FBI Law Enforcement Bulletin

Features

Departments

Computers, the Year 2000, and Law Enforcement

By CLYDE B. EISENBERG, M.S., and TERESA F. SLATTERY

Imagine it is 8 a.m. on January 3, 2000, in a busy police department containing many officers returning to work after the holidays. They begin the day by turning on their personal computers that are connected to the department's local area network. To bring themselves up-to-date, some officers decide to run a list of all of the burglaries entered into the department's database during their vacations. They bring up the search screen and type in the search parameters: 12-24-99 to 01-02-00. Shortly after the officers press the enter key, an error message appears on their screens: "INVALID DATE RANGE." Several more attempts produce the same result. After making mental notes to check with the department's computer maintenance people, the officers begin checking other systems.

However, every time they try to access a computer program, they get the same error message. A few officers begin to filter through the stacks of paperwork in their in-baskets and discover a memo from the communication section supervisor to the head of computer maintenance explaining that no entries can be made into the statewide crime information database for stolen property and missing or wanted persons. The memo states that the problem began on January 1, 2000.

The computer difficulties the officers encountered earlier and the communication section's problem suddenly become crystal clear. The

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computer programs interpreted the ending date (01-02-00) that the officers attempted to enter for the burglary search and other activities as the year 1900. The state's crime computer database also failed to accept the entries for the same reason. For the department's computer programs, the year 1900 goes far beyond the automatic expungement date, which deletes all data over 50 years old. Some of the officers remember reading about the Year 2000 problem but thought that it would affect only large businesses and corporations. How wrong they were.

While the plight of these officers represents a fictional scenario, experts indicate that such problems may become a reality in the very near future. Already, Year 2000 problems have begun to surface. For example, holders of credit cards with expiration dates of 2000 or later have encountered difficulties because some businesses have failed to update their verification systems.[1]

The Problem

The problem begins with the six-digit date format (two digits each for the month, the day, and the year). A computer most likely will interpret a year entry of 00 (for the year 2000) as the year 1900. Thus, any programs that involve date comparisons, arithmetic functions, scheduling, forecasting, or statistical analysis stand a good chance of rendering erroneous information. Moreover, most law enforcement agencies have their computers linked to other computer systems, such as the local court networks, the county jail, and state and federal crime information systems.[2] Consequently, faulty programs sending invalid data may corrupt other systems.

The Year 2000 problem is not limited merely to midsize or large mainframe computers. Many agencies have local area networks and stand-alone computers that prove just as susceptible to the problem as larger computers. Any device that relies on software may be affected,

including private branch phone systems, or PBXs, used by many law enforcement agencies.

The Fix

Unfortunately, fixing the Year 2000 problem will not be easy. Large system programs contain millions of lines of programming code. Because each line must be individually examined and possibly altered, computer specialists must spend long periods of time recoding programs, resulting in costly, labor-intensive changes.

Currently, fixing a single line of computer code costs approximately $1.30. This amount should rise to about $3.65 by 1999 and to around $4 by the year 2000.[3] Cost estimates for fixing the problem in the United States business sector range from $120 to $300 billion. For example, one banking corporation alone must fix 2,500 computer systems and estimates that it will cost about $380 million.[4] A recent government report calculates that Year 2000 repairs at federal agencies will reach $4.7 billion.[5]

In addition to the cost of fixing the problem, experts anticipate an influx of Year 2000-related lawsuits. At a recent Year 2000 Task Force meeting sponsored by Lloyd's of London, underwriters predicted $1 trillion in litigation in the United States alone.[6]

The Local Approach

The Hillsborough County Sheriff's Office (HCSO) in Tampa, Florida, has spent the last 4 years writing and modifying programs to make them Year 2000 compliant. The department's mainframe

computer connects approximately 1,000 computers and 500 video terminals. It also connects about 1,000 mobile data terminals in HCSO vehicles via radio transmissions. Additionally, the mainframe computer contains large databases, including the Computer Aided Dispatch System (CADS) and the Jail Administration and Management System (JAMS). Officers access CADS for most dispatch and law enforcement functions, while they use JAMS for the operation of the Hillsborough County Jail System. If these databases remain unchanged, programs dealing with such issues as the jail's security system, prisoner release dates, juvenile detention center release dates, or active warrant dates or any program that calculates someone's age could be affected in the year 2000.

In addition to these in-house functions, HCSO's mainframe computer shares databases with the local clerk's office for traffic tickets, the Department of Highway Safety and Motor Vehicles for vehicle registration information, and the Florida Crime Information Center and the National Crime Information Center databases for criminal information. If these other agencies delay in working on the Year 2000 problem, they will affect HCSO's programs. Part of the reason for meeting internal deadlines involves HCSO's allotting sufficient time to test and retest its programs with outside databases prior to implementation.

HCSO does have an advantage over other departments that have failed to actively address the problem. First, the Data Operations

Bureau began work on Year 2000-oriented goals several years ago. Also, along with assigning each HCSO programmer different programs to correct before 2000, the bureau dedicated an entire month in 1997 solely to working on Year 2000-related problems. Further, in order to seek out potential Year 2000 problems, HCSO began using a test system that tricks the computer's clock into thinking that the programs are being run in the year 2000. When programmers find problems, they modify the programs and record the changes for future reference. Finally, HCSO has been actively exchanging problem-solving information with other government agencies that have similar programs.

While the department's Data Operations Bureau spent approximately $200,000 for Year 2000 programming adjustments in 1997, the 1998 fiscal budget for Year 2000-related requests doubled to about $400,000 for hardware, software, and reprogramming concerns. However, in the future, the budget may need to include funds for contracting additional help, if needed, to solve some of the more difficult or time-consuming Year 2000 problems.

Along with budgetary concerns, HCSO's Data Operations Bureau realizes that time constitutes a major issue. Solving the Year 2000 problem proves tedious, as every program must be tested, checked, and rechecked, and no "magic bullet" exists to fix everything.

The Data Operations Bureau remains concerned about meeting deadlines because approximately 3,200 mainframe programs need to be checked. With fewer deadline days remaining, programmers may have to work overtime to meet the demanding schedule.

Year 2000 Internet Resources

- **The Year 2000 Web Page: http://www.year2000.com**
    Offers links to hundreds of articles and resources on the Year 2000 problem
- **Federal Government Information: http://www.itpolicy.gsa.gov/mks/yr2000/y2khome.htm**
    Provides an information directory of the federal government's Year 2000 effort
- **Year 2000 Manager's Toolbox: http://www.govexec.com/ tech/year2000**
    Discusses Year 2000 concerns that managers need to know
- **Year 2000 Resources: http://www.computerworld.com/res/year-2000.html**
    Offers a variety of resources concerning the Year 2000 problem

Recommendations

For those government agencies that start too late, HCSO programmers predict that it will cost them dearly in terms of money, time, and aggravation. However, these agencies may want to try some of the strategies HCSO has employed. Specifically, agencies should:

1) inventory all of their systems;

2) prioritize the items that need to be fixed;

3) develop contingency plans for all critical items in case they are not fixed on time or the fix fails;

4) establish test environments to verify the integrity of the changes, allowing sufficient time for testing;

5) involve the users in the testing process;

6) obtain written certification of successful test results; and

7) provide monthly status reports to senior managers.

HCSO regularly reviews and updates its monthly Year 2000 compliance report and has developed a comprehensive written contingency plan for all mission-critical systems and equipment. Further, HCSO programmers have found a wealth of constantly expanding information and assistance on the Internet and have contacted their computer and software providers for up-to-date technical support. Also, since 1994, HCSO has developed more than 1,000 programs and made them Year 2000 compliant. These strategies have helped HCSO face the challenges of the Year 2000 problem and may serve as a blueprint for other law enforcement agencies.

Conclusion

Law enforcement administrators throughout the country must not underestimate the potential problems that may lie hidden within their computer systems until January 1, 2000. Time is most certainly of the essence, and the further they delay in addressing the situation, the greater the probability of not meeting the rapidly approaching deadline for compliance. Administrators at agencies without full-time computer personnel should seek a professional diagnosis of their systems and ensure that the costs of fixing any problems receive appropriate budgetary priority. Administrators can find a great deal of information to help them decide what action to take.

With today's modern approach to law enforcement, it arguably can be said that computers often play just as important a role as the officer on the street. By waiting until computer problems surface after the year 2000, law enforcement agencies will be doing a serious disservice to the public they serve. Therefore, administrators must attack this problem with the same effort and determination that law enforcement professionals employ when faced with other challenging situations. ◆

Endnotes

[1] D. Poppe, "A $600 Billion Headache; Reprogramming Countless Computers," *The Miami Herald*, July 28, 1997, 22B, 1.

[2] *NCIC Technical and Operations Update: Information Interstate Identification Index Data Change and National Crime Center Date Field Changes,* Criminal Justice Information Services Division, Federal Bureau of Investigation, Washington, DC, September 25, 1997, explained all of the changes the FBI is making to existing NCIC date field formats, edits, and document conversion. Users should contact the FBI's Criminal Justice Information Services Division at 304-625-2730 regarding any concerns or inquiries relating to Year 2000 compliance with FBI information systems.

[3] Supra note 1.

[4] Rajiv Chandrasekaran, "A $50 Billion 'Bug,' Fed Official: Year 2000 Computer Fix Could Slow Economy," *The Washington Post*, April 29, 1998, A18.

[5] Ibid.

[6] Peter Leyden and Peter Schwartz, "The Long Boom: An Interview with Peter Leyden and Peter Schwartz," *Barron's*, September 1, 1997, 17-20.

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Negotiation Concepts for Commanders

By GARY W. NOESNER, M.Ed.

F rom humble beginnings in the New York City Police Department (NYPD) in 1972, the field of hostage negotiation has grown to impact significantly upon law enforcement's ability to peacefully resolve critical incidents. In 1973, building upon the NYPD's foundation, the FBI further developed the practical application of negotiation principles and embarked upon an unprecedented effort, which continues today, to instruct police officers worldwide on negotiation skills and practices. Today, police throughout the industrialized world, and increasingly in developing nations, recognize negotiation as one of the most important tools available to law enforcement to peacefully resolve crisis events. In fact, over the past 25 years, the application of negotiation skills has proven consistently to be one of the most successful and cost-effective innovations in all of law enforcement.

Today, negotiators respond not only to hostage incidents but also to barricades, suicides, domestic disputes, kidnappings, and other types of critical events where the application of their communication skills and specialized training can positively influence outcomes. The FBI, and many other police agencies, reflects this expanded application of negotiation skills by characterizing their trained practitioners as "crisis negotiators."

While police agencies recognize the importance of crisis negotiators, law enforcement administrators, the on-scene decision makers during a crisis, may not understand their negotiators' abilities and methods and may interfere or make decisions that impede the

crisis team's efforts. For example, during the Waco standoff, on-scene managers received sound advice from the negotiation team but often did not follow that advice or appreciate the recommended approaches.[1]

To address these concerns, the FBI developed a block of instruction for prospective crisis decision makers. The training, Negotiation Concepts for Commanders, served as the template for the successful resolution of the 81-day Freemen siege in Jordan, Montana, in 1996, as well as the peaceful resolution by the Texas Rangers of the 7-day Republic of Texas siege at Fort Davis, Texas, in 1997. It provides commanders with an essential understanding of the important principles and concepts needed to effectively manage the negotiation process during a crisis event.

THE ESSENTIAL CONCEPTS

Types of Incidents

The FBI characterizes all critical events—regardless of the motive, mental health, or criminal history of the subject—as either hostage or nonhostage situations.[2] Understanding the difference between the two remains paramount to peacefully resolving such incidents and thus represents the bulk of the FBI's training for commanders.

Hostage Situations

During hostage situations, subjects hold another person or persons for the purpose of forcing the fulfillment of substantive demands upon a third party, usually law enforcement. Typically, subjects make direct or implied threats to harm hostages if their demands are not met.

> *"...on-scene commanders must understand the type of critical incident they face in order to identify the appropriate law enforcement strategy."*

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Substantive demands include things that subjects cannot obtain for themselves, such as money, escape, and political or social change.

Hostage takers demonstrate goal-oriented and purposeful behavior. Thus, they use hostages as leverage to force law enforcement to fulfill their demands. While the hostages remain at risk, the primary goal of hostage takers is not to harm the hostages. In fact, hostage takers realize that only through keeping the hostages alive can they hope to achieve their goals. They understand that if they harm the hostages, they will change the incident dynamics and increase the likelihood that the authorities will use force to resolve the incident. Therefore, it remains in the best interests of hostage takers to keep the hostages alive and avoid actions that might trigger a violent response from police.

Law enforcement negotiators have learned to handle hostage events by stalling for time, lowering subjects' expectations, and reversing their sense of empowerment and control. Negotiators buy time by using delay tactics and initiating give-and-take bargaining (making subjects work for everything they get). At the same time, the tactical team uses highly visible containment strategies to demonstrate to the subject that the police are willing and able to use force if necessary. Still, the police should never directly threaten to use force because doing so may cause subjects to resist further.

Hostage takers may initially feel in control and empowered, but as time passes, the negotiation team builds trust and rapport and convinces them that they will not accomplish their objectives and that they should surrender peacefully. Ultimately, hostage takers must decide whether to come out peacefully and live or to get injured or killed when the police inevitably take action against them. Fortunately, almost all hostage incidents are resolved peacefully as hostage takers' desire to live outweighs their need to have their demands met.

This process may take time, and the negotiation team must employ patience and understanding and use

active listening skills[3] in an effort to thoughtfully communicate with the hostage taker, defuse the conflict, and work toward establishing a level of rapport that allows them to explore problem-solving options and progress to a nonviolent resolution. This approach enables police practitioners to de-escalate and defuse in a peaceful manner most volatile conflicts they encounter. This process enjoys an extremely high success rate in achieving surrenders without bloodshed.

Nonhostage Situations

In contrast to hostage situations, in nonhostage incidents, individuals act in an emotional, senseless, and often-self-destructive way. Unable to control their emotions in response to life's many stressors, they are motivated by anger, rage, frustration, hurt, confusion, or depression. They have no clear goals and often exhibit purposeless, self-defeating behavior. Such individuals have either no substantive or escape demands or totally unrealistic demands for which they would have no reasonable expectation of fulfillment. Disgruntled employees, jilted lovers, rejected spouses, aggrieved individuals, idealistic fanatics, individuals with mental illness, and others with unfulfilled aspirations who feel that they have been wronged by others or events fall into this broad category. Their displeasure at their circumstances places them in acute stress and disrupts their ability to function normally. Angry, confused, and frustrated, they may express their anger and vent their frustrations by undertaking actions that bring them into conflict with law enforcement.

During nonhostage situations, individuals barricade themselves or hold others against their will, not to gain leverage over police to achieve a specific goal but to express their anger over events or at the individual they hold. In such cases, the person being held technically is not a *hostage*, used to secure fulfillment of a demand, but a *victim* whom the subject contemplates harming. Subjects holding victims, with whom they typically have a prior relationship, usually have no substantive

> **Risk-effective tactical intervention options require detailed planning and flawless execution.**

demands because they neither need nor want anything from the police. What they want is what they already have, the victim. In these cases, the subject typically will tell police, "Go away," "We don't need you or want you here," or "This is none of your business." The potential for homicide followed by suicide in many of these cases is very high. Indeed, when loss of life occurs during a crisis incident, it most often happens during a nonhostage event. Subjects are clearly in crisis, and the police must respond to them in a careful and thoughtful manner.

Crisis negotiation teams have learned that to effectively intervene

in nonhostage incidents, they first and foremost must demonstrate patience and understanding. Negotiators buy time while being non-threatening and nonjudgmental and avoiding all actions that may escalate the confrontation. Subjects frequently distrust police motives and manifest high levels of paranoia. They often exhibit hypervigilance and hypersensitivity to police movements and may overreact with violence to the slightest provocation. Thus, in contrast to hostage events, the police should handle nonhostage incidents using a low-profile containment scheme that is less confrontative and demonstrates peaceful intentions. This serves to avoid provoking undesirable responses from the subject.

By applying active listening skills, the negotiation team properly pursues a strategy that attempts to lower subjects' emotions, defuse anger, and return the subjects to more rational thinking. The negotiator works toward building trust and rapport by demonstrating understanding of and concern for subjects. Negotiators should specifically demonstrate through word and expression that they understand the issues that are important to or bother subjects (their stories) and how subjects respond to those issues (their feelings).[4] After establishing a trusting relationship, negotiators then can attempt to introduce nonviolent problem-solving alternatives that steer subjects toward a peaceful outcome. This approach has enabled the police to defuse even the most volatile incidents.

Frequently, subjects do not want to talk to police and resist repeated efforts to communicate. As

Types of Crisis Incidents

Hostage

Subjects:
- Demonstrate goal-oriented and purposeful behavior
- Hold hostages to fulfill substantive demands (money, escape, change)

Law Enforcement Strategies:
- Employ highly visible containment
- Use delay tactics
- Make subjects work for everything
- Lower subjects' expectations
- Contrast benefits of surrender with risk of resistance
- Offer safe surrender with dignity

Nonhostage

Subjects:
- Act in emotional, senseless, and often self-destructive ways
- Hold victims with intent to harm
- Have no substantive demands or totally unrealistic ones

Law Enforcement Strategies:
- Employ low-profile containment scheme
- Demonstrate patience and understanding
- Give a little without getting in return
- Apply active listening skills to lower emotion, defuse anger, and establish rapport
- Provide nonviolent resolution options

Law Enforcement Strategies for All Incidents

- Apply active listening skills to build rapport
- Exercise patience and restraint
- Use force only when necessary and risk-effective
- Coordinate all actions in a team approach

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frustrating as this can be, negotiation teams should continue to reach out to subjects and converse with them as though an actual dialogue were occurring. During this one-way contact, negotiators should reassure subjects and begin to convey positive themes, as though responding to their stated concerns. For example, acknowledging the subject's fear and providing reassurance that the police want to help can convince the subject to begin talking.

Moreover, early efforts to contact the subject remain vital and should not be unduly delayed. Many departments choose to avoid initiating contact until they have the tactical team in place. While understandable, this procedure may overlook the value of "verbal containment." Subjects are less likely to commit violence against their victims while they are conversing with negotiators. Therefore, even if the tactical team has not set up completely, negotiation dialogue can begin to lower tension during the initial, generally most dangerous, period of any event.

Police should exercise restraint and avoid manipulation of anxiety techniques throughout the incident. Breaking windows, tossing rocks on the roof, or playing loud music only serves to reinforce the subjects' suspicions about law enforcement's intentions. While such efforts may prove acceptable with a lone barricaded individual, they *never* should be employed when the subject holds a hostage or victim. Law enforcement cannot predict with certainty whether the subject will respond violently to such actions or not. Law enforcement decision makers should beware of the "action imperative," the pressure that compels police departments to take any action to get things going. Frequently doing nothing different or staying the course is proper and appropriate; restraint does not equate to weakness.

In a nonhostage situation, thoughtful demonstrations of

peaceful intentions by the authorities actually may help build rapport and enhance dialogue. In other words, giving a man threatening his girlfriend a cigarette, without expecting anything in return, can demonstrate good intentions and may be appropriate. Because nonhostage events are crisis interventions, not bargaining interactions, limited acts of unilateral giving by authorities will not empower subjects. These subjects do not want their demands met; rather they want to vent their anger and are considering harming their victims. Therefore, anything law enforcement can do to calm subjects down and establish trust may benefit efforts to build rapport and thereby influence behavior. This contrasts with hostage takers, who should not be given anything without the police getting something in return.

Everyone wants respect, even the most troubled or seemingly undeserving individual. Law enforcement should properly view negotiations as a process through which they can influence subjects, steering them away from violence and toward a peaceful surrender. The most common mistake negotiators make is trying to hurry the process by rushing into problem solving before establishing a measure of trust. This is typified by negotiators who ceaselessly press subjects to surrender before they are ready. Negotiators should not drone the mantra, "When are you coming out?" Only after they have established rapport and earned the right to do so can negotiators begin to influence the subject by suggesting resolution options.

In short, the negotiation team, the on-scene commander, and the tactical team must understand and appreciate whether they face a hostage incident, in which subjects use hostages as leverage to achieve their demands, or a nonhostage incident, in which subjects direct their aggression against themselves or a victim. After determining which of these two basic types of situations they face, on-scene decision makers must carefully consider all contemplated actions.

Decision-making Considerations

Today, all police actions in any crisis come under strict scrutiny. Decision makers understand that the choices they make during any incident become subject to a court

> **Synchronizing negotiations and tactics in a parallel fashion can achieve maximum effect.**

of law and to the court of public opinion and must be considered carefully. The FBI recommends using the three-part Action Criteria: 1) is the contemplated action necessary? 2) is the contemplated action risk-effective? and 3) is the contemplated action acceptable?[5]

Decision makers also should prepare to answer why they took action when they did, what conditions changed from earlier that caused them to take action, and whether they fully explored and attempted to implement less risky

alternatives first. Loss of life is most likely to occur during police tactical intervention. Therefore, before initiating any tactical action, decision makers must consider carefully the current threat to the hostages/victims, as well as the risks faced by their tactical officers.

If the threat to the victims is believed low, then high-risk tactical actions are inadvisable and difficult to defend. If the threat to the victims is higher, then risk-effective tactical action is easier to defend and should at least be considered. Finally, if the threat to the victims is very high, then high-risk tactical action may be necessary; commanders may have no choice.

Any loss of life, even to the subject, will result in the close examination of the actions of the police agency. Critics will want proof that the threat to hostages increased and that the police exhausted less risky alternatives prior to taking action. At the same time, members of the public will accept the consequences of high-risk action only if they believe with certainty that taking no action at all surely would have resulted in harm to the hostages/victims.

Unified Strategy

Anecdotal information provided by crisis personnel nationwide reflects that crisis managers frequently fail to sufficiently coordinate the efforts of their negotiators and tactical personnel. Indeed, the on-scene decision maker must bring all of the key component leaders together to ensure that all parties understand the type of situation and its accompanying dynamics and understand and support the proposed resolution strategy. All

police elements must convey a consistent theme.

Moreover, negotiations represent not only what occurs over the telephone but also every action the police take and the subject interprets.[6] Thus, the negotiator's words and tactical actions must convey the same message. Demonstrations of force by the tactical team can undermine nonthreatening, purposeful negotiations. If negotiators are attempting to de-escalate tensions while the tactical perimeter team's actions appear threatening, then efforts to gain rapport and build trust with the subject will be thwarted.

Component coordination also should involve public information officers. Crisis managers always should assume that the subject has access to radio or television and can view what the police say to the media, as well as what the media report. Thus, police press officers must clear all prepared statements not only with the on-scene commander but with the negotiation team, as well. Doing so will help prevent harmful or regrettable statements that may agitate the subject or in some way inhibit the trust and rapport the negotiation team is attempting to establish.

Negotiations and Tactics: A Balanced Approach

Experience has shown that too many police departments continue to employ a linear approach to crisis resolution. First they try to talk subjects out (ask them), then they use force to take them out (make them). This approach remains typical among action-oriented police or military establishments not used to

having others dictate their actions. Police officers learn to identify a problem, solve it, and move on to the next one. As a result, they become frustrated when the actions of a criminal or disturbed individual become the controlling force in determining the outcome of an incident. While the police have learned to use negotiations to buy time, muster resources, gain intelligence, and prepare for action, they do not always understand that tactics do not simply follow failed negotiations. Rather, commanders must appreciate that the proper use of tactics *encourages* negotiation.

Synchronizing negotiations and tactics in a parallel fashion can achieve maximum effect. The negotiator should contrast for the subject the benefits of reaching agreement through negotiation with the risks of disagreement leading to tactical intervention,[7] preferably by an incremental display of power during

the negotiation process without actually using it. Still, an appropriate limited display of tactical power is not the same as an overtly threatening use of that power. The goal remains to bring subjects to the table, not to their knees.

Negotiation Team Structure

A single individual cannot conduct the negotiation process. Rather, a team structure represents the best approach to proper negotiations. An effective negotiation team requires a minimum of three individuals: a primary negotiator, a coach, and a team leader. Many incidents require additional team members to maintain situation boards,[8] collect and disseminate intelligence information, interview released victims or friends/family of the subject, serve as mental health consultants, and act as tactical liaisons. Major incidents can demand an even larger negotiation

team performing other functions and working in shifts. The negotiation team needs to operate in a quiet area—which the FBI refers to as the Negotiation Operations Center, or NOC—that remains free from intrusion and interference, sits separate yet adjacent to the command post, and contains sufficient space to accommodate the personnel required.

Along with the tactical team leader, the negotiation coordinator should serve as one of the on-scene commander's principal advisors and have almost continual interaction with the on-scene commander. These three key individuals must interact in a positive and effective manner to ensure a uniform understanding of the subject's behavior and motives and to promote a unified strategy aimed at risk-effectively resolving the incident.

Many negotiation teams nationwide have learned the value of having a tactical team representative stationed within the NOC. Negotiators represent the ears of the operations; the tactical team, the eyes. Together, they work to exchange intelligence; compare subjects' words with their actions; coordinate deliveries, releases, and surrenders; and prepare for and implement tactical intervention. Making deliveries, receiving released victims, and handling surrenders require particularly close coordination between the negotiation team and the tactical team. These critical activities, more than any other actions, tend to become problematic due to a lack of coordination and uniform understanding of the specifics of the agreement and the timing required to carry them out. For example, if

the subject expects a box of food to be placed in a certain area, and for whatever reason, the tactical team puts it in another area, it can result in the subject's feeling misled or set up. Such a simple misunderstanding can result in an erosion of trust and disrupt efforts to establish and maintain rapport.

Indicators of Negotiation Progress

Commanders most frequently ask negotiation coordinators two questions: 1) how long will the incident last? and 2) is the team making progress? The answers to these questions are neither simple nor

> " *Negotiators should not drone the mantra, 'When are you coming out?'* "

straightforward. First, the situation will last as long as it lasts and not a moment less. It is nearly impossible to predict with certainty the duration of an incident. The answer to the second question lies in a number of indicators of either progress or high risk.

The following indicators signify progress and generally mean that current negotiation initiatives should continue. Specifically, since negotiations have begun,

- no additional deaths or injuries have resulted,

- the subject has reduced threats and is using less violent language,
- the subject's emotions have lowered,
- the subject has exhibited increased rationality in speech and action,
- deadlines have passed,
- the subject has become increasingly willing to bargain,
- the subject has lowered demands,
- the subject has released a hostage,
- the negotiator has built a rapport with the subject,
- the subject has made positive statements about the welfare of the hostage/victim, and/or
- the subject has asked about the consequences of surrendering.

Conversely, the negotiation coordinator may cite an increased risk to the victims due to the absence of some of the indicators of progress or continued clear threats or actual injury to the victim(s); no substantive demands; no escape demands; or verbal clues of suicidal intentions. These and other risk factors indicate that the potential for further loss of life remains high.[9] When all signs point to the inability of negotiation to prevent the subject from harming hostages/victims, the team can consider tactical intervention options aimed at rescuing hostages/victims before the subject can take action to harm them.

This is easier said than done. Risk-effective tactical intervention

options require detailed planning and flawless execution. Experience has demonstrated repeatedly that when the police feel compelled to initiate tactical action, the prognosis for loss of life greatly increases. During high-risk scenarios, tactical action might best be described as "high risk, high gain," meaning that the risk to all parties (subject, victim, and police) is usually very high, albeit necessary, but the potential gain in the safe release of victims is compelling. To take no action probably seals the fate of the victims. On-scene commanders must weigh carefully the risks versus the gains, ensuring that they authorized the action, with negotiation team concurrence, out of necessity, not because the police had the ability to do it, grew fatigued, or became impatient.

Tactical Role of the Negotiator

Once the on-scene commander authorizes tactical intervention, the negotiation team can and should assume a proactive tactical support role, softening up subjects and making them more vulnerable to tactical action. The negotiation team accomplishes this by setting up deliveries in a predictable pattern for subsequent tactical exploitation, making concessions that cause subjects to lower their guard, occupying subjects on the phone during the assault (thus specifically locating them), identifying the leader or most violent subject for tactical focus, getting subjects to vacate the stronghold and thereby become more accessible to tactical action, and explaining away any tactical movements seen or heard by the subject.

On-scene commanders frequently overlook the negotiator's role during tactical interventions. They often fear that negotiators, armed with the knowledge of impending tactical action, will somehow betray this information to the subject over the phone. Yet, the FBI's review of thousands of cases has not identified a single incident in which this has happened. By contrast, many examples exist of negotiators, who, after being made aware of tactical plans, have masked or covered tactical movement that might have otherwise compromised the operation.

In a recent case, the tactical team, believing the subject was asleep, made an early morning entry into a hostage stronghold without telling the negotiation team. What might have happened if negotiation team members had decided to call into the crisis site to talk to the subject? Had they done so, they unwittingly would have awakened the subject, who then might have become aware of the ongoing police entry and decided to resist violently. Alternately, the subject might have awakened, heard the tactical team approaching, and phoned the negotiation team seeking an explanation. Without any knowledge of the plan, the negotiation team would have been unprepared to offer a believable cover story explaining the noise or might have hung up to find out what was going on

instead of purposefully keeping the subject occupied on the phone.

The Team View of Success

Negotiation team members are law enforcement officers, trained to work toward resolving crisis situations in the most risk-effective way possible. Tactical intervention may, indeed, represent the best solution; it does not equate to negotiation failure. Statistically, negotiations successfully resolve most incidents. Moreover, even if the subject does not surrender peacefully, negotiations nonetheless succeed by stabilizing the incident through verbal containment; buying time to gather intelligence, staff, equipment, and other resources; and allowing the tactical team to identify the subject's vulnerabilities and practice its planned entry.

CONCLUSION

The art of hostage negotiation has come a long way, and crisis

negotiators have developed the skills and knowledge they need to peacefully resolve even the most volatile incidents. The successful resolution of such incidents usually rests in understanding the dynamics of different situations, and on-scene commanders must understand the type of critical incident they face in order to identify the appropriate law enforcement strategy. Whether a hostage situation in which the subject aims to force authorities to fulfill certain demands or a nonhostage situation in which the subject has no clear goals or substantive demands and expresses anger, rage, or frustration in a senseless or self-destructive way, negotiation remains a vital tool to successfully resolve the crisis.

Whether a hostage or nonhostage event, commanders should understand that negotiation represents a process designed to demonstrate empathy, establish rapport, and, finally, influence the subject to avoid further violence and surrender peacefully. Negotiations buy the time necessary to gather important intelligence; assemble personnel, resources, and equipment at the scene; and allow the tactical team to prepare for risk-effective intervention, if necessary.

Negotiations cannot work without proper tactical containment, and tactical intervention rarely succeeds without the help of the negotiation team to buy time or set up the subject, lowering the potential risk to tactical officers. The incremental, coordinated use of tactics and negotiation effectively brings subjects to the bargaining table. Still, the need for tactical intervention does not mean that the negotiation team failed. It means that the subject was

not reasonable and did not make the proper decision to surrender. If tactical intervention proves necessary, both the tactical and negotiation components need to work hand in glove to plan and then implement the agreed-upon strategy.

Along with the tactical team leader, the negotiation coordinator should stay in almost continual contact with the on-scene commander to ensure that all actions are coordinated and further the agreed-upon strategy. The negotiation coordinator should advise the commander of the indicators of progress as well as

> **The goal remains to bring subjects to the table, not to their knees.**

the indicators of high risk. This input enables the commander to consider carefully the full range of resolution options available.

Before making critical decisions, commanders should use the Action Criteria to determine if the action is necessary, risk-effective, and acceptable. In addition, commanders must be prepared to answer why they decided to take action, what conditions changed from earlier, and whether they first exhausted less risky alternatives.

Above all, commanders should adopt a philosophy that views tactical intervention as the least desirable alternative, one to be taken only when no other choice exists. The police will have to show that they demonstrated patience and

restraint, that they carefully assessed and understood the subject's behavior and motivation, and that they felt compelled to use force only to save lives and not simply because they had the ability. Such a policy will result in continued support from an increasingly demanding citizenry that will continue to scrutinize any controversial police action.

Commanders always should remember that to maintain the support from the public they serve, they must demonstrate professionalism in handling high-profile hostage, barricade, and suicide incidents. Understanding the dynamics underlying such incidents will assist commanders in making the critical decisions needed to resolve them. ◆

Endnotes

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The Language of Confession, Interrogation, and Deception *by Roger W. Shuy, published by SAGE Publications, Thousand Oaks, California, 1998.*

A common denominator for all law enforcement officers remains the ability to communicate with people, whether on the street, during a protracted investigation, in front of a grand jury, or in the courtroom itself, as well as within their own organizations. Law enforcement officers need to understand and be understood through communication. This communication generally takes written form but also occurs in such media as audio or video. The written form—a report—is compiled with similar reports and used by prosecutors to assess the viability of formally charging a suspect. At some point, officers interview the suspect. The interview may turn into an interrogation and, if successful, will culminate in a confession.

In the first two chapters of the book, the author, a distinguished Research Professor of Linguistics at Georgetown University in Washington, DC, focuses on the language law enforcement officers use when obtaining confessions and conducting interrogations. The author makes a distinction between the language actually *used* during these situations and the language *intended*. For example, some confessions contain language that mirrors the elements of a statute as opposed to the language actually used by the suspect during the confession, thereby raising the issue that the investigator modified the confession in some way to make it "fit" the elements contained in the statute.

The book branches out to a discussion of constitutional rights, truthfulness and deception, and written and unwritten confessions. In one chapter, the author uses case studies—court cases where he had direct or indirect involvement as a potential witness for the defense—to illustrate situations where the interrogator becomes, in essence, a therapist. Although most of these cases resulted in convictions for the prosecution, law enforcement readers should not be lulled into a false sense of security about the impact of the author's message. The author makes valid points that if law enforcement officers do not continue to analyze, review, and learn from their shortcomings, the credibility currently enjoyed in this profession may be in jeopardy. He makes these points, not from the perspective of a law enforcement officer, but from that of an academician, who has spent innumerable hours reviewing and analyzing, line by line and word by word, the language used by officers and subjects in investigations. In the case studies presented, confession—another area of law enforcement once thought to be untouchable—also receives scrutiny.

Although the research, references, and academic viewpoints presented early in the book may seem overwhelming, the foundation laid by the author is necessary to apply these concepts to real situations. By citing nearly all of the icons in the areas of interviewing and interrogation (i.e., Sapir, Rabon, Inbau, and Reid), the author comforts the reader with his knowledge of this field of study. He further supports his opinions with various case studies and draws constructive conclusions from his experiences.

Readers should not take offense at the apparent harshness of the author's comments directed at law enforcement but rather should view the author's suggestions to audio- and videotape interviews, interrogations, and confessions as opportunities to expand their horizons into the inevitable future of the profession. Indeed, *The Language of Confession, Interrogation, and Deception* can help novice and experienced law enforcement investigators alike enhance their success in the interrogation room.

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Alcohol Abuse in Policing
Prevention Strategies

By John M. Violanti, Ph.D.

Photo © K. L. Morrrison

Alcohol abuse represents an important issue in police work. Estimates show that alcohol abuse among police officers in the United States is approximately double that of the general population where 1 in 10 adults abuses alcohol.[1] While the social use of alcohol may be accepted in most professions, excessive use can impair an individual's ability to function properly at work and at home. This can prove particularly dangerous for police officers.

Researchers find the occupational and personal losses associated with alcohol abuse among police officers difficult to determine, and deficits in job performance due to alcohol abuse cannot always be easily detected. Because alcohol use often is considered part of the police lifestyle, officers who have a problem seldom get approached by their peers.

Ultimately, officers who abuse alcohol get noticed by their organizations and sometimes by the public. Their drinking problems may lead to an automobile accident, a domestic violence situation, or a citizen's complaint. To deal with such situations, many police agencies adopt a strategy of getting help for abusers only *after* they discover a problem. Help may include a referral to an employee assistance program or alcohol rehabilitation clinic. Agencies often use a late-stage treatment strategy because police managers sometimes lack faith in early detection approaches and view them as ineffective. Yet, if agencies intervene *before* officers get into trouble, they can help officers onto the road to recovery, avoiding damage to both their personal and professional lives.

THE CASE FOR EARLY INTERVENTION

Prevention approaches view the causes of alcohol abuse to be based on the behavior of the officer, as well as being influenced by the officer's social network. The police social network has similar risk factors for alcohol abuse as other high-stress occupations. Police officers may endure stress, experience peer pressure, and be subjected to isolation—all within a culture that approves alcohol use.[2] Oftentimes, police officers gather at a local bar after their shifts to relax over a few drinks with their peers and reinforce their own values. Furthermore, because of the close-knit police culture, officers may feel reluctant to report colleagues for alcohol-related difficulties. Many officers may go to great lengths to protect fellow officers in trouble.

If a police department hopes to effectively reduce alcohol abuse, it should intervene early into the very network that reinforces such behavior in the first place—the police culture.[3] Agencies should get involved as early as the police academy stage and follow up with periodic in-service interventions.

Departments can use numerous strategies for early intervention. For example, they can

- help to improve the fitness and well-being of officers;

- provide education on lifestyle rather than on alcohol itself;

- initiate stress management programs; and

- shift the responsibility of detection to individuals other than the affected officer.[4]

PREVENTION STRATEGIES

Improve Physical and Mental Fitness

Improving physical and mental fitness represents an important first step in alcohol abuse prevention. Experts believe that individuals who live unhealthy lives increase their risk of becoming excessive drinkers. Fitness protects against developing destructive habits, which, over time, can lead to health problems. For example, a physically fit individual generally does not smoke and drinks only at a low risk level. Thus, poor physical health may prove compatible with excessive drinking because officers may not perceive drinking as worse than other aspects of an unhealthy lifestyle. In this sense, the appropriate target for alcohol prevention becomes the unhealthy lifestyle of the officer rather than the drinking behavior itself.[5]

Provide Lifestyle Education

Education serves as another part of an alcohol abuse prevention strategy. Individuals unaware of the effects of alcohol risk the development of alcohol-related problems. Although the use of such knowledge likely can be affected by values and beliefs, experts argue that the presence of such knowledge reduces the likelihood of alcohol abuse. Contrary to common belief, lectures on alcoholism remain one of the least effective methods of educational prevention. Providing information about how to identify and explore lifestyle factors that support alcohol abuse proves more beneficial. For example, smoking cessation clinics identify cues that trigger cravings for smokers and teach them new responses to avoid those cues. The point of an alcohol education program should be that change in alcohol abuse behavior is unlikely to occur unless factors in the officer's lifestyle are identified and changed.[6]

Reduce Stress

Minimizing stress in the workplace also can help to prevent alcohol abuse. Research has shown that

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people who experience high stress remain more at risk for alcohol abuse. Stress can exist on both the organizational and individual levels in police work. Within the organization, managers should identify and minimize sources of stress as much as possible, particularly stress that serves no legitimate organizational goal. On the individual level, officers should be taught how to deal with the effects of stress from inside and outside the workplace. For such occupations as policing, where inordinate stress exists, something should be done before alcohol abuse becomes a problem.[7]

Officers' sense of control over the environment represents another factor in the amount of stress they experience and, in turn, whether they abuse alcohol. Officers who feel more in control of their lives generally feel less stress. A feeling of participation in important decisions that affect their work can increase their sense of control, instill confidence, decrease stress, and make them less likely to abuse alcohol. Moreover, allowing officers to participate in important workplace decisions can help them maintain the self-regulating mechanisms necessary to control alcohol use under stressful conditions. Increasing an individual's control of work situations remains a long-standing problem in military structures similar to policing. A good starting point can be small, self-reinforcing changes that make officers feel more in control and better about themselves. First-line supervisors are important in instilling these feelings.[8] They can accomplish this by emphasizing the officers' positive achievements and recognizing superior work performance.

Encourage Early Detection

Some common signals of alcohol abuse may be increased absenteeism, a change in personality, or possibly memory lapses such as forgetting work assignments. Detecting these early signs of alcohol abuse can limit its devastating effects and illustrates

another factor in prevention. A significant difficulty for those individuals abusing alcohol remains their reluctance to admit the problem; therefore, it becomes necessary for others to intervene.

In this regard, first-line supervisors become invaluable. Supervisors should monitor the performance and activities of their workers and should recognize when problems arise. Complaints from other workers may focus the supervisor's attention on a particular employee. The supervisor can provide constructive advice on alcohol abuse, which can help guide the officer toward treatment and possibly even prevent an officer from becoming an alcohol abuser. Supervisors should become more familiar with their officers by getting to know them both professionally and personally. Becoming acquainted with the officers in this way may help supervisors to discover issues that may later develop into problems. Thus, supervisors, through education and policy, can become aware of the signs of alcohol abuse and responsible for detecting them in the workplace.[9]

Finally, an officer's family remains an additional source of detection. The officer's family may suffer as a result of alcohol abuse, which provides motivation for members of the family to seek help for the troubled officer. However, police families, much like fellow officers, may be reluctant to report alcohol-related problems. Departments should inform families of known problems police officers often have with alcohol abuse and emphasize the importance of the rehabilitation process for the officers and their families. Departments also should provide information to the family regarding the help available for officers and their families.[10]

CONCLUSION

A preventive approach has the long range potential to reduce alcohol abuse. Police departments should note that proactive prevention strategies designed to prevent alcohol abuse are more economical and practical than curing those who abuse alcohol.

> " If agencies intervene *before* officers get into trouble, they can help officers onto the road to recovery.... "

Based on the prevention strategies of wellness, lifestyle education, and stress reduction, police administrators should set two goals for dealing with alcohol abuse. First, they should seek to lower alcohol consumption levels among all personnel but especially in those who already manifest high intake levels. They should encourage officers to decrease alcohol consumption while making other changes in their lives that would sustain that practice. Second, administrators should encourage the minimization of factors, such as stress, that may lead to alcohol abuse. Stress management programs, similar to alcohol-related programs, remain essential in a comprehensive approach to mental well-being at work.

When police managers implement such strategies early on, they can reduce the likelihood of alcohol abuse within their departments. When officers get the help they need from the onset, both the officers and their agencies benefit. ◆

Endnotes

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Mass Transit
Target of Terror

By KURT R. NELSON, M.P.A.

Photo © Paul Myatt

Terrorism has become a reality of modern life. Domestically, such extreme acts as the World Trade Center and the Oklahoma City bombings have brought home the reality of both foreign and domestic sources of terror. Added to the terrorist's arsenal of conventional explosives is the use of chemical and biological weapons. In fact, many experts believe that the question is not *whether* a major bioterrorist attack will occur but *when* such an attack will take place.[1] And, in recent years, both domestic and foreign terrorists increasingly have focused on mass transit to maximize mass terror.

Terrorists seek the shock and publicity that accompany attacks, and in the past, many have chosen airliners as targets. Yet, as increased security measures have made such attacks more difficult, terrorists have searched for alternate venues to deliver their messages. The likelihood of numerous casualties coupled with an inherent lack of security makes mass transit systems a suitable mark for terrorism. Such domestic incidents as the October 1995 attack on an Amtrak line in Arizona have highlighted the threat, while overseas, such incidents as the March 1995 poison gas attack in the Tokyo subway underscore the ability to target a large number of innocent victims. Faced with these incidents and the prospect for future destruction on mass transit systems, law enforcement agencies must prepare for a broad range of possible assaults aimed at these types of targets.

PREPARING FOR TERRORISM

Terrorist attacks not only hold the potential for massive destruction but also require a response from a multitude of organizations, from law enforcement and emergency services to structural engineers and heavy equipment operators. Such disparate agencies may have never worked together and

may have no experience with the transit system. Preincident planning and extensive interagency training can help overcome these weaknesses. Periodic full dress rehearsals help to ensure that every unit will be able to meet its assigned tasks when the time comes. Because of their experience in responding to critical incidents, law enforcement agencies must take the lead in preparing for terrorist attacks.

DEFINING THE TERRORIST THREAT

In order to coordinate the appropriate response, law enforcement first must determine whether an incident can be defined as a terrorist act. While obvious acts of terrorism can be identified as such, more subtle acts, particularly ones that come without warning or without anyone claiming credit, can delay the appropriate response.

To successfully combat a terrorist incident, law enforcement first must assume that a terrorist act has occurred whenever a warning has been received, credit has been claimed by a terrorist group after the incident, or the magnitude or location of the incident would merit a cautious presumption of an attack. For example, even a small incident directed at a prime government target (e.g., the Metro transit station at the Pentagon, in Arlington, Virginia) should trigger at least the start of a counterterrorist response until investigation has determined that such a response is unwarranted.

While the local police department initially will treat many terrorist acts like large-scale criminal acts, important differences exist. Criminal and terrorists acts usually differ in their magnitude and design. For example, in criminal acts, offenders usually do not plan to take hostages. When they do so, it often occurs when their actions are discovered by law enforcement earlier than they had anticipated.[2] By contrast, terrorists intend to take hostages and usually do so to accomplish certain political objectives. Moreover, their dedication to their cause and practiced approach usually makes them a greater threat to the hostages and to the law enforcement officers trying to protect the public.

Terrorist acts fall into two general categories of police incidents, normal and atypical. While some elements remain common to all types of police response, each potential threat requires a different law enforcement action.

Normal Threats

Normal threats include bomb threats and actual bombs, hostage-taking scenarios, and shootings or snipers. The police frequently encounter such incidents and have standard practices and strategies in place for dealing with them. Although the terrorist variants of these criminal acts—hostage takings, politically motivated weapon assaults, or bombs—represent the easiest attacks for the police to understand, terrorist acts often differ in motivation, size, and location. Unfortunately, few local law enforcement agencies can amass the response required to combat them.[3]

Specifically, while most local law enforcement agencies can handle a barricaded felon, when terrorists take hostages, their demands most likely will reach beyond the local authority's ability to meet them. Accordingly, local agencies should seek assistance from the military and from federal law enforcement agencies, including the FBI's Critical Incident Response Group and the U.S. Marshals

> " ...in recent years, both domestic and foreign terrorists increasingly have focused on mass transit to maximize mass terror. "

Officer Nelson serves with the Portland, Oregon, Police Bureau.

Special Operations Group, by contacting the local FBI field office. Until such help arrives, the local authority should treat the incident like any other hostage situation but with one major caveat. The possibility that a terrorist will take the lives of hostages to deliver a message remains very real, and the on-scene commander should consider this threat prior to initiating any precipitous action such as an assault.

A series of bombings in Atlanta, Georgia, has revealed the latest variant in terrorist activities within a conventional police incident. These incidents represent typical cases except for one act: the use of a secondary explosive device designed to attack responders. Thus, the law enforcement authority must take control at the bombing scene not only to preserve evidence but also to protect emergency response teams from secondary weapons.

Unfortunately, secondary explosive devices are difficult to detect. Explosive detection dogs prove less effective in areas already contaminated by explosive residue. If detection is not possible, then law enforcement must create a safety zone by removing other threats (e.g., towing parked cars) or creating a shielded area in which the responders can work safely.

To plan for normal terrorist threats, police departments should determine the maximum response they can provide, then locate outside resources to provide the rest. If necessary, the department should sign interagency agreements to ensure a complete response when the need arises. For example, the

Portland Police Bureau's Special Emergency Reaction Team has an interagency training and response agreement with such agencies as the Washington County, Oregon, Sheriff's Office Tactical Negotiation Team, the Oregon State Police's SWAT team, and the local FBI office's SWAT team. The teams regularly train together in anticipation of terrorist threats. Although the expertise of these groups lies in the tactical arena, a complete

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> *Terrorist attacks that occur on transit systems can tax even the most seasoned law enforcement veteran.*
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response would require the coordination of agencies well-versed in every area of crisis management. For this reason, the Portland Police Bureau stages mock incidents on the transit system and coordinates the response between the diverse agencies likely to become involved.

Atypical Threats

In March 1995, the Aum Shinrikyo religious sect, using five canisters of diluted Sarin, an extremely toxic chemical, disguised as lunch boxes and soft drinks, exposed 5,000 to 6,000 persons in the

Tokyo subway system, killing 12 people. Another attack attributed to the same group occurred less than 2 months later at another subway station. Police discovered a simple binary weapon system that prior to mixing, contained the needed precursors for hydrogen cyanide gas. These two attacks, just two of the six attributed to the group,[4] represent types of atypical threats. Falling outside the typical police experience, such incidents include the use or threatened use of chemical, biological, or radioactive materials.

Attacks do not have to be elaborate or sophisticated to be deadly. A biological weapon, such as anthrax, can be used in a rudimentary manner and still inflict thousands of casualties. For example, wind from passing trains could circulate anthrax spores deposited in the underground tunnel of a subway system and claim thousands of lives.[5]

Nuclear attacks represent the third type of atypical incident. In this case, however, nuclear refers, not to atomic bombs, but to the use of radiological material scattered by conventional explosives. Such materials prove more subtle and difficult to detect and eradicate, making them last longer and able to infect a greater number of people.

Whether biological, chemical, or nuclear, atypical attacks extend beyond the ability of any law enforcement agency to counter unassisted. But help is available. The U.S. Marine Corps originally created its Chemical/Biological Incident Response Force for use at the Olympic games in Atlanta, and the U.S. Army also maintains units able to combat these threats. The 310th

Chemical Company represents the first military unit able to detect and identify biological threat agents. Other Army units, such as the 25th Chemical Company, are trained to deal not only with chemical threats but with environmental hazards, as well.[6] The FBI coordinates the federal response, and local law enforcement in need of assistance should contact the nearest FBI field office.

Calling on such groups remains essential because law enforcement agencies themselves cannot detect these threats early enough to mitigate their effects. Most local law enforcement authorities rely on bomb squads and hazardous material teams to respond to these incidents. While possibly being able to detect chemical or radioactive substances, these teams may fail to detect slower-acting biological agents. Moreover, they even may overlook the possibility that a biological threat exists.

TRANSIT SYSTEM CONSIDERATIONS

Terrorist attacks that occur on transit systems can tax even the most seasoned law enforcement veteran. A hostage situation on a city bus requires a different response than an incident on a subway car. At the same time, an attack on a subway car or a bus calls for different measures than one that targets a subway or bus station. To prepare for such attacks, officials must consider a number of factors. For example, at system entrances and exits, scores of people congregate, multiplying the potential for injury. Certain fuel types, such as the compressed natural gas used in an increasing number of buses, could be sabotaged to explode. Response teams could use the external cutoff switches built into some vehicles

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Sources of Additional Information

The following Web sites contain information on terrorism in general, as well as details on mass transit attacks:

The Infrastructure Protection Task Force
http://www.fbi.gov/programs/iptf/iptf.htm

The Federal Transit Administration (FTA), Office of Safety and Security, Transit Security Newsletter
http://www.fta.dot.gov/library/program/tsn/tsn.htm

The FTA's Safety and Security Program,
includes extensive bibliography
http://www.fta.dot.gov/fta/library/planning/TSSP/tssp.html

The FBI
http://www.fbi.gov

The Emergency Federal Law Enforcement Assistance Program
http://www.ojp.usdoj.gov/BJA/html/specprog.htm
or http://www.ncjrs.org/txtfiles/eflea.txt

The National Law Enforcement and Corrections Technology Centers
http://www.nlectc.org

U.S. Department of State
http://www.state.gov/www/global/terrorism/index.html

U.S. Department of Transportation
http://www.dot.gov

Source: Adapted from Eric Barnes, with Marj P. Leaming, Ph.D., and Linda Cavazos, "Protecting Public Transportation from Terrorists," National Institute of Justice Journal*, March 1998, 21.*

in a tactical maneuver to thwart terrorists.

Light-rail vehicles require special consideration. Overhead power lines could fall to the tracks, and electricity from the third rail could jeopardize rescue efforts. In addition, approaches to such vehicles change in relationship to where the vehicles are on the tracks. Specifically, different strategies and responses must be planned for stations, where doors open onto platforms, and assaults between stations, where doors are at a considerable height above the rail bed.

Evacuation from the system may represent a formidable obstacle in the event of a terrorist threat. Only preincident planning and practice can effectively evacuate passengers, staff, and tenants who may surround the transit station. Transit officials for London's Underground plan for evacuation by training shopkeepers and practicing regularly. By doing so, major stations can clear out 3,000 to 4,000 individuals in 3 to 4 minutes. In 1991, transit personnel evacuated 60,000 people from the entire transit system in 10 minutes.[7]

Evacuation plans should include the selection of staging areas, where passengers can await transport to safe locations, as well as alternate locations, in the event that the first site is downwind from a hazardous gas release. Extra buses can serve as shelter for victims, witnesses, and workers and, equally important, can accommodate the transit needs of passengers who arrive at the scene expecting to enter the system. If possible, alternatives to the affected transit line or system must be established in order

to diminish the crowds that would otherwise accumulate at the scene.

In short, agencies preparing for mass transit terrorism cannot merely apply their typical critical incident response plan. Instead, they must consider the unique needs of transit systems and tailor their responses accordingly. Yet, even a meticulously planned and flawlessly executed response cannot substitute for preventing an attack from occurring in the first place.

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> ## *Preparation remains the key to combating mass transit terrorism.*
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PREVENTION STRATEGIES

Prevention represents a key element in preparing for terrorism. Part of the prevention plan must include an aggressive effort to use security and detection, as well as environmental design, to stave off terrorist attacks before they can be implemented.

Security and Detection

When assessing sites and vehicles to develop a planned response, law enforcement should evaluate and safeguard vulnerable parts of the system, such as entrances, exits, and potential hiding places. Regular monitoring of these vulnerable parts of the system, coupled with the use of an antitampering design, which allows

officials to detect tampering, can provide a basis for increased patrol during times of heightened concern. Further, training all employees, tenants, and patrons of the transit system to become aware of suspicious packages, smells, and passenger behavior can further deter terrorist attacks.

Environmental Design

Unfortunately, the design traditionally used for mass transit systems represents the antithesis of appropriate security. Mass transit systems are designed to be open and inviting, which creates ample opportunity for a variety of attacks. Still, transit officials can make the system inviting, while decreasing the possibility of a terrorist attack. For example, New York City's Metropolitan Transit Authority completed a security review of its system after the gas attack in Tokyo. Improvements included removing open spaces behind ticket booths, a natural hiding place for bombs, and placing antitampering devices in the subway's ventilation system.[8]

Retrofitting an existing facility may prove difficult; it remains much easier to design new facilities with crime prevention and terrorism reduction in mind. For example, in London, garbage cans were removed from the street because of the potential for members of the Irish Republican Army to use them to hide bombs. A similar threat could take place in the nation's transit systems and underscores the need for officials to consider such details when designing new facilities. In a new facility, trash chutes could move litter from areas where

people congregate to a lower level a safe distance away. Just as every new construction project must undergo an environmental impact review, law enforcement personnel could conduct a security review as another part of the design process.

CONCLUSION

In the past, local law enforcement believed, with some justification, that terrorists would target only such major cities as New York or Washington, DC. They assumed that other, smaller cities remained safe from such attacks. Now, law enforcement officers in every jurisdiction, large and small, urban and rural, must at least recognize the potential for attack and plan accordingly. And, because of their potential for massive casualties and destruction, combined with an inherent lack of security, mass transit systems can become easy prey for terrorists.

Preparation remains the key to combating mass transit terrorism. First, law enforcement agencies must recognize terrorist acts, then respond accordingly. The appropriate response depends on a number of factors, including the type of threat encountered and the area of mass transit affected. Local law enforcement must work with a myriad of diverse agencies to neutralize the threat and deal with its aftermath. Such a massive undertaking cannot be left to chance; responding agencies must prepare for every contingency and drill to maintain a state of readiness. As important, local agencies must recognize when an incident reaches beyond their capabilities. State and local authorities should not hesitate to contact the FBI for assistance; any delay could have serious consequences.

Finally, law enforcement administrators should work with transit and government officials to tighten security on mass transit and to design new systems to thwart acts of terrorism. When officials limit the ability of terrorists to function freely,[9] they keep the citizens they serve safe. ◆

Endnotes

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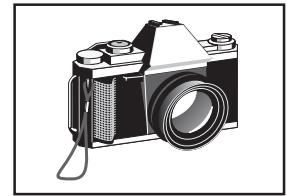
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[6] Shirley L. DeGroot, "Comment and Discussion: 'Who Will Answer the Chem/Bio Call?'" *Proceedings*, March 1997, 120.

[7] Joseph Scanlon, "Passenger Safety and Efficient Service: Managing Risk on London's Underground," *Transit Policing*, Fall 1996, 12.

[8] Lenny Levine, "Terrorism," *Metro*, July/August 1996, 26.

[9] Supra note 3, 11.

Survey on Police Education

The Police Executive Research Forum (PERF) recently conducted a survey on education levels for new recruits. Of the 215 agencies responding, 94.8 percent indicated their agencies have an educational requirement for new recruits. Of those with such requirements, more than 50 percent require high school degrees, 27 percent mandate 2-year associate degrees, nearly 5 percent require 4-year college degrees, and fewer than 1 percent plan to phase in 4-year college degrees over time.

Some other key findings include the following:

- Forty-two percent of respondents support all police agencies going to a policy of a 4-year accredited college degree for new recruits.

- Nearly 80 percent of respondents agree that a 4-year degree would increase professionalism.

- Fifty-two percent of respondents believe that a 4-year college degree requirement would negatively impact diversity among recruits.

For further information on this survey, contained in newsletter 1084-7316, contact the PERF at 1120 Connecticut Avenue, NW, Suite 930, Washington, DC 20036 or visit their Web site at http://www.police-forum.org.

Statistics on Fallen Law Enforcement Officers Released

The FBI's recently released *Law Enforcement Officers Killed and Assaulted* reported a 20-year low in the number of federal, state, and local officers killed in the line of duty during 1996. The Uniform Crime Reporting Program, which compiles the statistics, reported that 55 law enforcement officers were slain in 1996, including 3 federal agents: 1 each from the FBI, U.S. Border Patrol, and the Navajo Department of Law Enforcement. The complete report is available on the FBI's Internet site at http://www.fbi.gov.

Bulletin Reports, a collection of criminal justice studies, reports, and project findings, is compiled by Glen Bartolomei. 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.)

Crime Scene Searches
The Need for Fourth Amendment Compliance
By KIMBERLY A. CRAWFORD, J.D.
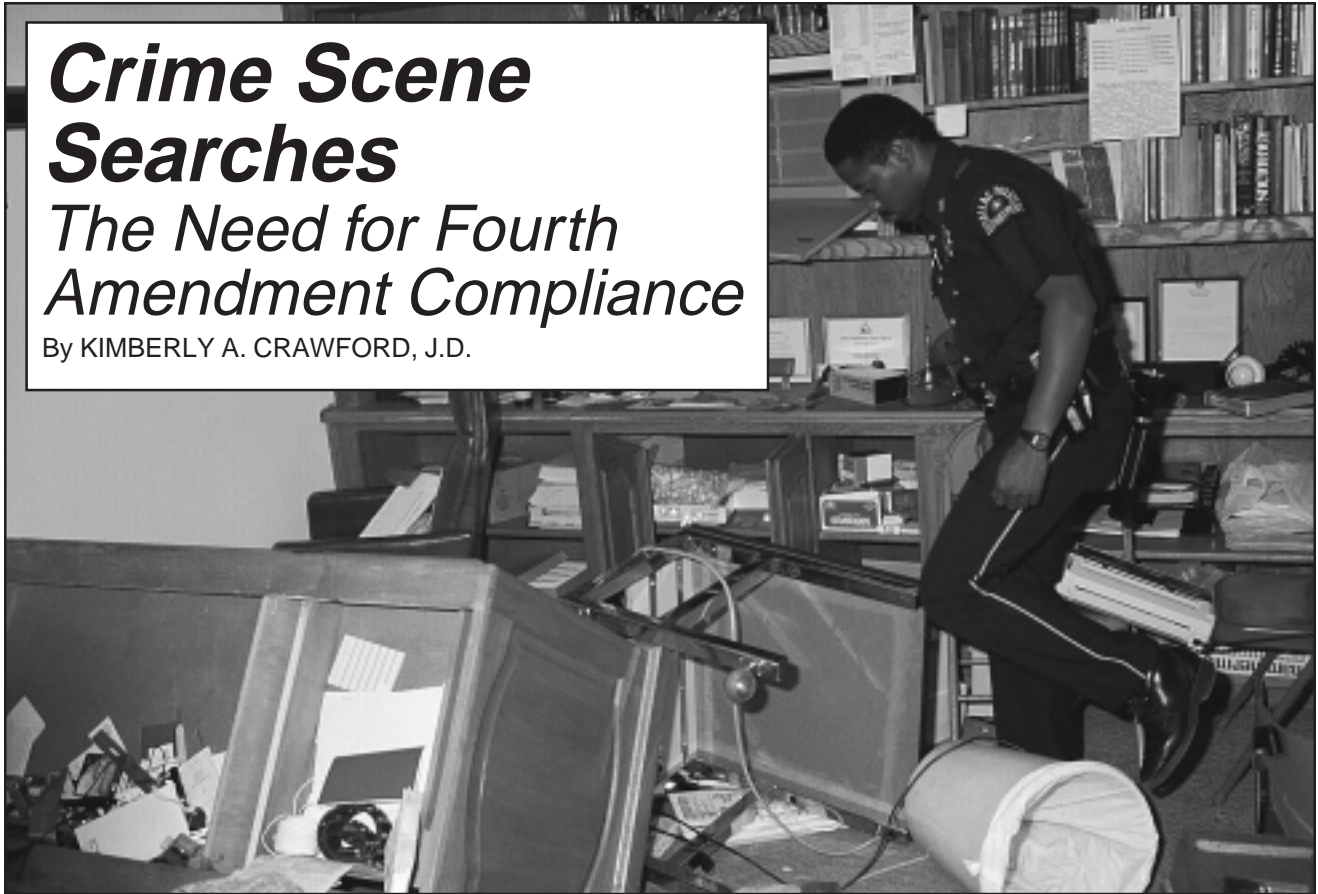
O n a warm spring day, a despondent woman decided to resolve her overwhelming problems by ending her life and the life of her husband of many years. The woman shot her husband, wrote a suicide note, took an overdose of sleeping pills, and lay down on a bed to await death. After some reflection, however, the woman apparently decided that life was worth living after all. Although it was too late to save her husband, she attempted to save herself by calling her daughter and requesting help. The daughter quickly notified the sheriff's office and rushed to her parents' home.

When sheriff's deputies responded to the call, the daughter admitted them to the scene of the attempted suicide and homicide. The unconscious woman immediately was transported to the hospital, and after completing a search for other victims or suspects, the deputies secured the house. Thirty-five minutes later, homicide investigators arrived on the scene and began a "general exploratory search for evidence of a crime"[1] that lasted approximately 2 hours. During the search, the investigators examined every room of the house and recovered three important items of evidence: a pistol found in a chest of

drawers, a torn note found in a bathroom wastepaper basket, and a suicide note tucked inside a Christmas card on top of a chest of drawers.

The woman eventually survived her suicide attempt and was prosecuted for the second-degree murder of her husband. Prior to trial, the woman moved to suppress the three items of evidence found by the homicide investigators during the "exploratory search" of her home. After considerable disagreement in the state courts, the case was ultimately referred to the Supreme Court of the United States. In a short, succinct opinion, the Supreme Court declared in

Thompson v. Louisiana that the "exploratory search" was a violation of the Fourth Amendment and ordered that the critical evidence be suppressed.[2]

Although the Supreme Court decided *Thompson* in 1984, the lessons learned by that decision are as valuable to law enforcement officers today as they were then. With recent advances in evidence detection technology and forensic analysis, crime scene searches have become possibly the most important component in many criminal investigations. Properly conducted, a crime scene search can reveal evidence that allows investigators to reconstruct the crime and identify the perpetrator. Lawfully conducted, a crime scene search can aid in the successful prosecution of those responsible. To lawfully conduct a crime scene search, however, investigators must be extremely careful to follow the dictates of the Fourth Amendment.

This article reviews the requirements of the Fourth Amendment as they apply to crime scene searches and examines the application of these requirements by various courts. Additionally, this article suggests policy considerations for law enforcement agencies routinely involved in crime scene searches.

APPLICABILITY OF SEARCH WARRANT REQUIREMENT TO CRIME SCENES

In *Thompson*, the Supreme Court based its decision to suppress the evidence on the facts that the homicide investigators did not obtain a search warrant prior to conducting the "exploratory search" of the crime scene and no exception to

"
To lawfully conduct a crime scene search...investigators must be extremely careful to follow the dictates of the Fourth Amendment.
"

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

the warrant requirement existed. On this issue, the Supreme Court was not breaking new ground.

The Court has long held that any time agents of the government intrude into an area where there is a reasonable expectation of privacy, a Fourth Amendment search has occurred that must be justified by either a warrant or one of the exceptions to the warrant requirement.[3] Moreover, in the 1978 case of *Mincey v. Arizona*,[4] the Court refused to recognize a "crime scene search" as one of the "well-delineated exceptions." As a result, crime scenes are given no special consideration under the Fourth Amendment. If a crime occurs in an area where there is a reasonable expectation of privacy, law enforcement officers are compelled to comply with the dictates of the Fourth Amendment when searching the scene.[5]

CRIME SCENE SEARCH WARRANTS

In *Katz v. United States*,[6] the Supreme Court created the presumption that all searches conducted without warrants are unreasonable. Because the Court has refused to create a separate set of rules for crime scenes, officers can avoid this presumption only by obtaining a valid warrant prior to conducting any search of an area protected under the Fourth Amendment.

To obtain a valid search warrant, officers must meet two critical requirements of the Fourth Amendment: 1) establish probable cause to believe that the location contains evidence of a crime and 2) particularly describe that evidence. Crime scenes are unique in that their very existence establishes the probable cause necessary to obtain a search warrant. The very fact that a crime has been committed gives officers the reason to believe that evidence of the crime will be located on the scene.

Similarly, the particularity requirement of the Fourth Amendment can be met readily by compiling a list of evidentiary items that normally are associated with the type of criminal activity under investigation. For example, there are

certain types of evidence that are likely to be found at the scene of every arson. The arson evidence would vary greatly from the type of evidence that normally would be found at the scene of a sexual assault. To aid officers in making timely application for crime scene search warrants, these generic lists can be compiled in advance by forensic teams.

EXCEPTIONS APPLICABLE TO CRIME SCENES

Because of the nature of many crimes, particularly violent crimes, law enforcement officers often do not have sufficient time to obtain search warrants before making initial entries into crime scenes. Consequently, officers are forced to rely on exceptions to the warrant requirement to justify these searches. The most often relied upon justifications are the consent and emergency exceptions.

Consent

The consent exception is often a viable option for officers responding to a crime scene. In order for the crime scene search to be constitutional, consent must be given voluntarily by a person reasonably believed by law enforcement officers to have lawful access and control over the premises.[7] In many instances, the individual who has summoned the police to the scene is someone who can consent to a search of the area. However, officers should not assume that the person who requests their assistance or meets them at the door has the authority to consent to the search.

In *Thompson*, for example, the government could not justify the warrantless search of the house on the theory that the daughter had given her consent.[8] Although she had made the emergency call to the police and let them into the residence, the officers knew the daughter did not live in her parents' home. Therefore, they had no reason to believe that she had the authority to consent to the search.

> **...officers should not assume that the person who requests their assistance or meets them at the door has the authority to consent to the search.**

Officers contemplating using consent to justify the search of a crime scene should ask precise, carefully crafted questions designed to determine whether the person being asked to give their consent has lawful access and control over the area to be searched. Once sufficient information is gathered to allow officers to conclude that the individual has authority over the area, a specific request for consent should be made. If possible, the consent should be written.

Even if officers have other means to justify the search of a crime scene, it may be advantageous to the investigation and ultimate prosecution to request a consent to search. If a lawful consent is obtained, it can serve as an alternative justification in the event that the original means fails. More important, in many cases, the individuals who summoned assistance and have been asked to provide consent also are the persons who committed the crime. The request for consent puts these individuals in an uncomfortable position: if they provide consent, they give the officers the opportunity to find the forensic evidence necessary to convict them; if they refuse consent, they risk drawing suspicion upon themselves.

Emergency

Virtually every crime will constitute an emergency that justifies law enforcement's warrantless *entry* to the scene. Traditionally, courts have recognized three different types of emergencies: threats to life or safety, destruction or removal of evidence, and escape. It is difficult to imagine a crime scene that would not automatically present officers with the requisite belief[9] that at least one of these exigent circumstances exists to justify, at the very least, a warrantless entry to assess the situation. Problems arise, however, when officers exceed the scope of the particular emergency that justified the initial entry.

The Search Must Not Exceed the Scope of the Emergency

What officers may do, where they may look, and how long they may stay on premises is dictated by the particular exigent circumstances that permit the warrantless entry. Officers are authorized to do whatever is *reasonably* necessary to

resolve the emergency. Once the emergency is resolved, however, the officers' justification for being there is negated, and they must have a warrant or one of the other exceptions to the warrant requirement to either remain on the premises or continue to search.

In *United States v. Johnson*,[10] police officers in Detroit responded to a report that Angela Skinner, a 14-year old kidnap victim, was being held in the defendant's apartment. The officers' knock on the door was answered by Skinner who confirmed the report and advised the officers that she could not open the door because the defendant, who was not in the apartment at the time, had locked her behind an armored gate. After receiving a supervisor's approval, the officers made a forced entry into the apartment and freed Skinner.

Once freed, Skinner told officers that the defendant had raped her at gunpoint several times and threatened to kill her and her entire family if she attempted to escape. Skinner showed the officers the closet where the defendant kept his weapons. The officers searched the closet and found three guns and a quantity of ammunition, all of which was seized. The remainder of the apartment was not searched at that time.

The defendant, who had a prior felony conviction, was subsequently indicted and prosecuted in federal court on charges of being a convicted felon in possession of weapons and ammunition. A pretrial motion to suppress the evidence found in the closet was filed on behalf of the defendant. The motion argued that the evidence was found during an illegal search of the defendant's apartment. The trial court denied the motion and concluded that the search was justified under the emergency exception and by Skinner's consent.

After entering a conditional guilty plea, the defendant appealed the trial court's failure to suppress the evidence. On review, the United States Court of Appeals for the Sixth Circuit found that Skinner, who did not reside in the apartment, could not leave the apartment, and had no ability to allow anyone into the apartment, did not have sufficient access and control over the area to validate her consent. However, the court found that the entry of the premises was justified under the exigent circumstances presented by the kidnap victim's being held against her will in the apartment.

Although the entry of the premises was lawful, the court concluded that the emergency ended once the officers had released the victim and were assured that neither the defendant nor anyone else who needed their assistance was in the apartment. Thus, entering the closet to retrieve the defendant's weapons exceeded the scope of the emergency search, and the evidence was suppressed.

The decision in *Johnson* is supported by the Supreme Court's language in *Mincey*. There the Court stated:

> A warrantless search must be 'strictly circumscribed by the exigencies which justify its initiation'...the mere fact that law enforcement may be made more efficient can never by itself justify disregard of the Fourth Amendment....The investigation of crime would always be simplified if warrants were unnecessary.[11] (Citations omitted)

Accordingly, officers relying on the emergency exception to justify their warrantless search of a crime scene must be cognizant of

the limitations imposed by the particular exigent circumstances and meticulously stay within those limitations.

When justifying a warrantless crime scene search on the emergency exception, law enforcement officers should be careful not to strain credibility by alleging unrealistic exigencies. Similarly, officers cannot allow their actions to belie the existence of a genuine emergency.

In *Zimmerman v. State*,[12] for example, the defendant called county police to report that he had been stabbed in his own home. The responding officer legitimately entered the premises under the emergency exception and conducted a visual sweep of the premises to determine whether there was anyone else on the premises. During the sweep, the officer noticed a sexually provocative poster of a nude male, as well as several diaries. The officer looked through and subsequently seized the diaries because the entries revealed unlawful sexual behavior.

After being charged with sexual offenses, the defendant moved to suppress the evidence on the grounds that the search of his diaries was unconstitutional. The officer, however, attempted to justify his actions by arguing that the poster gave him reason to think that the defendant was a homosexual and that reading his diaries was necessary to determine whether he suffered from AIDS.

The court found the officers argument to be "imaginative but incredible."[13] After noting that the officer was not concerned enough about the possibility of AIDS to

contact any doctors, the court stated that "[the officer's] words whisper one thing while his actions shout another. We hear the shout loud and clear."[14] Consequently, even though the defendant's culpability was "beyond question,"[15] the court was compelled to suppress the evidence.

Investigative Steps Within the Scope of the Emergency Exception

Although officers cannot conduct a full-scale search of a crime scene under the emergency exception, there are certain investigative steps that may lead to the discovery of evidence and fall well within the

> "...documenting the crime scene through photographs, videotapes, and diagrams does not exceed the scope of the emergency exception.

scope of the exception. For instance, officers arriving on the scene of a violent crime unquestionably can sweep the premises in an effort to locate other victims or the perpetrator if they reasonably suspect that either is present.[16] If a body is found at the scene, taking the medical examiner in to view and collect the body is deemed a reasonable step to resolve the emergency.[17] Similarly, if officers

have probable cause to believe a crime scene contains evidence that will be destroyed if not quickly recovered, that evidence may be retrieved as part of the emergency.[18]

Officials arriving on the scene of a fire obviously can enter the premises without a warrant to fight the fire. The emergency is not resolved, however, once the fire has been extinguished. In order to ensure that the fire does not rekindle, officials may remain on the premises for a reasonable period of time to determine the source of the fire. Once the cause has been established, a warrant must be obtained prior to continuing the search for evidence of arson or any other criminal activity.[19]

Preserving a crime scene also is considered reasonable under the emergency exception. Thus, officers may take logical steps, such as securing doors and controlling people on the premises, to guarantee that the scene is not contaminated.

While officers are performing the tasks that are considered reasonable under the emergency exception, any items that they have probable cause to believe constitute evidence of a crime may be seized under the plain view doctrine.[20] Moreover, courts have held that documenting the crime scene through photographs, videotapes, and diagrams does not exceed the scope of the emergency exception.[21]

ESTABLISHING POLICY

Despite the fact that the Supreme Court has declined to carve out a special exception to the Fourth Amendment warrant requirement for crime scenes, many law

enforcement agencies do not, as a matter of policy, train officers to obtain warrants or consent prior to conducting in-depth searches of these areas. This deficiency may be attributable to the fact that the persons subsequently charged with the crimes are individuals who have no right of privacy in the crime scene, and thus, have no standing to challenge the lawfulness of the search.[22]

Because officers arriving on the scene of a crime have no way of knowing whether the ultimate defendant is going to be someone with enough authority to object to the search of the scene, the dictates of the Fourth Amendment must be scrupulously honored to ensure the admissibility of evidence. Law enforcement agencies can assist in this regard by having a well-crafted policy designed to provide guidance to officers responding to crime scenes. Policies should include the following:

- Instructions regarding the officers' ability to make a warrantless entry of the crime scene to make an initial assessment of the danger to life or safety and the destructibility of evidence;

- Guidance with respect to the steps that can be taken to resolve the particular emergency, such as protective sweeps, searches for destructible evidence, diagraming, photographing, and videotaping;

- Written consent to conduct a thorough search from a person who has clear authority over the area; and

- A search warrant when consent is denied or there is no one who can provide a clearly lawful consent.

CONCLUSION

Because officers under the intense stress and pressure of a crime scene may overlook the proscriptions of the Fourth Amendment, law enforcement agencies should reinforce the need for warrants through policy. The very fact that a crime was committed on the scene generally provides the requisite probable

Photo © Mark Ide

cause for obtaining a search warrant. Moreover, forensic technicians and crime scene analysts can assist in meeting the particularity requirement of the Fourth Amendment by supplying a list of likely items of evidence to include on the warrant application. By developing policies that emphasize the need for warrants, law enforcement agencies can substantially increase the likelihood of successful prosecutions. ✦

Endnotes

[1] 105 S. Ct. 409, 410 (1984).

[2] *Thompson v. Louisiana*, 105 S. Ct. 409 (1984).

[3] *Katz v. United States*, 88 S. Ct. 507 (1967).

[4] 98 S. Ct. 2408 (1978).

[5] If a crime occurs in a place accessible by the general public or in an area where the Supreme Court has determined there is no reasonable expectation of privacy, such as an open field, the Fourth Amendment is inapplicable, and thus, investigators need not be concerned with the warrant requirement.

[6] 88 S. Ct. 507 (1967).

[7] *Illinois v. Rodriguez*, 110 S.Ct. 2793 (1990).

[8] Although the Court in *Thompson* stated that consent is a factual issue that they would not decide, it was careful to note that the officers on the scene testified that they were not given consent.

[9] Emergencies involving threats to life or safety require a showing of reasonable suspicion. *Maryland v. Buie*, 110 S. Ct. 1093 (1990). Emergencies involving escape or the destruction or removal of evidence, however, require a showing of probable cause. *Warden v. Hayden*, 387 U.S. 294 (1967).

[10] 22 F.2d. 674 (6th Cir. 1994).

[11] 437 U.S. at 393 (1978) *as quoted in Zimmerman v. State*, 552 A.2d 47, 49 (Md.App. 1989).

[12] 552 A.2d 47 (Md. App. 1989).

[13] *Id.* at 49.

[14] *Id.*

[15] *Id.* at 48.

[16] *See, e.g., Mincey v. Arizona*, 98 S. Ct. 2408 (1978); *Buie v. Maryland*, 110 S. Ct. 1093 (1990).

[17] *Forbes v. State*, 1995 WL241722 (Tex. App. 1995) (unreported opinion).

[18] *See, e.g., Schmerber v. California*, 384 U.S. 757 (1966); *Ker v. California* 374 U.S. 23 (1963) (plurality opinion).

[19] *See, e.g., Michigan v. Clifford*, 464 U.S. 287 (1984)(plurality opinion); *Michigan v. Tyler*, 436 U.S. 499 (1978).

[20] *See, e.g., Mincey v. Arizona*, 98 S. Ct. 2408 (1978); *Horton v. California*, 496 U.S. 128 (1990).

[21] *See, e.g., Forbes v. State*, 1995 WL 241722 (Tex. App. 1995) (unreported opinion); *Urey v. State*, 527 So. 2d 7 41 (Ala. App. 1988).

[22] *Rakas v. Illinois*, 439 U.S. 128 (1978).

FBI Law Enforcement Bulletin
Author Guidelines

GENERAL INFORMATION

The *FBI Law Enforcement Bulletin* is an official publication of the Federal Bureau of Investigation and the U.S. Department of Justice.

Frequency of Publication: Monthly

Purpose: To provide a forum for the exchange of information on law enforcement-related topics.

Audience: Criminal justice professionals, primarily law enforcement managers.

MANUSCRIPT SPECIFICATIONS

Length: Feature article submissions should be 2,000 to 3,500 words (8 to 14 pages, double-spaced). Submissions for specialized departments, such as Police Practice, Case Study, and Perspective, should be 1,200 to 2,000 words (5 to 8 pages, double-spaced).

Format: All submissions should be double-spaced and typed on 8 1/2- by 11-inch white paper. All pages should be numbered, and three copies should be submitted for review purposes. When possible, an electronic version of the article saved on computer disk should accompany the typed manuscript.

References should be used when quoting a source exactly, when citing or paraphrasing another person's work or ideas, or when referring to information that generally is not well known. Authors should refer to *A Manual for Writers of Term Papers, Theses, and Dissertations*, 6th ed., by Kate L. Turabian, for proper footnote citation format.

Research papers, reports, and studies should be revised to reflect the editorial needs of the *Bulletin*. Subheadings and lists should be used to break up the text and provide direction to readers.

Writing Style and Grammar: Articles generally should be written in the third person. (Point of View and Perspective submissions are exceptions.) The *Bulletin* follows the *The New York Public Library Writer's Guide to Style and Usage*. Potential authors should study several issues of the magazine to ensure that their writing style meets the *Bulletin's* requirements.

PUBLICATION

Basis for Judging Manuscripts: Material that has been published previously or that is under consideration by other magazines will be returned to the author. Submissions will be judged on the following points: Relevance to audience, factual accuracy, analysis of information, structure and logical flow, style and ease of reading, and length. Generally, articles on similar topics are not published within a 12-month period. Because the *Bulletin* is a government publication, favorable consideration cannot be given to articles that advertise a product or service.

Query Letters: Authors may submit a query letter along with a detailed 1- to 2-page outline before writing an article. Editorial staff members will review the query to determine suitability of topic. This is intended to help authors but does not guarantee acceptance of any article.

Author Notification: Receipt of manuscript will be confirmed. Notification of acceptance or rejection will follow review. Articles accepted for publication cannot be guaranteed a publication date.

Editing: The *Bulletin* reserves the right to edit all manuscripts for length, clarity, format, and style.

SUBMISSION

Authors should mail their submissions to: Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Madison Building, Room 209, Quantico, Virginia 22135. Telephone: 703-640-8666. FAX: 703-640-1474. On 1/22/99, these numbers will change to (T) 703-632-1952 and (F) 703-632-1968.

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.

Officer Turner

Officer Jurewicz

Officer Lehman

Officers Barry Turner, William Jurewicz, and Gerard Lehman of the Wayne, New Jersey, Police Department responded to an automobile accident in which the driver had struck a tree. Arriving at the scene, the officers found the driver unconscious in the burning vehicle. After unsuccessfully trying to open the vehicle's door, the officers broke the rear window and pulled the driver from the vehicle. Without the quick actions of the three officers, the driver would have perished.

Officer Lizanecz

On a cold winter night, Officer John Lizanecz of the York, Maine, Police Department responded to a call about a man who had fallen from a steep ledge into the icy, turbulent water at Cape Neddick. Upon arrival, Officer Lizanecz observed several people trying to throw a life preserver to the victim without success. Officer Lizanecz climbed down the steep rocky ledge, entered the water, and got the preserver to the man. With the help of others at the scene, the officer got the victim safely to shore. Officer Lizanecz's brave and unselfish actions saved the man's life.

Officer Sharpe

During the early morning, Officer Shannon Sharpe of the Lexington, North Carolina, Police Department responded to information from a passing motorist concerning smoke coming from a nearby residential area. Upon arriving at the scene, Officer Sharpe observed thick smoke coming from the carport of a house. Immediately, Officer Sharpe called the fire department and entered the residence. Officer Sharpe woke the elderly man who lived there and led him safely from the burning house. Officer Sharpe's prompt actions prevented the residence from being completely destroyed and saved the owner'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 209, Quantico, VA 22135.

Patch Call

The patch of the Massachusetts Retired Police Officers honors all retired officers in the state. The harpoon and boat symbolize New Bedford, known as the Whaling City. The lighthouse depicts Province-town and the Cape Cod area, while the whale represents the state's fishing industry.

The Monticello, Indiana, Police Department patch features the two lakes, Lake Shafer and Lake Free-man, that border the City of Monticello. The sailboat and fish signify the recreation possibilities enjoyed by tourists and local citizens.