



December 1999
Volume 68
Number 12

United States
Department of Justice
Federal Bureau of
Investigation
Washington, DC
20535-0001

Louis J. Freeh
Director

Contributors' opinions and statements should not be considered an endorsement by the FBI for any policy, program, or service.

The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget.

The *FBI Law Enforcement Bulletin* (ISSN-0014-5688) is published monthly by the Federal Bureau of Investigation, 935 Pennsylvania Avenue, N.W., Washington, D.C. 20535-0001. Periodical postage paid at Washington, D.C., and additional mailing offices. Postmaster: Send address changes to Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Madison Building, Room 209, Quantico, VA 22135.

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FBI Law Enforcement

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Building International Cases

Tools for Successful Investigations

By STEPHEN P. CUTLER

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Almost daily, news stories feature fugitives who avoid arrest by moving from country to country, narcotics organizations that launder their ill-gotten gains in spite of a network of national laws, as well as parents who move children from one country to another in violation of custody orders. Criminals seem to cross international borders more rapidly and frequently than ever before, and the police seem to be at a disadvantage.

Law enforcement officials must conduct quality investigations in

their own jurisdictions, and they must be prepared to work in almost any other jurisdiction of the world, as well. By developing a better understanding of international investigative techniques and becoming more aware of the myriad problems that could occur with investigations abroad, officers may find more of their investigations proceeding to successful conclusions.

Language problems top the list of the many obstacles to U.S. investigations abroad, with organizational differences among law enforcement agencies coming a close

second. Treaties dating from as far back as the 1800s, with varying requirements for each country, also may apply. Inherent limitations in U.S. laws and international laws that differ among countries also create difficulties. For example, some countries allow foreign police officials to enter their nations to interview voluntary witnesses and obtain documents from cooperative individuals or firms. Other countries, however, regard it as a violation of their sovereignty, or even consider it a crime, if foreign police conduct investigations in search of



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evidence, even if only done by telephone.

How can law enforcement officers negotiate these foreign obstacles? Whether they use informal, police-to-police assistance or more formal procedures, law enforcement officers must become familiar with the methods available to gather evidence abroad and bring international criminals to justice.

Police-to-Police Assistance

Police-to-police assistance covers any investigative work that officers legally can perform in their own countries, without a court order, on behalf of foreign police. Just as police from one jurisdiction may help those in another throughout the United States, police in other countries may provide assistance, depending on their countries' laws. Thus, in some countries, law enforcement organizations can interview voluntary witnesses and conduct other routine investigation with little difficulty. In some instances, particularly if fugitives

already have been convicted, foreign law enforcement agencies may be able to expel fugitives, or stop them from entering the country altogether and send them back to the country from which they departed.

The police-to-police assistance available from other countries may depend on the type of criminal case involved. Most countries require “dual criminality,” where their police can assist police of another country only if the conduct in question constitutes a crime in both countries. For instance, a dual-criminality country whose law has not yet made laundering of proceeds from extortion, fraud, or other offenses illegal cannot help U.S. law enforcement investigate these types of crime. Generally, if police in another country cannot assist with certain types of crime, they make it known at the onset of the investigation.

For a police-to-police assistance request, state and local law enforcement simply can forward a request through the International

Criminal Police Organization, more commonly known as INTERPOL. Federal agents can use INTERPOL or send a request through their agency's representative in the U.S. embassy. The attachés from the FBI, DEA, and U.S. Customs Service, as well as agents from the U.S. Secret Service and the U.S. Department of State, posted at various U.S. embassies abroad, can help both national and international officers obtain international police-to-police assistance. These agencies overcome the language barriers and can best determine the most appropriate authority to provide the assistance needed. However, if the foreign country's police can help with an investigation but not on a police-to-police basis, agencies can use more formal procedures—specifically, mutual assistance, multilateral treaties, letters rogatory, executive agreements, and extradition.

Mutual Assistance

In the United States, mutual assistance refers to the act of obtaining evidence through another country's compulsory process (e.g., via subpoena, search warrant, or court order). To succeed, mutual assistance requests to other countries need the local prosecutor's active involvement. The U.S. Department of Justice, Criminal Division, Office of International Affairs (OIA) also must participate. Trial attorneys from the OIA handle all U.S. requests for foreign evidence requiring compulsory process in the requested country. This office also coordinates the collection of evidence in the United States for other

countries. Finally, OIA's personnel can advise prosecutors and investigators from the United States on how best to succeed with their evidence requests to foreign countries.

The types of mutual assistance available from various countries depend on each country's laws and on whether the United States has a bilateral mutual legal assistance treaty (MLAT) or other treaty relationship with a specific country. The United States currently has 19 MLATs, with an additional 25 negotiated and awaiting ratification.

An MLAT clearly defines the obligations of the parties, to include the offenses covered, which authority within each country can make an MLAT request, how an agency must transmit the request, and the scope of the assistance that the parties will provide one another. An MLAT may obligate one treaty participant to use the requesting country's legal procedures in executing a request. For example, an MLAT can provide that the requested country will authenticate documents (i.e., certify them) using the requesting country's procedures. This can facilitate the admissibility of relevant foreign documents, for instance, Swiss bank records in a U.S. trial. Terms of the MLATs often help agencies obtain information from foreign banks that may have more restrictive mechanisms on account information. Additionally, an MLAT may provide assurances of confidentiality, admissibility of evidence, and opportunities for both sides to confront the witnesses for depositions. An MLAT may provide for the transfer of witnesses who are in custody,

approve the presence of defense lawyers at trial testimony depositions, address the confidentiality of certain requests, and specify how the parties should pay for any extraordinary costs associated with an MLAT request.

The MLAT request explains the facts of the case as they are known to U.S. authorities and seeks only evidence clearly relevant to those facts. The request also identifies the subjects or defendants; lists names and complete contact/identification information for witnesses, banks, or companies in the foreign country; and specifies the particular procedures the country should follow while executing the request. In general, the more specific the request, the more detailed the response.

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The OIA signs the MLAT request and transmits it with a translation, if necessary, directly to the central authority of the requested country, usually in the Ministry of Justice. The requested country sends the evidence to the OIA, which forwards it to the prosecutor. Upon receipt, agencies making the request should immediately compare the evidence with their request

to verify that it is complete and to determine if they need to submit a follow-up request. Because OIA does not assist with translations, the requester bears the responsibility to have evidence in a foreign language translated.

Multilateral Treaties

Where an MLAT involves two countries, a multilateral treaty or convention binds the several countries that ratify it. The procedures and contents of a multilateral treaty request are similar to an MLAT request. The officer and the prosecutor work through the OIA, and the requested country is obligated to assist if the request complies with the treaty.

In drug cases, a multilateral treaty commonly called the Vienna Convention may apply. More than 130 countries, including the United States, have ratified this treaty. The Vienna Convention covers not only drug offenses but associated money laundering and asset forfeiture cases, as well. However, a country's assistance will depend on their laws in these areas.

The Hague Convention on the Civil Aspect of International Child Abduction may prove useful to investigators in parental kidnapping cases. It provides the means for returning a child to the custodial parent if the child has been wrongfully removed from the United States and taken to, or retained in, another country that also has signed this convention. The OIA and the State Department's Office of Citizens Consular Services represent the best sources of guidance in using the provisions of this convention.

Letters Rogatory

If police need evidence from a country that has not yet established an MLAT with the United States or for an offense that the appropriate MLAT or convention does not cover, they must fall back on an ancient international procedure called a letter rogatory. This “letter” from a court requests that a court in another country use its compulsory process to obtain evidence needed for a criminal or civil matter. Although the requested country has no obligation to assist, it usually does so as a matter of comity (i.e., an international favor). Some countries will only execute foreign letters rogatory if the requesting country can reciprocate. Typically, the letter rogatory is executed using the requested country’s procedure for gathering evidence. For instance, when obtaining documents for the United States, authorities from a foreign country may seize them from a bank as they would for use in their own criminal investigations. U.S. authorities generally would use a subpoena.

U.S. prosecutors work with OIA to draft the letter rogatory in accordance with the requested country’s requirements. Because a letter rogatory is a request by a court, the prosecutor must present it to a U.S. judge or magistrate for signature with a motion, a memorandum in support, and a proposed order. If the letter must be translated, the prosecutor’s office must incur this expense.

OIA transmits the letter rogatory through the State Department and the appropriate U.S. embassy for delivery to the requested

country’s Ministry of Foreign Affairs. This office then relays the letter to its Ministry of Justice, which forwards it to the prosecutor and police, who execute it. Evidence obtained in the execution of a letter rogatory returns to the United States through the same channels. In most countries, letters rogatory can take 6 months or longer to produce requested evidence, making them less efficient and generally slower than MLAT requests.

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Executive Agreements

In some cases, the police can use executive agreements to obtain evidence from specific countries. For example, the United States has an executive agreement with Colombia that defines terms when evidence will be shared. Other agreements address tax, customs, and asset-sharing issues. The procedures and contents of requests under executive agreements are similar to MLAT requests but remain more limited in scope.

Because of the time involved in requesting evidence under any of

these agreements, officers should request foreign evidence as soon as possible. Congress addressed this time-management issue in the Comprehensive Crime Control Act of 1984 and created Title 18, U.S. Code, Section 3292. This law allows a court to extend the statute of limitations for up to 3 years to secure evidence from a foreign country. This only applies if the United States has made an official request to that country, and the country reasonably appears to have evidence of an offense. After indictment, however, Title 18, U.S. Code, Section 3161(h)(9) allows a court to exclude only up to 1 year of time to obtain foreign evidence under the Speedy Trial Act.

Extradition

Today, it seems that wanted persons travel from country to country with virtually the same ease that criminals travel from state to state. This poses unique challenges to law enforcement officers trying to bring criminals to justice. While such organizations as INTERPOL can disseminate wanted-person information quickly, the actual legal process of arresting and returning fugitives can become lengthy and complex.

The term “provisional arrest” applies to the mechanism for immediate arrest pending submission of a formal extradition request and supporting documents. This is reserved for urgent cases and imposes time limits as well as the possibility of release on bail for the subject.

Extradition, on the other hand, is the return of fugitives to the jurisdiction in which they are wanted.

This is a formal process governed by treaty and normally involves the U.S. Department of State and OIA. Treaty provisions may vary from country to country, and not all domestic law violations are subject to extradition. For example, some treaties became effective in the late 1800s and do not address such offenses as wire fraud, mail fraud, or parental kidnapping. Agencies should coordinate with OIA to determine the applicability of treaties in a given case.

Formal extradition requests differ from provisional arrest requests in a manner similar to the difference between domestic criminal trial cases that require proof beyond a reasonable doubt and arrest warrants that require probable cause. The agency must present the extradition request in writing and needs certified copies of arrest warrants, charging documents, and judgments and convictions. It also must produce an affidavit from the prosecutor concerning the statutes involved, identification information, and evidence in support of the extradition request. OIA assists in the preparation of documents and their transmission through diplomatic channels.

The requesting jurisdiction pays for translations and travel related to the return of the fugitive and other related matters. The State Department translates the extradition request and currently charges \$204 per 1,000 words. State and local jurisdictions also must pay for round-trip travel and per diem for two U.S. marshals to escort the fugitive back to the United States and the fugitive's one-way airfare and

meals, as well. In a few countries, the United States also must retain a lawyer to present the extradition request.

In most cases, extradition imposes a "rule of specialty" on the government. This means that subjects may be tried only for the crimes for which they were extradited. In addition, countries may not extradite fugitives for crimes for which they already have been prosecuted in another country. Speedy trial problems may arise and must be addressed properly in the domestic courts.



Investigators should think of alternatives to extradition, such as deportation or exclusion from the other nation under immigration laws. OIA can assist in exploring this alternative, which it often coordinates with the liaison at the country's embassy in the United States. Forcible return, known as extraordinary rendition, also may be an option but poses special considerations. Some potential adverse consequences exist, such as civil

and criminal liability imposed by the country from which the fugitive is removed, that may actually result in prosecution of U.S. law enforcement officers. The U.S. Department of Justice prohibits forcible returns without prior approval by senior U.S. government officials.

As an alternative to extradition, the United States may be able to transfer prosecution to the countries in which the defendants reside. Because of the expense and logistical difficulties, however, agencies may want to use this option only as a last resort.

Conclusion

Investigations beyond the borders of the United States are well within the capabilities of most law enforcement agencies. In order to develop more thorough cases, officers and prosecutors must pursue cases and criminals wherever leads take the investigation. International borders should not obstruct justice. Officers should become familiar with the mechanisms that exist to obtain evidence and apprehend fugitives abroad.

The ability to deal effectively with other nations grows in importance daily. Using the tools currently available, U.S. law enforcement officers have the ability to reach around the world to enforce the law. ♦

The author thanks Sarah McKee, OIA trial attorney, for her invaluable assistance in preparing this article.

Bulletin Reports

Guide to the BJS Web Site

In addition to publishing traditional paper publications, the Bureau of Justice Statistics publishes a variety of materials electronically, including statistical graphics and spreadsheets, on its Internet site at <http://www.ojp.usdoj.gov/bjs/>. The BJS Web site has a wealth of information, including crime data abstracts, homicide trends, drugs and crime facts, and juvenile violence information. The web site presents information topically, chronologically, and alphabetically. The site presents BJS publications by topic or subtopic, arranged with the most recent publication first, or listed alphabetically on the publications page. The site also includes information about data collections and links to related sites.

Periodically, BJS will publish *Guide to the BJS Website* to notify agencies of updates and additions to its electronic collection. For the most up-to-date information about additions to the BJS Web site, check *What's New* at <http://www.ojp.usdoj.gov/bjs/whatsnw2.htm> or subscribe to *JUSTINFO*, the electronic newsletter sent out every 2 weeks by the National Criminal Justice Reference Service (NCJRS) at <http://www.ncjrs.org/justinfo/index.html>. Agencies without Internet access may contact NCJRS at 800-732-3277.

Center for Task Force Training

Created in 1991, the Center for Task Force Training (CentTF) provides specialized training to law enforcement personnel serving on drug task forces. The Bureau of Justice Assistance (BJA), Office of Justice Programs, U.S. Department of Justice, administers the program and provides funds either through grants or state or local funds.

The CentTF strives to increase the operational effectiveness of task forces in two areas: task force command and methamphetamine investigation management. The narcotics task force workshop provides management-level training in the operation of a multijurisdictional task force to narcotics task force commanders, supervisors, and senior investigators. The methamphetamine investigation management workshop addresses the operational aspects of managing methamphetamine investigations, as well as other problems specific to these types of investigations.

The Institute for Intergovernmental Research, a nonprofit organization specializing in law enforcement research and education, coordinates CentTF training workshops. Representatives from state, county, or local law enforcement agencies; the applicable Regional Information Sharing Systems Intelligence Center; and the area's U.S. attorney's office cohost the training, and experienced, command-level instructors teach each workshop. The lessons learned from the BJA-funded Organized Crime Narcotics Trafficking Enforcement Program provide the basis for the training.

Participants pay no registration or tuition fee and may qualify for Peace Officer Standards and Training credit for attendance. Participants can register for the workshops by mail, fax, or telephone.

To obtain updated training schedules, preregistration forms, or additional information about these workshops, contact the Institute for Intergovernmental Research, P.O. Box 12729, Tallahassee, FL 32317; telephone: 800-446-0912, ext. 267 or 334; fax: 850-385-4563; Internet site: <http://www.iir.com/centf/centf.htm>.

Weed and Seed Evaluation

Since 1991, Operation Weed and Seed has attempted to control violent crime, drug trafficking, and drug-related crime and to provide a safe environment for residents to live, work, and raise their families. Starting with three initial grant sites in Kansas City, Missouri; Trenton, New Jersey; and Omaha, Nebraska, Weed and Seed has grown to include 200 sites nationwide. The program strategically links concentrated and enhanced law enforcement efforts to identify, arrest, and prosecute violent offenders, drug traffickers, and other criminals operating in the target areas and community policing (weeding) with human services—including after-school, weekend, and summer youth activities; adult literacy classes; and parental counseling—and neighborhood revitalization efforts to prevent and deter further crime (seeding).

Recently, the National Institute of Justice (NIJ) conducted a national evaluation of the program by selecting eight sites (Hartford, Connecticut; Manatee and Sarasota Counties, Florida; Shreveport, Louisiana; Las Vegas, Nevada; Akron, Ohio; Pittsburgh, Pennsylvania; Salt Lake City, Utah; and Seattle, Washington) that represented different aspects of Weed and Seed. While each site had its own distinctive crime problems, they all shared high rates of violent crime related to drug trafficking and drug use, and most had serious gang-related crime problems. The evaluation revealed some key findings.

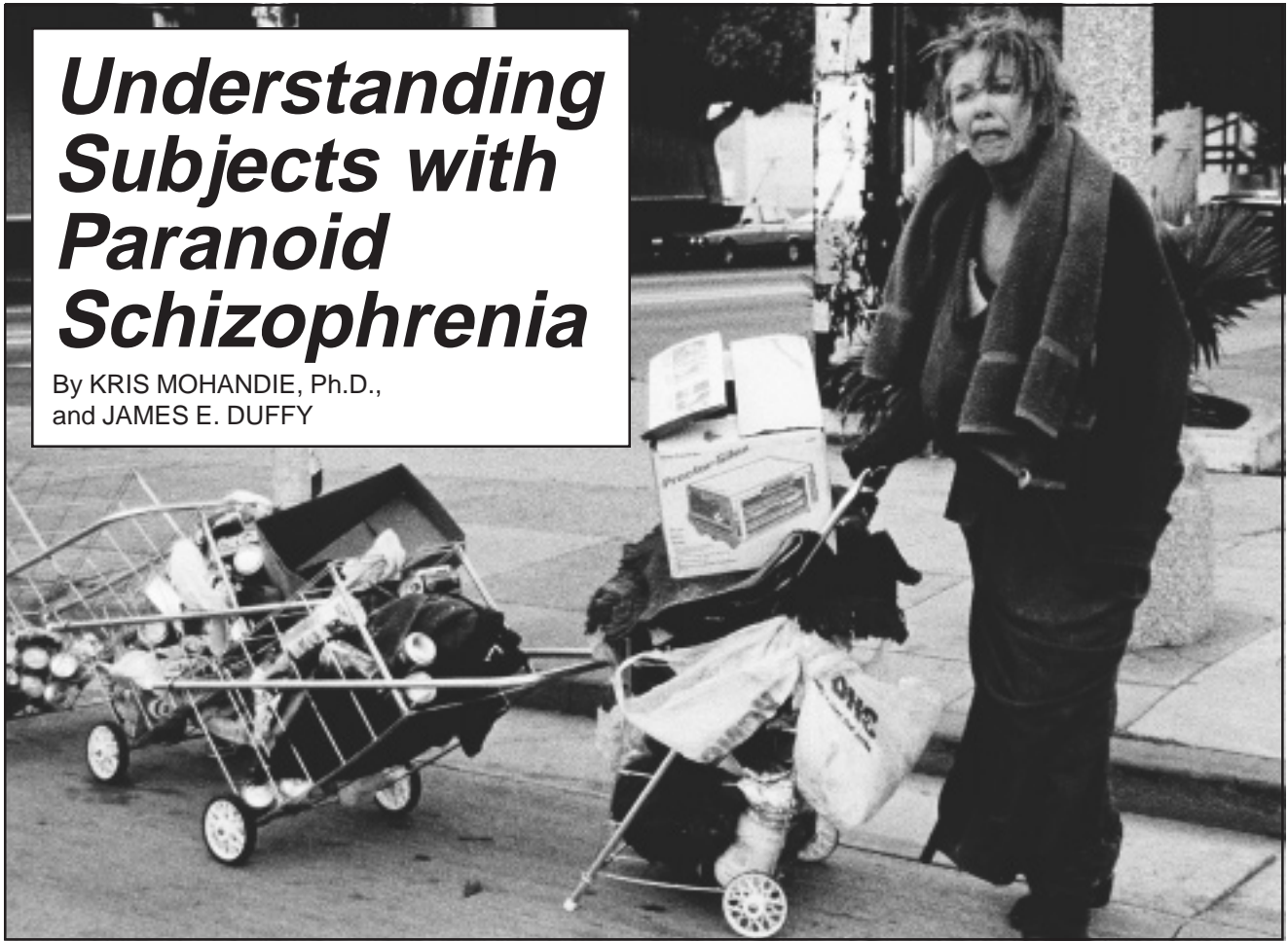
- Preexisting community features—such as the strength of the social and institutional infrastructure (an established network of community-based organizations and community leaders), the severity of crime problems, geographical advantages favoring economic development, and transiency of the community population—may make the program easier or more difficult to operate effectively.
- The mix of weeding and seeding activities and the sequencing of these components—including early seeding, sustained weeding, high-level task forces combined with community policing, and an active prosecutorial role—represent important factors in gaining community support for the program.
- Greater success occurred when sites concentrated their program resources on smaller population groups, especially if they also could channel other public funds and leverage private funds.
- Active and constructive leadership of key individuals represented a less tangible ingredient in the more successful programs.
- Implementation strategies that relied on bottom-up, participatory decision-making approaches, especially when combined with efforts to build capacity and partnership among local organizations, proved the most effective.

For a copy of the *National Evaluation of Weed and Seed* (NCJ 175685) by Terence Dunworth and Gregory Mills, contact the National Criminal Justice Reference Service at 800-851-3420 or access the NIJ Web site at <http://www.ojp.usdoj.gov/nij>.

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

Understanding Subjects with Paranoid Schizophrenia

By KRIS MOHANDIE, Ph.D.,
and JAMES E. DUFFY



Throughout their careers, law enforcement officers may encounter individuals who have paranoid schizophrenia. Some of these individuals may not have a home and may actually live on the street. They may dress in layers of shabby clothing and have poor personal hygiene; but contrary to this outward appearance, many of these people are harmless. Fortunately, doctors can prescribe medication to treat most phases of schizophrenia. However, individuals with schizophrenia may refuse or ignore their prescribed medications because

they dislike the side effects or cannot afford the medication. Some individuals may deny their illness altogether. At this point, they become at risk for committing violent acts, which may bring them into contact with law enforcement.

Law enforcement first responders and negotiators must understand individuals diagnosed with paranoid schizophrenia by learning the characteristics they may exhibit. This understanding will help officers respond to these individuals and peacefully resolve conflicts with them.

SYMPTOMS

A variety of symptoms characterize a person living with paranoid schizophrenia. Generally, these symptoms are present in individuals who remain untreated or unresponsive to their medication. All of the symptoms of paranoid schizophrenia cause major social or occupational dysfunction, and experts cannot explain the symptoms by some other disorder, such as drug abuse or a medical condition. Individuals with schizophrenia will have two or more of the following characteristic symptoms, each of which exists for

a significant portion of time during a 1-month period (or less if successfully treated):¹

- delusions;
- hallucinations;
- disorganized speech;
- grossly disorganized or catatonic behavior; and
- negative symptoms (no emotion).

A delusion is an erroneous or false belief that usually involves a misinterpretation of perceptions or experiences. The delusion may be somatic (“My body is rotting on the inside”), persecutory (“They are trying to poison me”), religious (“I am on a mission for God”), referential (“That actor on TV was sending me a special message”), or grandiose (“I am God”). Most frequently, however, the themes are persecutory, hence the descriptive label “paranoid.” Delusions may range from the bizarre (“I was kidnapped and am now being stalked by aliens”) to the merely paranoid (“People at work are conspiring against me”).

Hallucinations can be associated with any one of the five senses, but subjects most frequently experience auditory hallucinations. That is, they hear voices, distinct from their own thoughts, that are usually critical, demeaning, or threatening.

Several subtypes of schizophrenia exist. The paranoid type is characterized primarily by delusions or auditory hallucinations in the context of otherwise-normal cognitive and emotional functioning. Compared to other forms of schizophrenia, paranoid schizophrenic thoughts are coherent, and



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delusions generally revolve around an organized theme. Anxiety, anger, aloofness, and argumentativeness are common symptoms associated with this illness. Furthermore, individuals often will have a superior or patronizing manner. The persecutory themes may predispose individuals to suicidal behavior, and the combination of persecutory and grandiose delusions with anger may predispose individuals to violence.² The fact that many who have paranoid schizophrenia have coherent thinking that accompanies consistent delusions makes them potentially lethal. Although they misperceive events, their behavior is generally organized, making them capable of significant, premeditated, goal-directed behavior.³

PREVALENCE, CAUSES, AND TREATMENT

At least 1 to 2 people out of 100 will be diagnosed with schizophrenia at some point in their lives.⁴ An estimated 2.5 million Americans

live with schizophrenia, and about one-third of them have paranoid schizophrenia.⁵ Prevalence rates are similar throughout the world, and typically, the onset occurs in the late teens to mid-30s, with men more likely to have an earlier onset. Delusions and hallucinations will have content consistent with cultural beliefs and practices of people from other cultures. For example, a Russian immigrant with a mental illness may have concerns about the KGB.

Evidence exists for a strong genetic or biological component to the disorder because first-degree biological relatives of individuals with schizophrenia have a 10 times greater risk of developing the disorder than the general population. At the same time, twin and adoption research studies have shown that environmental factors also can play a role in the development of the disorder.⁶ In any event, evidence shows that the disorder is a biologically based illness, and many of the

available treatments are antipsychotic medications. These medications can cause such side effects as involuntary movements of the tongue, jaw, trunk, and extremities, which require additional prescriptions to control. In addition to taking this medication, people with these disorders may need outpatient therapy or inpatient hospitalization, placement in group homes or board-and-care facilities, or require institutionalization.

In fact, prior to the 1960s, doctors often institutionalized patients with schizophrenia. However, this pattern began to reverse in the 1970s due to the advent of antipsychotic medication, changing attitudes of individuals toward people with mental illness, revelations about poor conditions at hospitals, and concerns about costs. This pattern accelerated in the 1980s and continues today.⁷ While many people with schizophrenia can live more normal lives in the 1990s, a lack of funding for community-based care has led a number of these individuals to deteriorate and lapse into behavior that law enforcement now must address. Experts estimate that more than one-half of all people with schizophrenia receive inadequate therapy, while fewer than 30 percent get appropriate medication. Some mental health experts believe that the burden of responsibility and risk is shifting to law enforcement.⁸

VIOLENCE RICK AMONG PEOPLE WITH SCHIZOPHRENIA

At one time, despite public perception of a connection between mental disorders and violence, social science researchers

firmly believed that none existed.⁹ However, recent research demonstrates that the prevalence of self-reported violence among those with schizophrenia remains 5 times higher than those with no disorder and that schizophrenia remains 3 times higher in jail and prison samples than in general population samples.¹⁰ In particular, those who actively experience psychotic symptoms, such as delusions and hallucinations, are involved with violent behavior at rates several times higher than members of the general population with no disorders.¹¹

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If present, several factors or activities may elevate the risk of violence. The most common of these is alcohol abuse and illicit drug use. Weapons possession represents another common element because when individuals with paranoid schizophrenia believe they are not safe, they are more likely to acquire weapons to increase their sense of power and safety. These factors, combined with these individuals' near-absolute distrust of everyone and their delusions and hallucinations, can turn them into potentially

violent, unpredictable, and dangerous adversaries for law enforcement. When individuals possess all of these elements, law enforcement faces the problem of trying to control a person who feels directed to complete a “task” and, at the same time, due to paranoia, has become totally distrustful of any police involvement.

Those subjects who believe that other people intend to harm them may make a “preemptive strike” to keep themselves safe, while others may have “command hallucinations” (i.e., they hear voices) that tell them to harm others. Further, certain delusional beliefs may compel individuals to commit illegal acts that can escalate into confrontations with law enforcement. These subjects' actions challenge law enforcement's resourcefulness to prevent acts of possible violence or long, drawn-out confrontations.

Case Examples

Recently, several violent incidents have occurred involving law enforcement and individuals diagnosed with paranoid schizophrenia. In Washington, DC, on July 24, 1998, a man killed two U.S. Capitol police officers. The suspect reportedly believed that he had been cloned at birth, that he had invented a machine to reverse time, that the CIA had been spying on him through satellite dishes, and that President Clinton had planned the Kennedy assassination out of jealousy over Marilyn Monroe.¹² The subject had numerous prior contacts with local law enforcement and the U.S. Secret Service prior to the killings and had been committed previously for mental health reasons.

The now-infamous Unabomber allegedly committed 16 bombings between May 25, 1978, and April 24, 1995. His 17-year serial bombing spree left 3 people dead and 28 others injured. He believed that the power of society to control the individual was expanding rapidly and that this progress, if not stopped, inevitably would lead to the extinction of individual liberty.¹³ He also asserted that he was entitled to embark upon a bombing campaign in service of his antitechnology beliefs.

In the fall of 1997, a middle-aged woman in Roby, Illinois, barricaded herself in her residence for over 5 weeks while law enforcement officers attempted to serve a mental-health-commitment order. During this period of time, she fired at officers and shot a police dog. She believed that her food was being poisoned, that FBI personnel were trying to rape her, and that her family members were imposters trying to steal her money and harm her. After 39 days, the police took her into custody while she was trying to disable a covert surveillance camera. After 47 days in mental health custody, doctors released her, and she returned to her rural residence.¹⁴

Delusions, hallucinations, and general paranoia contributed in influencing the violent behavior of these individuals. When confronted with a person who exhibits unusual or potentially dangerous behavior, law enforcement officers should not focus on criminal responsibility, but rather on how they should respond to the person to deescalate the situation and maintain safety.

CRISIS MANAGEMENT STRATEGIES

Incident Prevention/ Early Intervention

Ideally, management and intervention of potentially violent citizens with paranoid schizophrenia, as well as other disorders, begin with early recognition of an evolving problem. Prior to committing acts of violence, many subjects write letters, make telephone calls, and use other methods to communicate with those in the community and law enforcement. They often express concerns about hearing voices or being followed or have various other delusional beliefs. In addition, other individuals—for example, family members and private security employees—may bring the person to the attention of law enforcement because of these behaviors.¹⁵ At this point, officers can assess individuals for risk and divert them to systems that can keep them from moving from thinking to

acting. Unfortunately, all too often, when individuals call or send obscure complaint mail, law enforcement may merely view them as a nuisance, thus missing opportunities for assessment and early intervention prior to the development of a major problem.

Police officers can use numerous techniques and resources to assess threatening and desperate communications and behaviors. For example, law enforcement and mental health professionals can respond as teams to evaluate and intervene with citizens who have deteriorating conditions. Also, officers may conduct proactive interviewing of “problem” citizens in order to monitor signs of deterioration or escalation. Law enforcement also should increase its attention to mental health needs and intervention during sentencing phases of criminal trials involving individuals with schizophrenia, particularly if the individual will be released someday. Although police

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administrators should determine the best approach for their departments and communities, proactive evaluation of these situations by law enforcement should include considering—

- 1) whether such individuals are organized and coherent versus disorganized and unable to engage in goal-directed behaviors;
- 2) whether such individuals stay fixed on one or several major themes or explanations for their concerns that involve blame for significant problems in their lives versus not having “figured it out” yet;
- 3) whether such individuals focus on a specific person or several persons versus not having determined who or what is behind it all;
- 4) whether such individuals have an action imperative where they believe that they have exhausted the legitimate avenues of addressing their issues and now believe that they have to take matters into their own hands; and
- 5) whether a time imperative exists, and such individuals communicate a sense of urgency or desperation about the need for such actions.¹⁶

Individuals who demonstrate these factors elevate law enforcement’s degree of concern and need to intervene. These factors remain particularly important if the subject has a history of violence, delusions and hallucinations, active substance abuse, weapons access, situational

stressors, and a lack of positive influence or social support. Many of these individuals communicate with law enforcement for years at a relatively innocuous level, when suddenly—usually due to medication issues, situational stressors, or other factors—the level begins to escalate.

Still, a distinct difference exists between *posing* a threat and *making* a threat. Researchers have noted that some who make threats do not pose threats, and some who pose threats do not make threats.¹⁷ Nonetheless, law enforcement agencies

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Police officers can use numerous techniques and resources to assess threatening and desperate communications and behaviors.
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should have a mechanism in place for monitoring these individuals prior to an incident. For example, the Los Angeles Police Department has a Threat Management Unit and Mental Evaluation Unit that perform these functions; the FBI has the Critical Incident Response Group; and the U.S. Secret Service uses its Intelligence Division for such monitoring. Smaller agencies also can apply and adapt the models used by these larger organizations to serve this monitoring and early-intervention function.

Intelligence Gathering

Intelligence gathering begins with the initial 911 call or request/inquiry from the reporting party. The citizen who files a report because of concerns about a subject often will include information about possible paranoid schizophrenia. The person taking the initial report should gather as much information as possible, particularly about mental health problems, and immediately report it to the responding officers. Additionally, dispatchers should provide officers with the information they need to avoid fulfilling any delusions or hallucinations. Also, police should seek all available information from the individual’s mental health professional, who may furnish treatment history, medication compliance, and past propensity for violence.

Frequently, escalating events (e.g., telephone calls) may have preceded the current law enforcement contact. Officers should try to understand this history as fully as possible and access as much relevant data as possible, particularly about past communications. Police should use a mental health consultant, if available, to assist in the data-gathering and interpretation process. In hostage incidents, search warrants to the subject’s residence or other frequented locations may yield materials (e.g., diaries or letters) that can help others understand the current situation.

Verbal and Nonverbal Strategies

First responders or negotiators can use a variety of verbal and non-verbal strategies when engaging

Negotiation/First Responder Guidelines

1. From the beginning to the end of the contact, strive to show respect and dignity through verbal comments and physical actions.
2. Make a noticeable attempt to understand the context of the subject's comments.
3. Avoid arguing about the subject's delusions while attempting to develop reality-based issues.
4. Use active listening skills such as paraphrasing, emotion labeling, and "I" messages.
5. Use suggestibility statements and empathy to attempt a behavioral change.
6. Allow the subject to vent frustrations.
7. Do not crowd or violate the subject's personal body space, which may encompass an area as large as a residence or dwelling.
8. If rapport appears to be developing, use terms "us" and "we" instead of "you" and "me."
9. Fulfill promises made to the subject.

subjects with paranoid schizophrenia. First, and most important, officers should show respect and interest in subjects and their concerns. The initial verbal contact that officers make during a crisis or hostage situation may set the tone for the remainder of the contact, prove instrumental in determining the outcome of the situation, and dictate the tenor of all future encounters.

Officers should contemplate how the subject may perceive their comments. Nonconfrontational statements such as "Hello, how are you? I am Officer Smith" are neither alarming nor threatening. These types of comments, spoken in a calm and even tone, project a sense of respect and dignity. In crisis situations, officers' initial comments will provide the cornerstone for the success of the entire operation and establish the foundation for all future contacts.

Next, officers should take an unemotional, logical, and factual approach, seeking to understand the important issues that subjects are trying to communicate. No matter how bizarre the delusions or

hallucinations may seem, officers must maintain their professional demeanor and not ridicule or criticize subjects in any manner. Subjects believe their issues are serious, and given their paranoia, they may not perceive laughter very kindly but rather as demeaning. Officers can give a response that shows interest and concern by law enforcement, at the same time projecting non-aggressive, nonconfrontational communication. For example, officers can say, "I understand what you are saying, but I do not hear those voices. Can you tell me more about them?" Individuals with paranoid schizophrenia trust very few people, if any. They do not understand why others cannot see, hear, or feel what they do.

Friends and family may have told the person that the delusions and hallucinations they sense do not exist and may have even ridiculed them. Therefore, officers can establish a rapport with subjects by showing a willingness to understand and help. Officers should not tell individuals that the "mission" they are on or the "messages" they

receive do not exist because the individual truly hears and believes these delusions and hallucinations. By paying attention to these concerns, first responders and negotiators work to establish credibility with the subject, showing that they are different from others whom the subject previously perceived as threatening or humiliating.

In addition, negotiators have found that using third-party intermediaries to negotiate with suspects may have a positive impact upon many incidents.¹⁸ However, due to past negative interactions with the subject and the possibility that the family member or previous mental health provider may contribute to any existing delusions, it remains critical that officers assess the subject's perceptions of any third parties before allowing them to become involved in the process.

Experts disagree on the usefulness of talking with subjects about the content of their delusions, but officers must remember never to argue with them. Some experts believe that law enforcement officers should understand subjects'

delusions to avoid actions that may fulfill these delusional beliefs; some believe that officers should immediately move to reality-based issues. In either case, sometimes subjects will need to talk about their delusions, and first responders and negotiators should listen to their explanations of the world and respond sincerely. In doing so, officers should not say that they see or believe the things that subjects do, but they can say that they believe the feelings and sensations. For example, an honest, yet productive, response from law enforcement might be “I believe you are scared and not sure whom to trust. I can tell you that I haven’t seen them, but it is clear that you believe you have. That’s important to me.” A response toward more reality-based issues might be, “If you kill yourself for the cause, I’m concerned about who will look after your children.”

Experienced negotiators have learned that they may become targets of verbal abuse when dealing with subjects with paranoid schizophrenia. In fact, these subjects often express a fair amount of rejection, anger, and fear to first responders or negotiators. First-responding officers should allow this ventilation, paraphrase the subject’s concerns and feelings, and reassure the subject that they (the officers) are different from others. Officers may precede such reassurance by suggestibility statements that confirm the officer’s sincerity, such as “You have had every reason to not believe what I am going to tell you now....” or “It makes sense that you would feel that way; maybe later you might decide that I am worthy of some of your trust.”

Direct attempts by officers to force trust upon individuals with paranoid schizophrenia will only reconfirm the subjects’ worst suspicions about officers—that they cannot be trusted or intend to harm or humiliate them. Experienced negotiators have learned that allowing subjects to vent frustrations at law enforcement reduces their anger, fear, and energy. A positive aspect of this type of ventilation comes from the subject’s concentration on law enforcement, which redirects anger from any hostages, provides a verbal alternative to more violence,

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First responders or negotiators can use a variety of verbal and nonverbal strategies when engaging subjects with paranoid schizophrenia.

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and may distract the subject from devoting additional time and energy to fortify any stronghold or dwelling. All of the subjects’ comments can provide valuable information for negotiators to keep the subjects talking rather than hurting others. Additionally, such delay tactics give the crisis management team crucial time to develop strategy, obtain evidence, and plan and rehearse tactical options.

However, if ventilation appears to escalate the subjects’ anger or

fear, officers can distract subjects to focus their attention on other issues. In certain situations, it may help to change the topic to something unrelated such as the subjects’ hunger or personal needs. As long as subjects do not perceive it as an uncaring shift, such a tactic may deescalate a particularly inflammatory course of dialogue. Interestingly, and potentially important in a negotiation situation, many people with paranoid schizophrenia have a nicotine dependence (e.g., cigarette smoking), and nicotine dependence may reduce medication side effects.

The physical boundaries of the encounter also play a crucial role in such situations. Subjects may perceive such things as body space, eye contact, and the mannerisms of the responding officer or negotiator as potentially threatening. Officers should remember that subjects may require more physical distance in interactions in order to feel safe. Further, too much intense eye contact in face-to-face scenarios sometimes evokes some fear of aggression or mind control.

Similarly, movements by individual officers or the tactical team will be filtered by subjects through the emotion of fear and anticipated aggression, and subjects may feel a need to act first in order to keep themselves safe. Subjects may perceive everything an officer does as a threat. Therefore, without compromising the operation, officers should tell subjects what they plan to do before taking any action.

If successful, these interactions lay the foundation for a relationship in which the subject experiences a sense of security and safety. It may take a long time for officers to build

rapport with individuals who do not trust them and who have concern for their own well-being; once officers establish rapport, however, they can shift some of the focus to problem solving. As officers explore the range of alternatives to resolve the situation, they must never doubt subjects' intelligence, even when the subjects present some rather bizarre scenarios and concerns. When discussing options that might help to resolve subjects' concerns, officers always should avoid insulting their intelligence.¹⁹

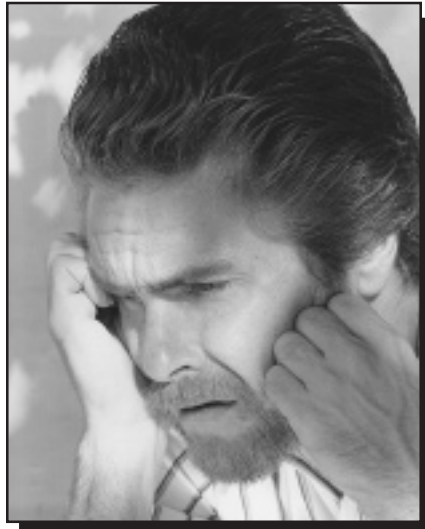
After resolving the incident, officers must practice the basic negotiation concepts—fulfill promises as much as possible and continue to build rapport after arrest or surrender. Officers must recognize that they may deal again with subjects who get released. Officers should continue to show respect, interest, and thoughtfulness in their interactions with subjects. In addition, they should share information with hospitals, doctors, and family members to expedite social support and assistance. Oftentimes after an incident, another patrol unit takes the individual for arrest processing, and critical information does not get passed to those who may play an integral role in preventing a future incident. Effective case management and prevention begins anew, and law enforcement officers must recognize the importance of their roles at this stage.

Physical Tactics/Alternative Strategy Considerations

The use of physical tactics to resolve incidents raises important concerns. First, law enforcement has encountered an increasing

number of barricade situations involving subjects with paranoid schizophrenia, as well as other criminals, who seek refuge in their residences and refuse to leave. Their homes may provide a place of solace, holding fond memories. As a result, when officers plan to arrest subjects at their residences, the likelihood of violence may increase. Close, threatening containment also may prove counterproductive.

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In some cases, subjects may increase their personal body space to include their residences. For example, when officers tried to serve a court order to the woman at her home in Roby, Illinois, she met them with a shotgun and refused to surrender. As the situation continued, her body space increased to the approximate dimensions of her residence. When tactical officers attempted to peer into windows and to open doors, she fired on them, believing they were invading her personal space.

Many individuals with paranoid schizophrenia also form strong attachments to particular possessions and to their pets. If tactical officers kill pets or destroy or damage certain possessions, they may seriously undermine any potential for negotiators to develop rapport with the subject. Law enforcement should take such actions only when absolutely necessary. Excessive noise, tactical movement, and other law enforcement actions will be magnified to subjects with paranoid schizophrenia, and crisis negotiation teams should limit their use of such tactics to avoid exacerbating subjects' fears and anxieties.

The subject's shame at being apprehended in front of an audience likewise can inflame a situation. Officers should consider alternative plans devised to lure unsuspecting suspects from their residences prior to an arrest attempt. For example, if officers disable a heater or air conditioner, subjects may let their guard down while trying to fix the problem. Such a ruse may reduce the likelihood of officers' being fired upon.

At times, police may even consider merely walking away from a situation, after determining that the reason for law enforcement involvement is not worth the deployment of significant resources.²⁰ Often, an agency may deploy some officers nearby to take subjects into custody when they leave their safe haven.

INCIDENT ASSESSMENT

How law enforcement addresses subjects with paranoid schizophrenia, as first responders or negotiators, may dictate a peaceful

or violent outcome. While assessment and understanding of one factor—suspect type (depressed, personality disordered, or psychotic)—remains important, four other factors play a significant role in the outcome of these events:

- the context of the event (spontaneous, deliberate, or anticipated criminal event);²¹
- expressive versus instrumental demands or agenda (subject in crisis and needs to vent concerns versus more concrete demands such as social or political change);
- hostage presence and type; and
- law enforcement's crisis management actions.²²

Ideally, careful consideration of the first four factors should appropriately dictate law enforcement's crisis management actions in order to ensure optimal success.

CONCLUSION

Experience has shown that officers who receive negotiation training handle individuals with emotional problems better than they did before training, even when the initial contact is a standard call for service. Officers have learned specific guidelines for communicating with and managing these people, as well as crisis intervention skills that prove helpful in resolving conflict when dealing with those with paranoid schizophrenia.

Trained negotiators realize that trying to resolve any problem or crisis too quickly will have negative results. Through the use of crisis intervention techniques,

negotiators and first responders may spend many hours talking to individuals with paranoid schizophrenia and successfully change their behavior. The ability to establish rapport, show genuine interest and concern for the subject, and maintain a credible posture has enabled many negotiators and first responders to orchestrate peaceful resolutions to potentially violent

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situations. Anytime a peaceful resolution results, a double victory occurs for law enforcement—the situation ends without violence, and tactical team members do not need to take any unnecessary action or place themselves in harm's way against an unpredictable, violent person. ♦

Endnotes

¹ American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders (4th ed.): DSM-IV* (Washington, DC: American Psychiatric Press, 1994), 286.

² *Ibid.*, 287.

³ Organized behavior refers to behavior that is purposeful and based upon logical and sound thought processes, compared to disorganized behavior where an individual engages in

behavior that is more chaotic, unpredictable, and impulsive, as a function of a clouded and confused thought process.

⁴ *Supra* note 1.

⁵ M. Grunwald and S.G. Boodman, “Weston Case Fell Through Cracks; Violence by Mental Patients Hard to Predict, Experts Say,” *The Washington Post*, July 28, 1998, A1.

⁶ *Supra* note 1, 283.

⁷ *Supra* note 5.

⁸ “Capitol Case Puts Family Nightmares in Spotlight,” in *Associated Press*, August 5, 1998.

⁹ J. Monahan, “Mental Disorder and Violent Behavior: Perceptions and Evidence,”

American Psychologist 47 (1992): 511-521.

¹⁰ *Ibid.*

¹¹ *Supra* note 1.

¹² *Supra* note 5.

¹³ S. Johnson, “Forensic Evaluation of Theodore John Kaczynski” (unpublished forensic report, January 16, 1998).

¹⁴ M. Campion and D. Brown, “The Roby, Illinois, Incident: The Longest Standoff in American History,” paper presented at the International Association of Chiefs of Police Annual Conference, Salt Lake City, Utah, October 17, 1998.

¹⁵ R.A. Fein and B. Vossekuil, *Protective Intelligence and Threat Assessment Investigations: A Guide for State and Local Law Enforcement Officials* (Washington, DC: U.S. Department of Justice, 1998).

¹⁶ C. Hatcher, “A Method for Assessing Threatening Communications” (unpublished manuscript, 1998).

¹⁷ *Supra* note 14.

¹⁸ “The Police Seminar on Crisis Negotiations,” seminar presented by the FBI, Burbank, CA, October 5-8, 1998.

¹⁹ M.J. McMains and W.C. Mullins, *Crisis Negotiations: Managing Critical Incidents and Situations in Law Enforcement and Corrections* (Cincinnati, OH: Anderson, 1996).

²⁰ M.S. Miron and A.P. Goldstein, *Hostage* (New York: Pergamon, 1979).

²¹ F. Lanceley, “Criminal Contexts of Hostage Incidents” (unpublished manuscript, 1997).

²² K. Mohandie and M. Albanese, “Advanced Crisis Negotiations” (unpublished manuscript, 1997).

Official Negligence: How Rodney King and the Riots Changed Los Angeles and the LAPD by Lou Cannon, published by Times Books, Random House, Inc., New York, New York, 1997.

Official Negligence: How Rodney King and the Riots Changed Los Angeles and the LAPD is a book that every police executive and law enforcement manager should read. This book does not just rehash the incident that occurred in Los Angeles, California, on March 3, 1991. Instead, the author presents a story of political influences and policy decisions that directly impacted the incident and the rioting in the aftermath of the acquittal verdicts of the involved police officers.

Official Negligence takes a critical look at current law enforcement issues, such as police management, use-of-force considerations, community policing, tactical resource deployment, leadership, media influence, and relationships with city government. The title of the book refers to a quote from Ira Salzman, Sergeant Stacey Koon's attorney, who said at Koon's 1993 sentencing, "It was the city that failed.... It was police management, past and present that has failed.... There simply has to be some allowance for the official negligence of the city that allowed this to take place and that will take place again." Salzman referred, in part, to policy decisions that limited the LAPD's use-of-force options in dealing with Rodney King when they encountered him at the end of a high-speed traffic pursuit.

Prior to the Rodney King incident, the LAPD was criticized for deaths resulting from choke holds that officers used as one of their force options. As a result of several incidents and lawsuit settlements, the department banned

the use of choke holds in Los Angeles. The remaining choices—verbal commands, the "swarm" technique of several officers wrestling the suspect to the ground, the PR-24 metal side handle baton and the Taser—all proved ineffective in subduing King. Yet, many people viewed the resulting video of all of the techniques used on King as strictly another case of police brutality.

The author illustrates each chapter as a progression of similar policy decisions that influenced proceeding events. He points out flaws in the leadership of Mayor Tom Bradley and Police Chief Darryl Gates as a major reason for lack of direction provided to line officers. Mayor Bradley and Chief Gates gave no foresight to probable outcomes of public unrest, despite pleas from police field supervisors and community leaders. A lack of appropriate community policing and community relations efforts accounted for smoldering, antipolice neighborhoods that erupted into rioting immediately following the 1992 Simi Valley acquittals. The author effectively presents cause and effect comparisons that led to the resulting rioting that accounted for 54 deaths, 2,328 injuries, and \$900 million in property losses to Los Angeles.

Official Negligence is about Los Angeles and the specific events that led to the tragedy that occurred there. Yet, any law enforcement manager can learn from the pitfalls illustrated in the book and make comparisons to their own jurisdiction and choose to do a self-assessment in risk management.

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Vehicle Stops Involving Extremist Group Members

By JAMES KOBOLT, M.P.A.

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Experienced police officers understand that there is no such thing as a routine traffic stop. Yet, while the field-level investigation of an automobile and its occupants always has presented a tactical risk, over the last decade, stopping and checking vehicles for suspected criminal activity have taken on another element of danger. Increasingly, officers making traffic stops have become involved in deadly encounters with heavily armed extremists.

In a well-publicized incident that occurred in February 1997, brothers Chevie and Cheyne Kehoe,

members of the neo-Nazi group Aryan Nations and white supremacist religion Christian Identity, opened fire on Ohio law enforcement officers after being pulled over for driving with expired license plates.¹ Sadly, most officers can recall a traffic stop in their state that involved a member of an extremist group and ended in a surprise fight for survival. Accordingly, officers must remain alert to the telltale signs of extremist group involvement and understand the risk these individuals present. In addition, officers may need to rethink their tactical approaches to survive,

if not prevent, a deadly encounter with these dangerous individuals.

RECOGNIZING THE SIGNS OF EXTREMISM

Members of extremist groups may reveal their affiliations in a number of ways.² First, the vehicles they drive often provide clues that can help officers prepare for potential danger before making a stop. Specifically, extremists' vehicles may sport bumper stickers with antigovernment or pro-gun sentiments; display handmade license plates, plates from jurisdictions that do not exist, or no plates at all; or fit

the profile of vehicles driven by known extremist group members in the area. Additionally, officers may have seen the vehicle or its occupants at locations where extremist groups assemble or may know that the subjects harbor extremist beliefs.


The occupants of the vehicle may show other signs of extremist group involvement. Drivers who hold antigovernment beliefs may refuse to carry driver's licenses, vehicle registration, proof of insurance, or other forms of identification. Instead, they may present handmade licenses, a copy of the Constitution, a Bible, or political literature. In addition, a records check may reveal minor outstanding warrants. Extremists often fail to satisfy violations of motor vehicle laws, such as registration or license requirements, because they do not feel bound by such laws, and any statements to this effect that drivers make should send a strong signal to officers. Finally, because of their knowledge and experience, officers may be able to recognize other indicators of extremist behavior unique to their jurisdictions.

Once officers decide a subject may hold extremist beliefs, they should develop a plan of action. In fact, preparation remains the key to dealing with extremists.

PREPARING FOR A STOP

Because any traffic stop can turn deadly, officers usually learn at the academy to stop vehicles in locations that provide adequate lighting and personal cover. Yet, in previous encounters with law enforcement, extremist group members have stopped abruptly, jumped

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from their vehicles, and fired on officers. Suddenly, officers find themselves in a “kill zone” before they even step from the patrol car. What can officers do to increase their odds of survival during such an ambush?

Planning for Survival

Survival options include all of the safety tactics learned in the academy with one significant difference. Current vehicle construction almost precludes the use of a vehicle for *reliable* personal cover. Even the area around the engine provides only limited cover. As a result, evacuation may represent the preferred solution to a sudden direct attack with heavy weapons.

If attacked while seated in the patrol vehicle, officers should seek personal cover behind the engine area of the vehicle while evacuating the kill zone using the most direct route. Usually this means the officer quickly must place the patrol vehicle in reverse.³ To do so, the officer's hands must remain free of all obstructions, including pens,

notebooks, radio microphones, and the like.

Trainers usually emphasize moving at right angles to exit a kill zone. However, due to the penetration capability of most high-impact weapons, the right-angle movement may leave officers under fire with only a driver or passenger-side door for cover. Therefore, officers should consider using a gradual right-angle evacuation, keeping the general area of the engine between themselves and the attack. After evacuating and taking cover, officers can stop and initiate critical incident procedures. If no reliable cover exists, officers should evacuate at least 200-300 meters (approximately 600-900 feet), the outside effective range of most high-impact weapons.

Traditional vehicle-stop training focuses on what stands in front of and, sometimes, to the sides of the officer. A frontal attack from sophisticated high-impact weapons means expanding the area officers must consider when preparing to make a vehicle stop. Because

evacuation may represent the only viable survival option, officers must remain aware of what lies behind the police vehicle at the time the stop occurs. For example, vehicles approaching from the rear could block the officer's escape route. If so, the officer may be able to wait until the vehicles pass to make the stop.

Keeping an evacuation route open presents a deployment and positioning dilemma for the cover officer, as well as the contact officer. If the cover officer parks directly behind the contact officer, the contact officer may get trapped between the suspect and the cover officer and be unable to escape an attack. The side-by-side positioning of contact and cover vehicles seems to offer the best opportunity for quick exit of a kill zone for both officers.

Officers must consider the subject's escape route in addition to their own. Selecting the proper location to make a stop can limit a subject's ability to flee.

Communicating Safely and Effectively

One of the most basic rules governing traffic stops also holds true for encounters with extremists. Officers always should notify the dispatcher before exiting their vehicles. In fact, they should complete all radio transmissions prior to signaling for a vehicle to stop. Doing so allows officers to focus on the subject. It also leaves both hands free to shift and control the vehicle during an emergency evacuation.

Officers also should get into the habit of writing the license number of the vehicles they stop on the

pad they use to record dispatched information, then putting their pens back in their pockets. Then, if an attack leaves an officer unable to testify, the evidence the officer leaves behind presents a strong case to a jury.

Finally, before officers stop a vehicle occupied by two or more individuals for suspected criminal activity, they *always* should request backup. Waiting for a cover officer proves particularly important when dealing with extremist group members, who often travel in convoys.

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The National Law Enforcement Memorial in Washington, DC, is marked with the names of many officers who failed to call for assistance when they needed it. No traffic stop is worth dying for, and if necessary, officers should merely follow vehicles until backup becomes available.

MAKING THE STOP

Approaching and Removing Occupants

During training, many police officers learn that they should carefully approach a stopped vehicle on the driver's side, paying attention to the trunk and occupant areas, while keeping the occupants inside. This

represents a good start, but other tactical options exist.

A videotape review of extremist group members recently attacking officers indicates that some suspects struggle with officers during attempts to establish initial control. After breaking away from officers, many subjects run back to their vehicles to retrieve weapons. Alternately, a passenger left in the vehicle engages officers when they have their hands full with the driver. In either scenario, officers must consider the interior of the vehicle “hot” from a tactical perspective because they have not yet cleared it for weapons.

To clear the vehicle, the officer first should remove the driver. While exiting, the driver should place the keys on the roof of the vehicle, which allows the officer to easily take control of the keys and discreetly secure the driver's side door. This serves to disrupt any spur-of-the-moment plan of action the driver may have, such as returning to the vehicle to flee or attack the officer.

When faced with multiple subjects, the contact officer should not approach the vehicle without a cover officer. Both officers should approach from their respective sides of the vehicle. The cover officer should have all remaining occupants exit through the passenger side, then discreetly lock the passenger doors. Locking the doors helps secure the interior of the vehicle until the officers are prepared to conduct a limited search for weapons or inventory the contents before towing.

Separating suspects—particularly suspected extremist group

members—from their vehicles when conducting a field-level investigation into criminal activity remains critical. Escorting subjects to the rear quarter panel on the nonroadway side of the patrol car puts distance between suspects and their vehicles. Doing so also reduces the risk of officers' or suspects' falling onto the hot car hood during a struggle. Additionally, it gives the officer easy access to the patrol vehicle's prisoner cage in the event of an arrest.

Conducting Searches

The legal standards of frisk, search, and seizure remain the same regardless of the subject.⁴ If sufficient legal grounds exist to frisk or search the subject, officers should do so before performing any other task, including searching the interior of the vehicle. Officers who suspect subjects may be armed should handcuff them before

frisking or searching them. Officers operating alone with a single suspect should not check the interior of the suspect vehicle until they have secured the subject. Securing may include placing the subject in the back seat of a police vehicle with a cage, handcuffing the subject to a fixed object safely out of harm's way, or, if departmental policy prohibits either of these, leaving the subject under the control of another officer. If none of these options proves possible, then officers must weigh the safety implications of checking the interior of the vehicle from a dangerously vulnerable position. This may sound extreme, but officers who attempt to check the interior of the vehicle while the subject remains unsecured give the subject a tactical advantage and put themselves at risk.

Searching a vehicle with multiple occupants requires the use of contact and cover officers. The

contact officer should search the interior of the vehicle, while the cover officer keeps the occupants in a position of tactical disadvantage on the nonroadway side of the patrol vehicle. Both officers must maintain good verbal and nonverbal communication throughout the encounter. To do so, they should keep each other in sight at all times.

Interrogating Appropriately

Interrogation in a field-level interview involves more than asking questions; it also means establishing and maintaining control while working in a street environment. When dealing with the public, officers work through three primary levels of control:

- No control—the officer has no control over the subject's movements or the subject's environment;
- Stabilized—the officer has stopped the subject's actions

Signs of Possible Extremist Involvement

- Vehicle displays bumper stickers with antigovernment or pro-gun sentiments (e.g., "Know Your Enemies: They Are Your Leaders" or "Joe McCarthy Was Right")
- License plates are missing, handmade (look crude or professional), or from jurisdictions that do not exist (e.g., British West Indies, Republic of Texas, Kingdom of Heaven)
- Driver possesses homemade driver's license
- Driver has no license, vehicle registration, proof of insurance, or other identification
- Driver hands officer copy of Constitution, Bible, or political materials
- Driver refuses to satisfy minor outstanding warrants due to antigovernment beliefs
- Driver associates with known extremists

Source: Adapted from Mark Pitcavage, "Flashpoint America: Surviving a Traffic Stop Confrontation with an Anti-Government Extremist," *The Militia Watchdog*, April 1998; available from <http://www.militia-watchdog.org/trafstop.htm>; accessed October 27, 1998.

(usually with verbal commands) but does not control the subject's ability to reinstate hostile actions or has not cleared the subject's environment of weapons; or

- Under control—the subject presents very little threat or the officer has controlled the subject's ability to initiate hostile actions, and the officer has cleared the subject's environment of weapons.

Officers have used a variety of tactics during field investigations to control individuals suspected of criminal activity. Experience with street gang members has helped urban officers develop expertise in ordering subjects into positions of disadvantage. Because extremist group members pose a similar threat to rural officers that street gang members present to urban officers, rural officers should practice and use similar verbal control and positioning once they have removed subjects from their vehicles. All officers should conduct field-level interrogations from a strong field interview, or "power," stance.

Contact officers usually conduct interrogations and should do so from the nonroadway side of the rear quarter panel of the patrol vehicle, unless other environmental conditions prove safer. When interrogating multiple subjects, contact officers should direct one subject at a time to the rear quarter panel position. In order to maintain undistracted observation and control, cover officers should keep the remaining subjects on the nonroadway side of the vehicle in a position of disadvantage (e.g., standing

facing the patrol vehicle, sitting with legs crossed and hands interlocked on the head, or prone on the ground with arms extended palms up), preferably at a distance far enough to keep them from overhearing the details of the interrogation. Once interrogated, subjects should be returned to the cover officer's control. Both officers should account for the subjects' hands at all times.

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...preparation remains the key to dealing with extremists.

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Officers never should argue political philosophy with extremist group members, who may use this as a tactic to divert attention away from why they actually were stopped. In addition, a heated argument may keep officers from focusing on safety issues. Officers should accept any literature subjects offer with no comment other than a thank you. If subjects protest being stopped or ticketed, officers may find that the response "I'm just doing my job" helps to humanize them and defuse tension. In addition, listening without comment to subjects' political agendas may allow them to vent their anger in an appropriate and safe manner.⁵

COMPLETING THE STOP

Generally, a field-level investigation results in two possible

dispositions: the subject is either questioned and released or arrested. After releasing subjects, officers should keep them under observation and remain on guard until the subjects have driven away. When officers make an arrest, they should handcuff the subjects' hands behind their backs, not in front. The purpose of handcuffs remains to control the subject's hands. With the hands cuffed in front, little control exists, and worse, the subject now has a dangerous weapon to use against the officer. The risk a member of an extremist group poses to officers certainly merits using proper handcuffing techniques.

TRAINING FOR EXTREMISM

Extremist group members often train regularly for confrontations with law enforcement, and officers should do no less. Appropriate training includes developing a planned response, working through the plan in a practical, hands-on setting to find out what works and what does not, then periodically practicing the plan. Doing so gives officers the edge in encounters with possible extremists.

CONCLUSION

Vehicle stops involving members of extremist groups can escalate quickly into critical incidents for officers. All of the rules that govern traffic stops apply but prove particularly important when extremists may be involved. Prior to making a stop, officers must devise a plan of action that includes selecting a location that provides personal cover and an evacuation route. They must approach vehicles, remove the occupants, conduct appropriate

searches, interrogate subjects, and end encounters using well-accepted and well-rehearsed procedures that maximize officer safety.

The U.S. Constitution gives citizens the right to express antigovernment opinions, yet some individuals carry their views to the extreme. In doing so, they put the lives of law enforcement officers and innocent citizens at risk. When officers recognize the signs of extremist involvement and know how to handle roadside encounters, they uphold the Constitution for all of

America's citizens while keeping themselves safe. ♦

Endnotes

¹ Mark Pitcavage, "Shootout in Ohio: A Case Study of the Patriot Movement and Traffic Stops," *The Militia Watchdog*, March 5, 1997; available from <http://www.militia-watchdog.org/shootout.htm>; accessed December 3, 1998.


² For a comprehensive list of the signs of possible extremist involvement, see Mark Pitcavage, "Flashpoint America: Surviving a Traffic Stop Confrontation with an Anti-Government Extremist," *The Militia Watchdog*, April 1998; available from <http://www.militia-watchdog.org/trafstop.htm>; accessed October 27, 1998.

³ Officers under attack may use their patrol cars as weapons and might consider putting the car in drive instead of reverse. Departments should determine policy and provide adequate training before allowing officers to use this tactical maneuver.

⁴ The legal grounds for a frisk are *reasonable suspicion* that the subject is involved in criminal activity and that the subject is armed with a weapon. Probable cause represents the standard for a search, which usually is conducted incident to an arrest or with a warrant. If an officer has reasonable suspicion that the occupants of a vehicle are involved in criminal activity and may have a weapon in the vehicle, then the officer may conduct a limited search of the vehicle's interior. See *Michigan v. Long*, 463 U.S. 1032 (1983).

⁵ Supra note 2.

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FBI Leadership Fellows Program

The FBI, in cooperation with the FBI National Academy Associates, the National Executive Institute Associates, the Law Enforcement Executive Development Associates, the Major City Chiefs of Police, and the Major County Sheriffs' Association, announces the creation of the FBI Leadership Fellows Program. The year-long program, conducted under the auspices of the FBI Academy's Leadership and Management Science Unit, is designed to enhance the leadership skills of future law enforcement leaders.

The program is designed for sworn officers currently serving in command positions within their departments who can satisfy the criteria set out below. Additional information is contained in the application package.

The candidates must—

- be sworn officers currently serving in a command capacity for a full-service, duly constituted law enforcement agency;
- hold a bachelor's degree (advanced degree preferred);
- be available to serve as a fellow for 12 months;
- be available to serve in residence at the FBI Academy for at least 6 continuous months within the fellowship year; and
- come highly recommended by their agency's chief executive, who must be an active member in one of the five collaborating associations.

Fellows will be expected to independently, or in cooperation with other fellows and FBI Academy faculty—

- teach classes;
- conduct research;
- manage projects;
- coordinate programs;
- facilitate meetings;
- write publishable articles or documents;
- establish professional networks; and
- attend professional conferences.

The FBI will provide transportation to and from the Academy, as well as lodging, meals, office space, equipment, and administrative support during the residential phase of the program. The FBI also will pay for any professional travel conducted during the fellowship year.

The FBI will award 5 to 10 fellowships each year. Selection will be based on a comparative analysis of the credentials of all applicants. Interested candidates may obtain an application from the Leadership and Management Science Unit, Attn: Leadership Fellows Program, FBI Academy, Quantico, VA 22135.

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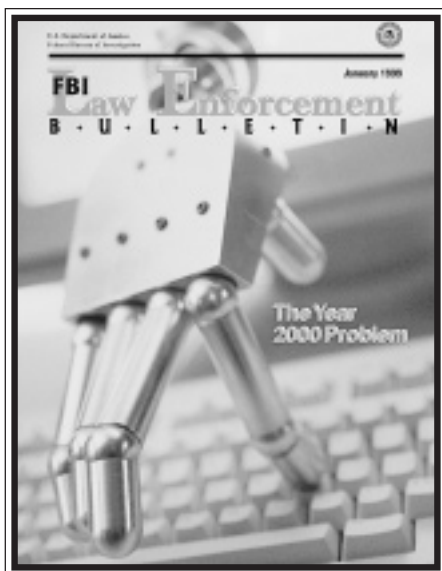
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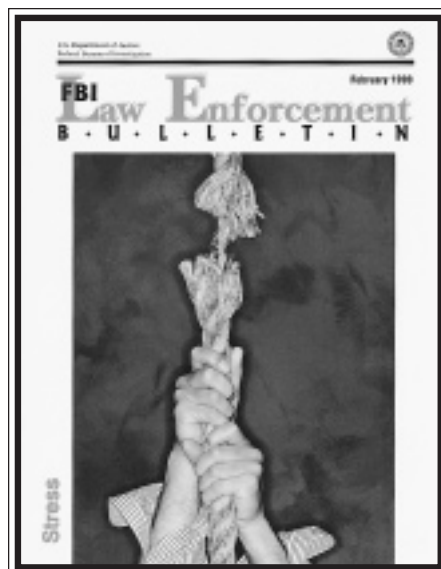
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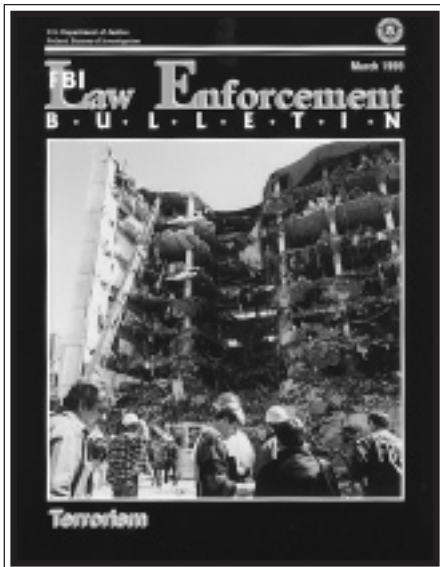
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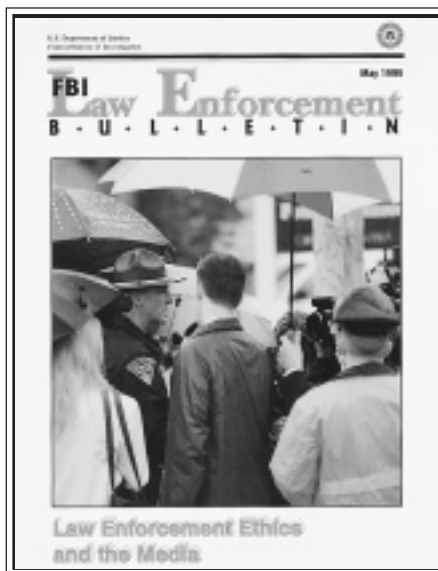
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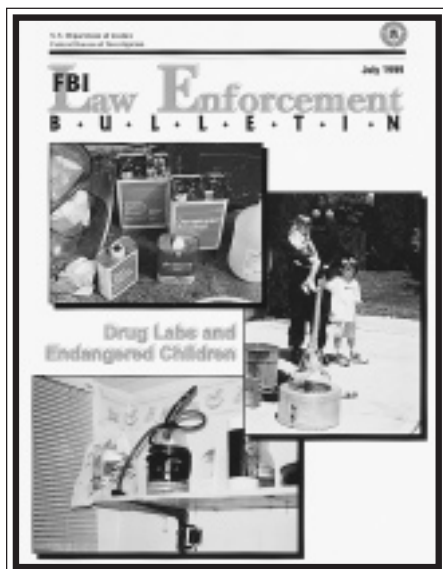
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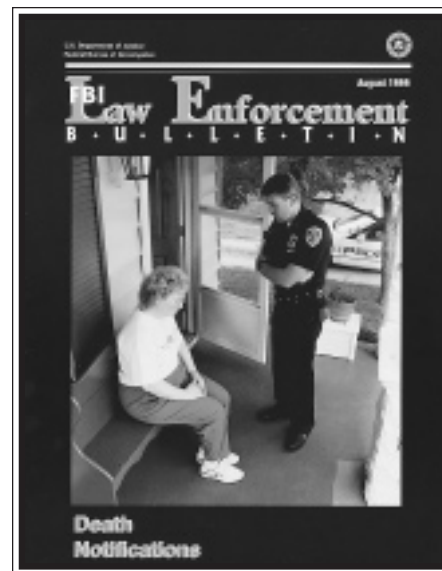
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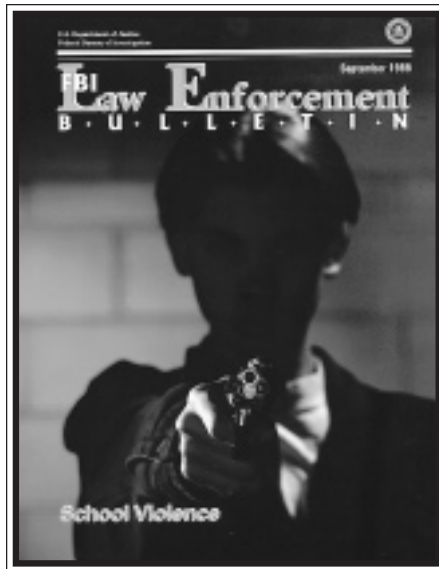
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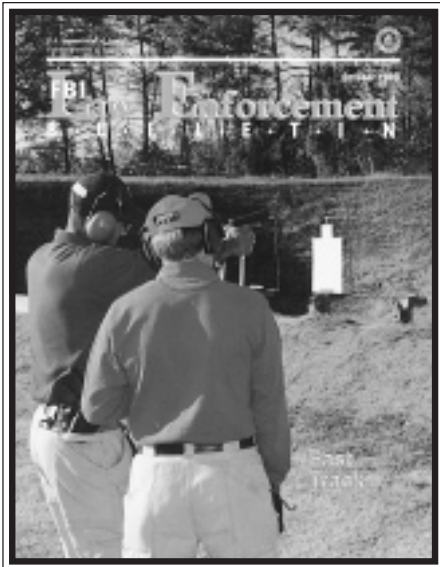
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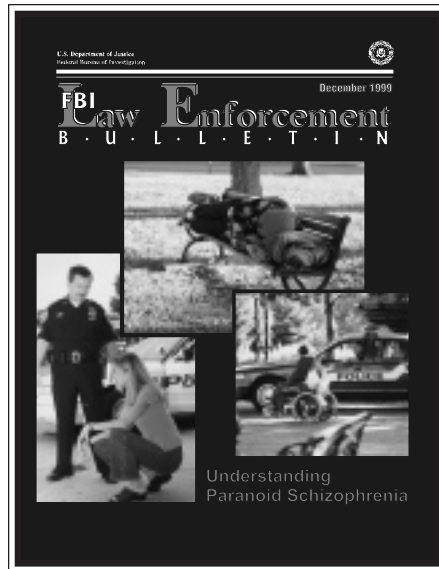


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Officer Grunhurd

Officer Scott Grunhurd of the Bellingham, Washington, Police Department was dispatched to a 911 hang-up call. After arriving at the residence, Officer Grunhurd saw a man walking in the apartment, but the individual would not respond to the knocks on the door. The officer did not know that the resident was hearing impaired, suicidal, and had doused the apartment and himself with lamp oil. The resident also had arranged several butcher knives in the couch cushions and planned to throw himself on the blades as he ignited his residence. When Officer Grunhurd observed flames coming from the back of the couch, he radioed for assistance and attempted to enter the apartment, but the front door was blocked by a large piece of furniture. Officer Grunhurd was able to move the obstruction to gain entry to the apartment, extinguish the fire, and control the suicidal individual until additional assistance arrived. Officer Grunhurd's quick response not only saved the individual's life but prevented a potential fire in the apartment, which could have endangered other occupants.

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 their exemplary service to the law enforcement profession.



Chief O'Hare



Officer Thompson

Chief Raymond O'Hare and Officer Michael Thompson of the Keansburg, New Jersey, Police Department responded to an incident where an employee at an amusement park had fallen off a pier into 10 feet of 40-degree temperature water. Without any ladders on the pier, the subject was unable to get out of the water. The first responding officers threw two life rings to the victim, who remained in the water almost 30 minutes until Chief O'Hare and Officer Thompson, members of the department's dive team, arrived and were lowered down to the victim. They began to bring the victim back to shore, 1/2 mile away. The victim began to lose consciousness;

therefore, the officers tied a fire hose around him and a Coast Guard cutter pulled him out of the water. At the time of rescue, the temperature was 30 degrees with 15-25 miles-per-hour wind. Chief O'Hare's and Officer Thompson's prompt actions led to the successful rescue of the man.



Officer Miranda



Officer Witt

Officers Gary Miranda and Ken Witt of the Santa Ana, California, Police Department responded to a shooting at a residence where a man had attempted to kill a police officer. After 3 hours of negotiation, chemical agents were deployed to persuade the suspect to surrender peacefully. When this attempt failed, an arrest team entered the house in total darkness using their tactical lights and coping with chemical agents. A police canine, sent into the bedroom where the suspect was hiding, sustained a gunshot wound to the shoulder. More chemical agents were used in the bedroom, limiting visibility.

The suspect ran from the bedroom, shooting and hitting one officer. Officers Miranda and Witt entered the bedroom and observed the suspect preparing to fire. As the subject moved to the center of the bedroom, still pointing the gun at the officers, both officers fired their weapons, fatally wounding the subject. Officers Miranda and Witt demonstrated tremendous courage while confronting an extremely violent subject during a hostile situation. Their bravery prevented the suspect from harming other officers.

Official Business
Penalty for Private Use \$300

Patch Call



The patch of the Hendersonville, Tennessee, Police Department depicts sunny Old Hickory Lake, the focal point of the city. The sailboat represents the numerous recreational activities of the lakeside community. The Canadian goose was transplanted from the north and now thrives on the shores of Old Hickory Lake. Three cogs at the bottom of the patch represent the city's solid industrial and business foundation, and the willingness of business, industry, government, and citizens to work together smoothly.



The Anacortes, Washington, Police Department patch features Mt. Baker and the northern waters of Puget Sound. Anacortes is designated as the "Gateway to the San Juans." The ferry depicted on the patch represents the only access to the San Juan Islands. The logo for the City of Anacortes appears at the bottom of the patch and consists of a compass, in the shape of a seagull flying over the ocean, and 1891, the year the city was incorporated.