The Tragedy of Love,” which specifically detailed how Robert would travel to find and murder Ann and then kill himself, ending with “If I can’t have you, no one can.” His conviction for these acts brought a 42-month prison sentence. Since then, Ann had not received any new correspondence from Robert.

At the end of December 1999, Robert finished his sentence; Ann dreaded his release. Throughout the ordeal, she had found it necessary to move twice, change her telephone number numerous times, and receive her mail at a post office box, as well as warn her family of danger, file numerous police reports, and advise her employer of the situation. Ann,



since married and expecting her first child, had concern for her own and her family's safety. In early December 1999, Ann met with prosecutors at the local U.S. attorney's office to discuss this issue; a safety plan resulted.

Shortly after this meeting, Ann received a one-page typewritten letter postmarked from a different city, allegedly written by Robert. He emphasized his need to talk and wanted some answers from her. He mentioned in the letter that "I am going to find you"; "I will be contacting you"; "I can't let this drop, I must have closure"; and "You have destroyed lives." This communication was brought to the attention of the U.S. attorney's office, the local FBI office, and subsequently the NCAVC.

The NCAVC faced a number of questions. Did the offender author this communication? Did it appear threatening? Did the individual pose a threat to the victim and her family? The unit reviewed the threatening letter and compared it with communications received previously by Ann. This authorial attribution, or text analysis, included the examination of sentence structure, phraseology, level of word usage, and overall message composition. The NCAVC concluded that Robert authored all of the communications.

This eased a concern for prosecutors who feared that Ann, knowing of Robert's pending release, might possibly send a letter to herself as a way to keep him in jail. Moreover, Ann had no ties whatsoever to the city postmarked on the letter. And, much later in the investigation, an inmate surfaced that admitted mailing the communication for Robert. The NCAVC further opined that if the victim, wanting to keep Robert in prison, authored the communication, it would have contained more demonstrative and graphic threats. To the contrary, while the letter focused on Ann and referenced themes seen in previous communications, much more benign and low-key verbiage characterized this letter. However, this

style did not negate its threatening nature. It seemed that the offender had learned from his previous mistakes and tried to tone down his rhetoric from previous communications.

Robert met with a prison psychiatrist in late November 1999, prior to the latest letter. This evaluation provided insight into Robert's recent state of mind. The analysis described him as unstable, moody, argumentative, and angry and found that he blamed others for his problems. Further, he felt no remorse for his crimes and considered himself justified in writing the threatening letters as Ann had "wronged" him. The evaluation further stated that he had "nothing to lose," particularly as he faced a life-threatening disease. Robert also

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expressed that he could not let go of his emotional ties to Ann or guarantee that he would not try to contact her, even knowing that it would violate conditions of his release.

In view of the facts presented and the totality of the behavior exhibited by Robert toward Ann, the NCAVC opined that he presented a high potential risk for violence to her. The FBI made this threat assessment part of an affidavit for the arrest warrant for Robert. After his subsequent arrest, he did not leave prison. Further, the NCAVC provided expert testimony regarding the potential for violence at a detention/bond hearing in U.S. District Court. Authorities held Robert without bond. He subsequently pled guilty to mailing threatening communications and stalking and received a 5-year prison sentence.

### LEGAL CHALLENGES

Defense attorneys often raise objections to what they perceive as excessive bail in stalking cases. While the Eighth Amendment prohibits excessive bail, it does not forbid detaining someone without bail if it serves the purpose of protecting someone else's safety. In *United States v. Salerno*,<sup>6</sup> the U.S. Supreme Court upheld the pretrial detention of an organized crime figure, considering it a safety

measure, not a punishment. In *Mendonza v. Commonwealth*, the state of Massachusetts upheld the pretrial detention of a man charged with violating a protection order because he had dumped gasoline on his body and threatened to ignite himself when police went to arrest him for trespassing in the victim's home.<sup>7</sup> The court in the *Mendonza* case specifically noted the high correlation between suicide and murder in domestic violence separation cases.<sup>8</sup>



***Stalking...refers to acts of following, viewing, communicating with, or moving in a threatening or menacing manner toward someone....***



These cases illustrate the constitutionality of a government request to hold a dangerous person without bail. However, most bail statutes allow a judge to consider, as an alternative, conditions of release that will ensure safety and prevent flight. Thus, experts should prepare themselves to assist the prosecutor and court with

recommendations for supervised release strategies in case the defendant is released. Electronic surveillance (e.g., bracelets) can serve as an alternative measure. Similarly, an expert witness can assist the judge in determining whether the offender likely continues to pose a danger to the victim.

### CONCLUSION

Offenders engaging in stalking behavior follow a path that ultimately can lead to homicide, as illustrated in the opening scenario. In that case, John murdered his victim within days of his pretrial release. In instances where the stalker faces arrest prior to an attack, law enforcement agencies and prosecutors must confront the challenge of proving that the individual is too dangerous for release. Expert testimony can serve as the key that enables prosecutors to offer risk assessment opinions from qualified, experienced investigators, which can result in authorities holding offenders without bond or sentencing them for a longer term.

The FBI's National Center for the Analysis of Violent Crime stands as a resource available to all of law enforcement in conducting threat assessments in stalking cases and rendering expert opinions as to the risk for violence. Two cases have illustrated how the





NCAVC assisted prosecutors by providing expert testimony to convince the judge that the offenders posed a risk to the victims. In such matters, the courts have recognized that some individuals are not entitled to bail and that they should receive longer sentences in certain circumstances. The key to any threat assessment, however, is a thorough investigation in which investigators gather the appropriate information on the victim and offender, detailing exhibited behaviors that might suggest future

dangerousness. These efforts can go a long way to help ensure the safety of individuals terrorized by stalkers. ♦

#### Endnotes

<sup>1</sup> U.S. Department of Justice, *The Second Annual Report to Congress Under the Violence Against Women Act* (Washington, DC, July 1997).

<sup>2</sup> For additional information, see George Wattendorf, "Stalking-Investigation Strategies," *FBI Law Enforcement Bulletin*, March 2000, 10-14; and Robert Wood and Nona Wood, "Stalking the Stalker," *FBI Law Enforcement Bulletin*, December 2002, 1-7.

<sup>3</sup> Although a court may exclude this type of evidence at a trial because of

prejudices, it would be admissible at a bail or sentencing hearing.

<sup>4</sup> Patricia Tjaden and Nancy Thoennes, *Stalking in America: Findings from the National Violence Against Women Survey*, April 1998; retrieved on May 18, 2004, from <http://www.ncjrs.org/txtfiles/169592.txt>.

<sup>5</sup> For additional information, see Robert D'Ovidio and James Doyle, "A Study on Cyberstalking," *FBI Law Enforcement Bulletin*, March 2003, 10-17.

<sup>6</sup> *United States v. Salerno*, 481 U.S. 739 (1987).

<sup>7</sup> *Mendonza v. Commonwealth*, 423 Mass. 771 (1996).

<sup>8</sup> For another recent case opinion upholding preventive detention, see *United States v. Goba*, USDC West District NY (Oct. 2002).

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## Perspective

### **The Need for Change A Call for Action in Community Oriented Police Training**

By R. Gregg Dwyer, M.D., Ed.D., and  
Deborah L. Laufersweiler-Dwyer, Ph.D.

**I**n this new millennium, the law enforcement profession faces the need for complex change. Police agencies are moving away from just responding to incidents. Today, they must address *causes* of crime and social unrest. Community oriented policing evolved as a means to resolve these underlying problems. Involved citizens, businesses, political figures, and other social service organizations jointly must address issues handled by law enforcement officers.<sup>1</sup> Although this is not a new concept, it is receiving increasingly more attention.

Answering difficult social problems requires not only collaboration with other social agencies and the public but creative and critical thinking. Many view the community police officer as a critical social scientist—someone who solves social, economic, or political problems through socially active change.<sup>2</sup> The critical social scientist is an educator and a content expert, both of which describe community police officers.<sup>3</sup>

For years, academicians and police trainers have suggested changes not only in academy content but also in methods of educating officers to meet changes in society, technology, law, and crime. Many academies have made the content changes, but what about the methods?<sup>4</sup>

#### **Pedagogy Versus Andragogy**

Numerous references over the last two decades have espoused the need to switch from lecture-based, memorization, and grade school-style teaching to methods more appropriate for officers faced with making immediate discretionary decisions, interacting with all strata of society, and

resolving social conflict from the benign to the lethal. Instructors should implement such suggestions about *how* they should train and modify, rather than totally change, current methods employed to prepare officers for 21st century challenges. Some experts have attacked traditional pedagogical techniques as primary teaching methods inadequate for producing critical thinkers necessary for community oriented policing. They repeatedly have presented adult learning as the appropriate alternative, but agencies seemingly have implemented little change. Additionally, the dichotomy between the approaches often presented is actually less definitive than alleged. Instructors should advocate an andragogical

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framework for academy training, employing pedagogical methods as needed within the context of community oriented policing.<sup>5</sup>

The word *pedagogy* is a combination of the Greek words *paid* meaning child and *agogus* meaning leader. This “art and science of teaching children” was used in Europe by churches educating young boys in the 7th and 12th centuries.<sup>6</sup> Eventually, pedagogy became the teaching standard from the preschool to the university level. In pedagogy, the teacher is in charge of the educational experience, controlling content, methods, and evaluation of learning. Further, passing a teacher-designed exam determines what students have learned; use of knowledge or skill beyond successful testing is of minor interest.

Police recruits are in a teacher-student setting, fostering dependence with the instructors clearly in charge.<sup>7</sup> Instructors often ignore recruits’ prior experience as irrelevant to police work and tell them what is important and whether or not they have learned it adequately. The recruits’ goal is academy graduation and then getting their “real” education on the street.

State mandates and instructors’ decisions about what students need to become a police officer determine academy content. Course design and development typically are based on module or lesson-block systems of discrete topics sequenced by instructors. Lectures, employing associated texts and handouts, provide the learning tools, while firearms, defense tactics, and driving are taught through practical exercises.

Pedagogy is not always an inadequate instructional choice; it has a place with children, who lack a broad and deep experiential base, and in some adult settings. Strict control is necessary for some topics in the interest of safety, such as potentially

lethal activities like firearms training. The problem lies in using only pedagogy for all topics with adults.

The word *andragogy* is based on the Greek word *aner* meaning man and is defined as “the art and science of helping adults learn.”<sup>8</sup> The andragogical model is based on six basic principles.

“  
**...academicians and police trainers have suggested changes not only in academy content but also in methods of educating officers....**  
 ”

1) Adults take interest and invest time and effort in topics they know have applicability for them.

2) Adults are responsible for their actions and deciding their own direction, and they want to be treated accordingly, which is contradictory to being dependent.

3) Adults have experience bases instructors should tap,

and they can contribute to problem solving and aiding peers.

4) Adults are ready to learn knowledge and skills that will help them in the real world.

5) Adults center their learning on life issues and problems, rather than on isolated subject matter.

6) Adults are motivated more effectively by internal factors, such as job satisfaction, self-esteem, and quality of life.<sup>9</sup>

The andragogical model is ideal for learning community oriented policing. Unlike pedagogy, it fosters an orientation to problem solving, application, recognition of the students’ experiences as a source of input, and a teacher-student partnership.

### Recruits’ Backgrounds

Consistent with Malcolm Knowles’ view of adult learners, agencies should recruit creative problem solvers who independently work



**Pedagogical Assumptions and Design Elements Compared  
with Traditional Police Academy Philosophy**

<b>Assumptions and Design Elements</b>	<b>Pedagogy</b>	<b>Police</b>
Self-concept	Dependency	Dependent for direction, objectives, and evaluation
Experience	Of little worth	Focus on lectures, films; little if any experiential learning*
Readiness to learn	Biological, developmental, and social pressure	Do what they are told to graduate*
Time perspective	Postponed application	Same
Orientation to learning	Subject centered	Focus on content versus learner*
Climate	Authority oriented, formal, and competitive	Authority in charge, formal, and competitive
Planning	By instructor	By instructor and lesson plans
Formulation of objectives	By instructor	Established and lesson plans
Diagnosis of needs	By instructor	Mandated requirements
Design	Logic of subject-matter content units	Training modules and objective based
Activities	Transmittal techniques	Lectures, films, and text
Evaluation	By instructor	Exams and instructor
Motivation	Instructor and grades	Instructor; grades; graduation is requisite for continued employment

\* Denotes information derived from J.E. Regali, "Models of Police Training and Education," *Police Chief*, December 1998, 60-62.

Source: R.G. Dwyer and V.E. Dorworth, "Police Training Revisited: An Andragogical Approach to Police Education," March 1991, paper presented at the annual meeting of the Academy of Criminal Justice Sciences, Nashville, TN.





through problems.<sup>10</sup> The Police Officer Screening Test for the 21st Century (POST-21) assesses applicants for aptitude in community policing. It is based on the premise that skilled community police officers are oriented to provide a service, not just be crime fighters, by resolving problems using various approaches, communicating with citizens and other government agency representatives, approaching problems with flexibility, and maintaining equity despite cultural differences, all of which are consistent with andragogy.<sup>11</sup>

Instructors should use recruits' experiences and involve them in setting objectives for their own education.<sup>12</sup> Recruits need to see future use of class content, and the teacher-student relationship should include respect for each other's input.<sup>13</sup> Experts have suggested that instructors use the andragogical approach for field training, in-service, and basic training level courses where new officers should address real-world problems.<sup>14</sup> Instruction should focus on issues officers routinely face on the job and facilitate the study and development of actions to solve them.<sup>15</sup>

The subject-centered method of pedagogy is counterproductive to developing these needed abilities and skills.<sup>16</sup> Pedagogy is incapable of fostering problem solving and critical thinking.<sup>17</sup>

Recruits can draw from their life and work experiences when problem solving, rather than exclusively from police regulations and instructions.<sup>18</sup> Instructors can facilitate small groups using andragogical methods when educating recruits about community policing strategies.<sup>19</sup> The need for pedagogical methods remain for other topics, such as firearms, driving, defense tactics, and arrest techniques.<sup>20</sup>

The adult-learning model constitutes active learning for students by instructors aiding their education, rather than lecturing them. This model uses problem-based methods and scenarios with students working through issues the same way they will in the real world—by their own means. Learners develop critical-thinking skills and replace memorization with knowledge of resources—where to find answers based on the latest data and how to implement what they discover. Subject-matter experts provide feedback to students, who present required material after finding answers on their own. For example, both the Maryland Police Corps and the Royal Canadian Mounted Police have instituted this type of approach.<sup>21</sup> The Maryland Police Corps based its program on longitudinal problem solving. Rather than delivering lectures on discrete topics, instructors integrated major topics, such as interrogation, throughout the curriculum. This approach recognized the value of students' prior lives and how they could apply past experiences to current training, demonstrating the application of andragogy.<sup>22</sup>

Because students learn in a thinking mode, not a passive one, the Royal Canadian Mounted Police's 900-hour basic training course includes only 4 hours of lecture. "For their mental health issues training, the students previously listened while an expert lectured them on various disorders. Now, they research the topic themselves. Students are encouraged to go beyond library resources and contact mental health facilities for information on topics, such as paranoia and Alzheimer's disease. They then gather as a class and present their findings with experts present to give them feedback."<sup>23</sup>

“  
**The andragogical model is ideal for learning community oriented policing.**  
 ”



## An Integrated Model for Police Education

Agencies should ensure that they do not view pedagogy and andragogy as distinctly separate concepts used in an all-or-nothing fashion as often presented in police training literature. Although pedagogy lacks elements of andragogy, an andragogical model can incorporate pedagogical methods as needed.<sup>24</sup> Effective instruction occurs in a setting where andragogy prevails, such as with learner input, confidence, mutual respect, and critical thinking aimed at both personal and problem issues.<sup>25</sup> Officers need these basic qualities to meet the demands of their mission, especially community policing. Just as academies must incorporate community oriented policing as a theme through the training experience, rather than just as a few hours of instruction, the components of andragogy also must remain a central focus.

Self-concept, how people view themselves relative to learning, is key to becoming an “independent and proactive learner.”<sup>26</sup> Intimidation as an educational tactic prevents individuality.<sup>27</sup>

### Recommendations

The notion of adult learning (andragogy) as a necessary component to police training has been presented periodically for over a decade, often with a sporadic and limited application. Perhaps, part of the reason for its presentation as something innovative, rather than as a standard similar to other new concepts, lies in its appearance primarily in practitioners’ publications. The audience of police trainers (often current or former officers) typically have backgrounds in law enforcement, not adult education, and, generally, law enforcement, not education specialists, operate police

academies. Therefore, those anxious to implement what they read and learned furthering their individual educations must battle with bureaucracy when suggesting such sweeping changes; identifying the cost of designing, developing, implementing, and evaluating new curriculum methods, and presenting the idea of change in a tradition-bound profession. Therefore, how can this “new” old concept be integrated?

Collaboration must occur between law enforcement trainers who possess police subject-matter expertise and academicians with a command of educational methods. The police subculture might not encourage contacting the local university’s education department for assistance with an academy curriculum review, but reaching out to the criminal justice department might help. The criminal justice department then serves as liaison between the two experts, each having some understanding of

both worlds. Agencies can defer costs in creative ways through university-community partnership programs, grant proposals, and even involving graduate students in education and criminal justice programs through their thesis and dissertation research. Fighting tradition will prove more difficult, but presenting rigorous reviews of andragogy’s success in police training, such as in Maryland’s Police Corps program and the Royal Canadian Mounted Police experiences, could win support.

### Conclusion

The law enforcement profession must change how they educate officers. Community policing is receiving increased attention and funding and, ideally, the concept is taught using an adult-learning model. Why not shift the entire academy experience to such a model?

“  
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”





**A Proposed Andragogical Model for Recruit Training Designed to Promote the Development of Innovative Problem Solvers**

<b>Assumptions and Design Elements</b>	<b>Organization</b>	<b>Instructor</b>	<b>Recruit</b>
Self-concept	Innovative; proactive versus reactive	See recruits as adults; foster independence; collaborative versus authoritarian	Problem solver; creative thinker; adult; independent; inductive learner
Experience	Values innovation through assessment of past	Values recruit's input; capitalize on recruit's previous experience	Shares previous related experience
Readiness to learn/ time perspective	Static to innovative	Encourages proactive learning; emphasizes internal motivators	Developmental understanding of how social/ professional role affects society; relate to academy need to know
Orientation to learning	Humanistic	Present problems versus subjects; value creativity and individuality; job relevant	Collaborative versus competitive; problem versus subject centered
Climate	Open communication; flexible; people oriented	Facilitator; respect versus intimidate recruits	Collaborative; free from intimidation; mutuality
Planning	Cooperative; decision making; problem solving	Instructor with recruit input	Creative input
Diagnosis of needs	Open to reassessment	Awareness of individual needs; open to change; self-diagnosis	Self-diagnosis

*This model describes the ideal climate as one where there are no threats or intimidation; critical thinking is encouraged, rather than suppressed; cooperation is fostered; and innovative ideas are sought. Instructors and students share reciprocal respect with no excessive authority-subject relationship. Within the limits of mandated content, recruits are allowed input into the planning process, given an examination of individual needs, and prior experience is valued as a resource. The application of training content is connected to actual police work to help motivate learning. A problem-solving orientation to learning forms the basis for presenting required subject matter, and training is evaluated as an ongoing process.*

*Source: R.G. Dwyer and V.E. Dorworth, "Police Training Revisited: an Andragogical Approach to Police Education," March 1991, paper presented at the annual meeting of the Academy of Criminal Justice Sciences, Nashville, TN.*





If efforts are made to change, future research may focus on evaluating the effects of the adult-learning model as just another standard of police training. Community college and university criminal justice departments can partner with adult education colleagues, introducing them to law enforcement instructors and their curriculum and explaining community oriented policing. Further, agencies must have administrators' support for this frequently presented idea to become a reality.

As the 21st century begins, law enforcement continues to become more proactive. Community oriented policing and police corps programs require people capable of critical and independent thinking who can work with professions other than law enforcement and with culturally diverse community members. Although content changes have kept up with new knowledge and technology, teaching methods appear to lag behind in many law enforcement academies. The use of andragogy, or adult learning, can help establish a new model of police education through a partnership between law enforcement trainers and adult educators. ♦

**“  
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objectives for their  
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”**

**Endnotes**

<sup>1</sup> S. Trojanowicz and R. Trojanowicz, *Theory of Community Policing*; retrieved on March 4, 2004, from <http://www.concentric.net/~dwoods/theory.htm>.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Recognizing that agencies have different training issues, the authors present an overview that concentrates on the use of adult learning to help improve the delivery method. Space does not permit an in-depth examination of all of the types of police training. Instead, the authors want to encourage agencies to use adult-learning principles in all phases of police training.

<sup>5</sup> Agencies can use the Police Corps philosophy of training as an example. For more information, see <http://www.ojp.usdoj.gov/opclee>.

<sup>6</sup> Many theories exist of how people learn, and Malcolm Knowles is the theorist who brought the concept of adult learning to the forefront of education. Information in this paragraph came from Malcolm S. Knowles, *The Adult Learner: A Neglected Species*, 4th ed. (Houston, TX: Gulf Publishing Co., 1990).

<sup>7</sup> Information in this paragraph and the next two paragraphs was derived from R.G. Dwyer and V.E. Dorworth, “Police Training Revisited: An Andragogical Approach to Police Education,” March 1991, paper presented at the annual meeting of the Academy of Criminal Justice Sciences, Nashville, TN.

<sup>8</sup> Supra note 6.

<sup>9</sup> Supra note 6.

<sup>10</sup> H. Goldstein, *Problem Oriented Policing* (New York, NY: McGraw Hill Publishing Co., 1990); and W. Harris and A. Kolkman, “Selecting Community Oriented Officers,” *Law & Order* 48, no. 4 (2000): 63-66.

<sup>11</sup> For more information, supra note 10 (Harris and Kolkman).

<sup>12</sup> W. M. Mohr, “Guidelines for Effective Classroom Instruction,” *Police Chief*, September 1980, 48-52.

<sup>13</sup> Ibid.

<sup>14</sup> Supra note 12; P.A. Brankin, “Adult Developmental Theory and Learning Theories,” *Law and Order* 37, no. 3

(1989): 43-44; and M.S. McCampbell, U.S. Department of Justice, National Institute of Justice, *Field Training for Police Officers State of the Art* (Washington, DC, 1986).

<sup>15</sup> Supra note 7.

<sup>16</sup> Supra note 7.

<sup>17</sup> J.E. Regali, “Models of Police Training and Education,” *Police Chief*, December 1998, 60-62.

<sup>18</sup> M.L. Birzer, “Police Training in the 21st Century,” *FBI Law Enforcement Bulletin*, July 1999, 16-19.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> R. G. Weinblatt, “New Police Training Philosophy,” *Law and Order* 47, no. 8 (1999): 84-90. For additional information, see Malcolm S. Knowles, *The Modern Practice of Adult Education: From Pedagogy to Andragogy* (New York, NY: Association Press, 1970).

<sup>22</sup> J. Hoffman, “Special Report: Police Corps, An Update Two Years After the First Police Corps Graduation,” *Law and Order* 48, no. 1 (2000): 50-58.

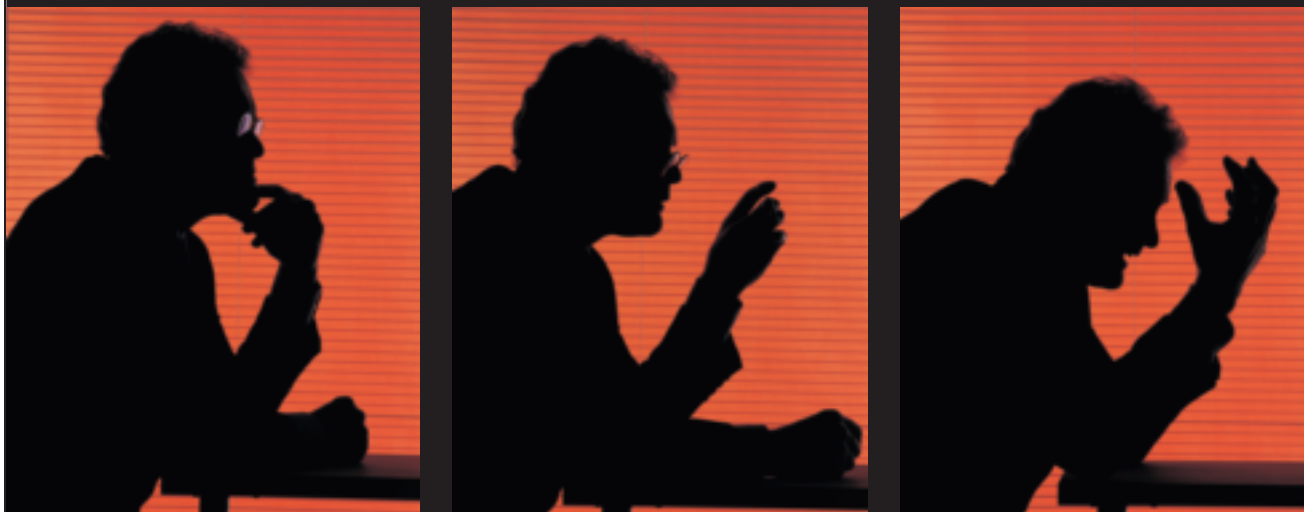
<sup>23</sup> Supra note 21 (Weinblatt).

<sup>24</sup> Supra note 6.

<sup>25</sup> Supra note 7.

<sup>26</sup> Supra note 7.

<sup>27</sup> Supra note 7.



# *Managing the Problem Employee*

## *A Road Map for Success*

By THOMAS Q. WEITZEL, M.S.

**E**very department, at some time, faces the monumental task of managing problem employees. These workers possess varying degrees of competence and present problems for agencies in a number of ways, including abusing sick time, coming to work with their own agenda (i.e., conducting personal business at work), or having a “just-a-job” attitude, which breeds a selfish “What can the department do for me?” rather than a “What can I do for the

community?” attitude. Such behaviors create a negative environment for coworkers, supervisors (who can feel inept at controlling the situation and may waste valuable time correcting the employees’ mistakes and, possibly, defending their work habits), and the citizens the officers serve daily.

Law enforcement managers should strive to effectively deal with these workers to the satisfaction of the employee, as well as the employer. Considering the effects that these individuals

can have on the department and the community, supervisors must intervene and systematically address such problems as quickly as possible before these situations escalate to enormous proportions. To this end, agencies must understand how to recognize problem employees and how to effectively handle them.

### **RECOGNIZING THE PROBLEM EMPLOYEE**

Without a doubt, every organization has at least one



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***Problem employees do not necessarily lack competence. However, such workers present trouble for organizations....***

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Assistant Chief Weitzel heads the Riverside, Illinois, Police Department's Administration Division.

problem employee. A challenge agencies face is identifying these individuals. Unfortunately, no formula for categorizing them exists. Variables, such as industry, level or status of job, race, sex, ethnicity, or any other category, prove meaningless.<sup>1</sup>

### **Problems with Supervisors**

Sometimes, the problem in recognizing these workers may rest with the manager. For instance, supervisors may not want to admit they have a problem employee for fear that it will reflect poorly on their skill in managing people. In other cases, a worker may exhibit such extraordinary ability in certain areas that the supervisor is willing to overlook weaknesses in other endeavors. As another possible scenario, an employee may have a manager with relaxed standards. An

uncomfortable situation also may exist when the supervisor and worker share a personal friendship or genuine fondness for each other. Or, managers may feel so overwhelmed with professional responsibilities or personal crises that they choose just to ignore the problem.

In other instances, a dilemma may exist as to whether a particular individual simply *is called* a problem employee or *actually is* one. The answer to this question could depend on the manager. Supervisors may be particularly harsh in their opinion and assessment of a worker. Or, the manager may not take into account that no two employees are alike, that each has a different personality and work ethic; perhaps, the supervisor's judgment of the individual is based on personal values or attitudes, which is subjective and unfair. Another unfortunate possibility is that

the manager may not feel comfortable working with a person of a different age, race, sex, or ethnic origin. In still other cases, the supervisor's managerial style (which, perhaps, is problematic) may be the defining factor relating to the problem employee; the manager, in fact, simply may lack knowledge, understanding, and training in the art of supervising people.

### **Identification**

To help determine whether or not an individual is a problem employee, law enforcement managers can evaluate a number of questions. These include, but are not limited to, the following examples:

- Do you receive negative feedback from citizens about the officer's demeanor or attitude?
- Do you receive complaints about how the employee treats coworkers?
- Do you need to regularly check the individual's work?
- Does the officer handle calls appropriately?
- Do scheduling problems arise because the employee fails to show up?
- Do you frequently spend time doing assignments that you should feel comfortable delegating to the individual?



- Does the officer rarely complete work on time?
- Does the employee frequently give reasons why assignments cannot be done?
- Do you receive reports that the individual complains about you to other people?
- Do you find it difficult to get your own work done because of the time you spend on the officer's problems and mistakes?
- Do you rarely give this person important assignments?
- Does the employee usually offer excuses or blame others for mistakes?
- Does the officer occasionally lie or stretch the truth?

A positive answer to any of these questions could indicate a problem employee, especially if it touches on an area of particular importance to the supervisor. An affirmative answer to two or more of these questions definitely identifies the individual as a problem employee.<sup>2</sup>

### Issues with Employees

Problem employees do not necessarily lack competence. However, such workers present trouble for organizations when factors, such as a bad attitude, poor motivation,

or an inability to get along with others, negatively influence the way they perform their jobs.<sup>3</sup>

Many such individuals face trouble in their personal lives that adversely affects them at work. Examples include divorce, financial problems, death in the family, illnesses, or problems with their children. Other times, these employees are genuinely mismatched to

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**Without a doubt, every organization has at least one problem employee.**  
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the profession they have chosen; their personal characteristics do not fit the demands of the job.<sup>4</sup> In other cases, the particular department (these vary in managerial attitudes and climate) a prospective officer decides to join can impede performance.

Generally, problem employees fit into one of seven categories. These include *hostile aggressives*, who, when things do not go their way, bully and overwhelm others with snide comments or tantrums; *complainers*, who gripe incessantly, but never take action to improve

the circumstances they are complaining about; *silent and unresponsives*, who respond to requests with a “yep,” a “nope,” or a grunt; *super agreeables*, who appear outgoing, personable, and supportive in the supervisor's presence, but then either do not produce what they promised or act contrary to expectations; *negativists*, who respond with a downtrodden spirit to the manager's every suggestion for improvement; *know-it-all experts*, who have a condescending and superior attitude and make the supervisor feel foolish; and *indecisives*, who have difficulty making decisions and cannot let go of anything until it is perfect (which means never).<sup>5</sup>

While supervisors in no way want to excuse the behavior of these workers, they can better understand them by looking at the big picture of what may cause such individuals to work and respond the way they do. In this regard, the five major internal sources of influence of an individual's behavior are *motivation by needs, motivation by values, attitudes, norms, and self-esteem*.<sup>6</sup>

To determine why problem employees behave negatively, supervisors first should consider what motivates them. Needs and values serve as the two types of motivation that drive everyone. *Needs motivation* refers to an individual's need for security, love, and growth;



if these are not met, a person will react negatively. *Values motivation* denotes the way people are driven by the ethical standards by which they live their lives; when conflicts arise in the way an employee's values relate to the job, negative behavior likely will result.

The level of *self-esteem* of individuals also may show through their actions in the workplace. People with low self-esteem tend to have a distorted view of reality. They may have, for example, a "me-versus-the-supervisor" mentality, which certainly would interfere in the performance of their duties.

Employees' negative *attitude* also may affect them on the job. Such an attitude, of course, can result in negative actions, interfering with the way the officer responds to the public, as well as supervisors.

*Norms* refer to the guidelines by which a person gauges normal behavior. The way people were raised largely can shape their norms. For example, individuals that grew up among negative family members will tend to be negative.

## MANAGING THE PROBLEM EMPLOYEE

### Wrong Approaches

Once law enforcement managers determine that someone fits the description of a problem

employee, they need to consider how *not* to deal with the individual. The four ineffective ways of handling such workers include *avoiding*, *overreacting*, *complaining*, and *lecturing*.<sup>7</sup> Supervisors must recognize these negative tendencies; identify which, if any, they commonly use; and stop handling problem employees in these ways.



***...managers should strive to effectively deal with these workers to the satisfaction of the employee, as well as the employer.***



Managers may attempt to address these situations by *avoiding* them. For example, they may feel uncomfortable dealing with interpersonal conflict, so they try to avoid or suppress disagreements.<sup>8</sup>

Supervisors may feel that a situation is beyond their control and an incredible amount of stress may arise if they confront the individual. The manager may fear that the employee will become defensive and retaliate or that performance may deteriorate. This fits the

description of "catastrophic" thinking.<sup>9</sup>

Managers also may have an attitude of "what good will it do anyway," especially if they already have met with the worker regarding poor performance. Perhaps, supervisors may feel that they lack the expertise to handle such situations, so, rather than risk making a mistake, they ignore the issue.

However, avoiding the problem does not eliminate it. In fact, avoidance most likely will make it worse. The manager is not the only one affected; other employees are as well. Not handling such dilemmas will become a mark against the supervisor's credibility as boss. If, in the end, the agency terminates this worker, the situation will become all the more difficult. In the process, managers, not wanting to face the inevitable confrontation, will lose their own self-respect.

Some managers may make the mistake of *overreacting* to the situation. This may entail acting in an abrupt, harsh, or explosive manner toward the individual, unloading frustration and disgust verbally or physically. Perhaps, this is the only way the supervisor knows how to react. It may be the only outlet for pent-up frustration over the problem employee. In fact, the manager may consider



such behavior justified. Some supervisors even may feel that these actions are effective, giving them a sense of control over the situation, as well as the individual.

However, overreacting does not work. In fact, it has a negative effect, not only on the employee but the supervisor as well. It quite possibly could result in unhealthy physiological effects for managers that react this way. In particular, the body prepares itself for a fight. If this occurs often enough, side effects appear in the form of ulcers, high blood pressure, or other physical ailments related to this kind of emotional outlet.<sup>10</sup> Also, workers, in the end, lose respect for supervisors who respond in this manner.

*Complaining* about the problem employee is a vicious cycle. Instead of “taking the bull by its horns,” supervisors may choose to discuss their frustrations with someone other than the individual. Everybody does this at one time or another. However, to fall into this cycle on a consistent basis serves no purpose other than to prolong addressing the real issue.

Also, the supervisor may superficially feel a sense of accomplishment by voicing all of these negative opinions. In reality, nothing is done and it is a waste of time.

*Lecturing* is yet another pitfall of managing problem

employees. However right the manager may feel, this tends to fall on deaf ears. The worker oftentimes will completely tune out whatever the supervisor is saying, no matter how noteworthy it may be; thus, this approach tends to have the opposite of the desired effect.

### Categories of Problem Employees

- Hostile aggressives
- Complainers
- Silent and unresponsives
- Super agreeables
- Negativists
- Know-it-all experts
- Indecisives

Managers should carefully consider the relationship they have with problem employees to attempt to determine the root of the dilemma. Perhaps, the supervisor treats the worker with contempt or disdain, and the employee has no respect or affection for the boss. Rather than accepting responsibility for the issue, both parties will tend to blame the other person. It is in this situation that a problem relationship exists.<sup>11</sup>

### Constructive Steps

So, how can law enforcement supervisors effectively

deal with problem employees? The manager first must formally analyze the worker’s performance. This evaluation is followed by a performance-improvement interview. Then, follow-up with the employee can ensure that the worker is making appropriate progress.

### *The Analysis*

In conducting the performance analysis, managers must be prepared to pinpoint the problem areas exactly. It is imperative that the supervisor document every incident of unsatisfactory performance for every employee. Managers need to remain fair in their documentation, including instances of both effective and detrimental behavior and stating facts, not opinions. All documentation should be consistent with oral comments and actions.<sup>12</sup>

Supervisors tend to make four common mistakes in conducting the analysis. One, managers may not recognize a need to analyze an employee’s performance; they may feel that it so obvious that a problem exists that there is no need to waste time doing an evaluation. This oversimplifies the problem, ignoring the importance of identifying the root causes.

Two, the supervisor may focus too much on the reasons behind the employee’s poor performance and too little on the problem itself. This kind of



speculation tends to draw the focus away from the worker's poor performance and, instead, leads the manager to make assumptions that may or may not explain the employee's behavior.

Three, the supervisor may generalize the employee's performance, instead of concentrating on specific areas that need improvement. If managers do not narrowly define the problem, they will find it difficult to convey to the individual the exact issues.

Four, supervisors may focus only on what the worker does wrong. Only discussing the negative aspects of the individual's performance can exacerbate the problem, alienating and discouraging the employee.

Legally, agencies should note that they must make the performance-improvement interview process as formalized, standardized, and objective as possible. They also must keep it as job related as possible, based on a formal job analysis for all employment positions, and ensure that the evaluations are uncontaminated and not deficient. They must see that employees are made aware of the performance standards to which they will be held accountable.<sup>13</sup>

With this in mind, the analysis should include three main areas. First, it should contain a formulation of some positive

goals describing ways in which employees can improve their performance. For example, instead of writing down that individuals never arrive on time for their shifts, supervisors should state that they need to be on time for roll call.

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Second, the analysis should identify the behavior changes that the employee should make for each goal. The particular process for this involves stating the original problem, then the specified goal to improve performance, and then an answer to “What observable behavior can demonstrate to the supervisor that the goal has been achieved?”<sup>14</sup>

Third, managers should relate several areas where the employee performs effectively, with specific examples. This will end the evaluation on a positive note.

### *The Interview*

After the manager completes the analysis, the next step is setting up an interview time with the employee. Supervisors should clearly explain to employees that the purpose of the meeting is to review their work performance. Managers should advise workers of the prepared documentation of their strong and weak areas. They also should encourage workers to prepare their own notes for the meeting.

The manager should conduct the interview in such a way that the employee knows what to expect. In the beginning, the supervisor should briefly describe the agenda. By doing so, the manager will set the structure and tone for the entire meeting, thus providing an opportunity for it to run smoothly.

Supervisors must listen to their employees. Their listening skills should be well polished for the interview if they expect to establish meaningful dialogue with the individual. Also, in this way, managers can minimize defensiveness.<sup>15</sup>

Supervisors should find out from their employees how they generally feel the job is going, along with any problems they may be experiencing. Managers also should ask how they can make the employee's job less frustrating and more satisfying;



here, the supervisor should be well versed in handling criticism. While such dialogue may make managers uneasy, feeling that they are “on the spot,” this demonstrates to the employee that the supervisor genuinely cares and truly is interested in making the job more fulfilling. It opens up the lines of communication and gives the manager more credibility.

The next step in the interview process is having employees give a self-analysis of their work performance. This includes those areas where they consider themselves effective, as opposed to inadequate. At this point, supervisors can determine if the individual is aware of the problem areas or, perhaps, has no idea.

After the employee’s analysis, supervisors present theirs. Managers should remain positive and rely on the prepared written evaluation. The more the supervisor and employee can agree on areas of effective performance and those needing improvement, the more the employee will be motivated to improve.<sup>16</sup> Managers also should listen to the worker’s feedback during this section of the interview; this is a necessary step toward resolution of the problem or problems.

The next step is negotiating a promise of action from the employee. Appropriate results include the following:

- The employee volunteers to take action that will clear up the problem.
- The supervisor suggests steps to the worker that will resolve the issue.
- The manager asks the individual to take action to solve the problem.
- The supervisor tells the employee to take appropriate steps and explains what the manager will do if the employee fails to act.
- The supervisor spells out the consequences, including termination, if the worker does not take action.

#### **Wrong Approaches for Managers**

- Avoiding
- Overreacting
- Complaining
- Lecturing

The appropriate approach, of course, is determined by the severity of the situation.<sup>17</sup> The main objective is that at the conclusion of the interview, the employee will fully understand what the expectations are, as well as the consequences of not meeting those demands.

#### *The Follow-up*

After a stated period of time, managers should conduct

a follow-up interview with the employee for performance reevaluation. This will enable supervisors to determine if workers have attempted to carry out appropriate actions as promised. More interviews should occur, if appropriate, to ensure that employees continue to make necessary progress.

If the worker fails to take action in the areas agreed upon, each particular department should follow an established sequence of events. Depending on the severity and type of the problem, the agency may deal with the employee in a variety of ways. Examples include oral or written reprimand; retraining; shadowing by another officer; a formal hearing in front of the police and fire board, which possibly can be followed by a suspension; or termination.

#### **CONCLUSION**

Identifying and managing problem employees can prove difficult. However, it is crucial that departments identify such individuals and handle them efficiently, objectively, and fairly. These workers can have a negative impact both inside and outside the department.

Supervisors may find situations involving problem employees intimidating. However, they can follow effective procedures to identify who these individuals are and to work with





them to improve their performance or, if this is not possible, to take more drastic measures. ♦

**Endnotes**

<sup>1</sup> Mardy Grothe and Peter Wylie, *Problem Employees: How to Improve Their Performance* (Dover, NH: Upstart Publishing Company, Inc., 1991), 5.  
<sup>2</sup> Supra note 1, 14. The author modified these questions to serve as examples for law enforcement agencies.

<sup>3</sup> Supra note 1, 8.  
<sup>4</sup> Supra note 1, 7.  
<sup>5</sup> Robert M. Bramson, *Coping With Difficult People* (New York, NY: Anchor Press, 1981), 5.  
<sup>6</sup> Michael S. Kravitz, *Managing Negative People* (Menlo Park, CA: Crisp Publications, Inc., 1995), 11.  
<sup>7</sup> Supra note 1, 19.  
<sup>8</sup> Cynthia Berryman-Fink, *The Manager's Desk Reference* (New York, NY: Amacom, 1989), 45.  
<sup>9</sup> Supra note 1, 22.

<sup>10</sup> Supra note 1, 25.  
<sup>11</sup> Supra note 1, 35-36.  
<sup>12</sup> Supra note 8, 224.  
<sup>13</sup> Supra note 8, 224.  
<sup>14</sup> Supra note 1, 53.  
<sup>15</sup> Deborah Bright, *The Official Criticism Manual* (New York, NY: Bright Enterprises, Inc., 1991), 18.  
<sup>16</sup> Supra note 1, 169.  
<sup>17</sup> Gareth Gardiner, *Tough-Minded Management of Problem Employees* (Springfield, IL: Smith Collins Company, 1989), 119.

## Unusual Weapons

### Belt Knives



This object looks like an ordinary belt buckle made of leather and metal. But, the buckle stores a knife that offenders can pull out, exposing a blade.



This item is a metal blade hidden inside a leather belt. Only the buckle handle can be seen. Law enforcement should be aware that offenders may use these weapons.



## 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 Beninger

While driving home after a long shift, Officer Peter Beninger of the Mountain View, California, Police Department came upon a vehicle that had crashed into a fence and hit a telephone pole. Officer Beninger noticed that electrical or cable wires were laying on the car. Further, neither door was operable as the vehicle landed on the driver's side and sustained major damage to the passenger's side. The injured female driver was trapped inside, and the car was beginning to catch on fire. In spite of the obvious dangers, Officer Beninger immediately removed the sunroof by kicking it several times and prying it off; then, he pulled the driver to safety. Shortly thereafter, the vehicle burst into flames. The courageous actions of Officer Beninger saved this woman's life.



Officer Winn



Officer Blum



Officer Leake

Officers Jeffrey Winn, Rudy Blum, and Michael Leake of the Lincoln City, Oregon, Police Department responded to a single-vehicle crash on a local bridge. Upon arrival, the officers found the male driver unresponsive with no pulse or respiration. Officers Blum and Leake immediately began resuscitating the individual and Officer Winn monitored his pulse. When medical personnel arrived, the man was breathing on his own and had a viable heartbeat. He then was transported to a local hospital. The actions of these three officers saved this individual's life.

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 201, Quantico, VA 22135.

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