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Law Enforcement Accreditation

One Department's Experience

By ROBERT J. FALZARANO



Photo © George Godoy

Law enforcement has become increasingly complex. Officers regularly deal with life and death issues and activities that involve the safety, security, or welfare of the citizens they serve. Moreover, many of these concerns leave officers and their agencies liable for their actions in use-of-force incidents, vehicular pursuits, arrests, searches and seizures, disciplinary actions, and more. These matters affect agencies of all sizes and types.

Despite the critical and complex nature of police work, the public has had a difficult time recognizing law enforcement as a profession, "a calling requiring specialized knowledge and often long and intense academic preparation."¹ Accreditation represents perhaps the first step in establishing law enforcement as a profession.

BACKGROUND

Twenty years ago, the Police Executive Research Forum, the

National Organization of Black Law Enforcement Executives, the National Sheriffs' Association, and the International Association of Chiefs of Police joined forces to develop a set of professional standards for law enforcement. Collectively known as the Commission on Accreditation for Law Enforcement Agencies (CALEA), the organization develops standards and administers the accreditation process. A staff of 21 commissioners manages the process. Eleven commissioners

are law enforcement professionals; the remaining 10 come from the public and private sector. The current commission includes a county supervisor, a city manager, a director of corporate security, a college professor, a district court justice, and a U.S. senator.

Since 1983, CALEA has been enlisting agencies in a voluntary accreditation process that ensures a standard of excellence while helping law enforcement agencies attain professional status. Today, over 600 agencies have achieved accreditation,² among them, the Long Hill Township, New Jersey, Police Department.

THE LONG HILL TOWNSHIP EXPERIENCE

Long Hill Township, New Jersey, covers over 12 square miles at the southern end of Morris County. It sits between two urban centers: Newark and Plainfield. Approximately 10,000 people call the

township home. Twenty-eight sworn officers, 4 full-time civilian dispatchers, 3 full-time secretaries, and 3 auxiliary police officers staff the department, which received 27,531 calls for service and handled 14,490 incident reports in 1996.

In 1983, the chief began to look for ways to improve the department's delivery of professional quality services to the community. Like many law enforcement leaders, the chief wondered if accreditation would prove beneficial and practical. Initially, at least, the process seemed almost incomprehensible. Further study revealed that accreditation holds many benefits for departments that dedicate themselves to the task.

The Benefits of Accreditation

Accreditation provides a number of tangible benefits, including—

- controlled liability insurance costs. Accredited departments

can obtain and increase insurance more easily and often have lower premiums.

- fewer lawsuits and citizen complaints, as well as the ability to better defend against those they do face. With written policies and procedures and well-trained employees, agencies not only handle situations more appropriately, but they also can document and defend themselves when problems do occur.
- stricter accountability within the agency. The accreditation process provides for written directives, sound training, clearly defined lines of authority, and routine reports that support decision making and resource allocation.
- support from government officials, who gain confidence in the accredited agency's commitment to operating efficiently and meeting community needs, as well as its ability to do so.
- increased community advocacy. For departments who have not yet adopted community policing, the accreditation process provides a framework for the department to work with citizens to solve community problems.³

Finally, accreditation provides recognition for a department's ability to meet established standards. It represents the culmination of a long, but ultimately rewarding, process.



Chief Falzarano leads the Long Hill Township, New Jersey, Police Department.

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The Accreditation Process

Police leaders interested in seeking accreditation should resolve two issues. First, are they prepared to change? Depending on the agency, the procedural and administrative changes accreditation will bring may prove dramatic. Second, an agency must have the financial and personnel resources needed to undergo the assessment and make the required changes. With the support of their governing bodies, agencies can budget for the cost of accreditation. Others may need to find creative ways to obtain funding.

The chief executive officer who understands the type of impact that accreditation will have can begin by appointing a full-time accreditation manager to oversee the process. A large agency probably would need an accreditation staff. In Long Hill Township, the chief, who was a lieutenant at the time, served as the department's first accreditation manager. Today, a captain handles the process.

To begin, the accreditation manager contacts CALEA to request a free information package. This basic information can help the agency decide if it wants to apply for accreditation. A \$250 fee covers the application package and can be applied to the total cost of accreditation for agencies that apply within 6 months. The application package contains everything an agency needs to study and enroll in the program, including an application form, an accreditation agreement, and an application profile questionnaire, which provides basic information on the

agency's size, responsibilities, functions, organizational structure, and management.

The application package also includes the accreditation bible: the standards manual. The manual's nine topics address such areas as the law enforcement role, responsibilities, and relationships; prisoner and court-related activities; and auxiliary and technical services. Forty chapters encompass 436 standards that apply to specific operational, administrative, organizational, or fiscal areas.

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Of course, all 436 standards would not pertain to every agency. Agency size and mission generally dictate which standards apply. The standards manual serves as the starting point for an agency to develop a written directive system and to conduct a self-assessment.

The Written Directive System

A comprehensive system of rules, policies, procedures, and special orders represents the backbone of accreditation. A written directive system that effectively incorporates the accreditation standards begins with a uniform format. Long Hill

Township's system comprises five categories—rules and regulations, policy and procedures, special orders, department memorandums, and training bulletins. These categories form the basis for 16 volumes of 175 policies and procedures, which contain a wide variety of information. For example, volume 1 contains the department's rules and regulations, labor contracts, and documentation on the promotion process, personnel evaluations, and inspection services. Volume II holds the job descriptions for every position in the agency. A cover sheet references the applicable CALEA standard.

Does each department employee need to memorize the information contained in every manual? Of course not. They do, however, need to be familiar with the policies and procedures that affect their work. Still, the accreditation process ensures that a department develops guidelines to cover every aspect of its operations. At the same time, the directive system remains flexible. As new situations develop, the department can implement new procedures and add them to the appropriate policy manual. For example, special orders cover unusual events, such as parades. The ability for division commanders to issue written orders as situations or tasks dictate represents an integral part of a comprehensive, flexible written directive system.

Written directives mean little without an effective system to communicate the policies throughout the agency. Posting policy and procedural changes, special orders, or training bulletins in a central

location—the roll-call room, locker rooms, the break room—gives employees easy access to them. By signing a certification page, which accompanies the directive, employees acknowledge that they have read the posting and understand it. In Long Hill Township, first-line supervisors make sure their officers sign the certification page. Communication section employees sign a separate page because every procedural change does not apply to them.

Signed certification pages get stapled to their accompanying directives and filed in the agency's manual. If the directive represents a change in policy, the chief marks the former policy "void," then files it with the new one. This way, the former policy will be available if needed, for example, if a citizen files a complaint against an officer.

Self-Assessment

After filing for accreditation, completing the necessary paperwork, and developing a written directive system, the accreditation manager conducts a self-assessment. During this phase, the manager compares the department's policies and procedures with CALEA standards to ensure compliance. The manager reviews department operations with the eye of an assessor, seeking to uncover areas that need improvement before the actual on-site assessment. Ideally, someone with accreditation experience should help conduct the self-assessment. Many states have police accreditation coalitions. These organizations, whose memberships include accreditation

managers, can help agencies through the process.

The On-site Assessment

With its self-assessment complete, the department can schedule a date for the on-site assessment. CALEA selects the assessors, out-of-state law enforcement professionals who pose no conflict of interest with the applicant agency. Three assessors visited Long Hill

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Township. They spent three 12-hour days reviewing the department's policies and procedures and checking daily operations to ensure that department personnel complied with the established standards.

The assessment team also interviews agency employees and holds a public hearing to garner input from citizens. The assessors then submit their findings to CALEA.

A hearing is scheduled for one of CALEA's quarterly meetings. At the hearing, the commission reviews the final report and hears testimony from agency personnel, assessors, and commission staff

before deciding whether to award accreditation. By submitting annual reports, a newly accredited agency maintains its status for 3 years. Reaccreditation then entails only an on-site assessment and final hearing.

The Impact of Accreditation

Before accreditation, Long Hill Township, like many other law enforcement agencies, complied with many of the procedural aspects of the various standards. However, in many areas, the department had no formal, written procedures to ensure the consistent delivery of services. For example, the department relied on academy training to teach new officers how to direct traffic. Yet, with no written policy, important details were overlooked, for instance, that officers should wear reflective vests when directing traffic.

If the department could not be sure that officers were wearing reflective vests while directing traffic, how could it know how officers handled such critical issues as use of force? Written directives, along with a comprehensive, formal training program that includes written examinations, help to ensure uniform standards for all tasks.

In addition, the department's insurance premiums have decreased \$3,000 as a result of accreditation. Finally, operations, investigations, and service to the community have improved significantly.

CONCLUSION

Professionalization of any occupation occurs when members establish and implement standards of operation. Accreditation provides

law enforcement agencies with the standards that embody a profession, as well as a mechanism to develop policies and procedures to ensure compliance with those standards.

Agencies committed to the task develop a written directive system unique to their circumstances. With input from employees and the community, departments garner support from their constituents while getting closer to the coveted reward of accreditation. At the same time, accreditation builds

on this foundation, as others gain a new-found respect and appreciation for the department's professionalism.

Some administrators may complain that accreditation is costly or time-consuming. Yet, the cost of accreditation becomes insignificant compared to the expense of civil liability or the ill will that develops when citizens feel they cannot trust the police to protect and serve them. Agencies who become accredited can foster the

professionalism that citizens expect and deserve. ♦

Endnotes

¹ Merriam-Webster's Collegiate Dictionary (Springfield, MA: Merriam-Webster, Incorporated, 1995), 930.

² Elaine Conner, CALEA, telephone interview, February 23, 1999.

³ Commission on Accreditation for Law Enforcement Agencies, Inc., Description of Standards, 1994, 1-5.

Bulletin Alert

Aspergillus Threat

Aspergillus is a group of molds that may pose pathogenic problems. Found throughout the world, they grow in decaying vegetation, including marijuana. Decay occurs from placing harvested green plant material, not adequately dried, in plastic bags. Residual moisture in the marijuana encourages bacterial development, which facilitates the growth of molds. *Aspergillus* may create health hazards for individuals who work with decaying plant material.

Aspergillus fumigatus is diagnosed in 90 percent of all *aspergillus* infections. Initially a thread-like, flat, white growth, *Aspergillus fumigatus* becomes a powdery, blue-green mold from the production of spores. Individuals who handle the decaying material may inhale the spores. Physicians have found these spores in the ears, nose, and lungs of humans. Most people are naturally immune to, and do not develop, the *aspergillus*-related disease, aspergillosis. The severity of aspergillosis involves various factors, including the state of an individual's immune system or the presence of a predisposed condition. Therefore, individuals with compromised immune systems have a greater risk of infection. Aspergillosis can range from sinusitis conditions to pulmonary infections as severe as pneumonia. Individuals with low immune defenses resulting from medical conditions—such as bone marrow transplant, chemotherapy, AIDS, or major burns—have a moderate risk of infection. In extreme cases, a transfer of the fungus from the lungs through the bloodstream to the brain and other organs can result in death.

Law enforcement agencies should mandate necessary procedures to ensure proper handling and packaging of marijuana. Evidence storage facilities must have adequate ventilation and should store only the amount of marijuana required by law for case adjudication.

Submitted by Nancy E. Masters, forensic latent print analyst, Master Consultations, St. Helens, Oregon.

Photo © Don Ennis



Responding to Individuals with Mental Illness

By Jeff Wellborn, M. Div.

Two officers respond to a disturbance call. At the scene, a woman informs the officers that her brother is behaving violently, threatening family members, and has a history of mental illness. What should the officers do to resolve the situation?

With the cutback in public funding for mental health facilities and services, families and communities find themselves seeking alternatives for handling uncooperative or violent individuals who are mentally ill. One common method involves using local law enforcement agencies. However, police officers receive training in enforcing the law, not necessarily in interacting with individuals with mental illness.

All too often, law enforcement officers find it difficult to determine whether they are witnessing an individual's mental illness manifesting itself or some type of unlawful behavior. In such cases, officers generally lean toward their law enforcement training and follow procedures for interacting with criminals. This can lead to citizen complaints and lawsuits when it turns out that subjects actually have been diagnosed with bipolar disorder, schizophrenia, paranoia, or other mental diseases that made them disoriented,

resistant, or violent toward police officers. Fortunately, alternative methods of dealing with individuals with such illnesses exist.

ONE DEPARTMENT'S SOLUTION

In 1983, the city of New Orleans, Louisiana, its police department, and the state's mental health services established a mobile crisis service. The supervisor of the community's crisis hotline observed that many callers requested intervention in their situations. However, the callers did not want to involve the police because they felt that the situation was not a law enforcement matter. They also did not want emergency medical personnel to respond because the situation was not a physical medical emergency. Therefore, the supervisor developed the idea of having trained volunteers respond to psychiatric emergencies to provide crisis intervention and mental health assessments. Since that time, every day between noon and midnight, specially trained volunteers from the local area provide crisis intervention and mental health evaluations at the scene of psychiatric emergencies to which the police department has responded.

Defining the Volunteer's Role

Although the crisis service is attached to the Special Operations Tactical Division of the New Orleans Police Department, the volunteers are not sworn law enforcement officers. Instead, they have a limited commission that empowers them to place individuals into appropriate mental health facilities when such action appears appropriate and when such individuals are unable to seek help themselves due to their mental state. This limited commission also gives the volunteers broader powers than emergency medical services (EMS) personnel. For example, unlike EMS personnel, who must obtain an individual's consent, crisis service volunteers can compel individuals to mental health facilities based on their observations at the scene. The volunteers base their decisions on their own positive responses to any one of these three questions:

- 1) Are the individuals a potential harm to themselves?
- 2) Do they pose a threat to others?

3) Are they gravely disabled either in judgment or because of substance abuse?

Even when a disturbance does not meet these criteria, the crisis service volunteers can have a significant impact. For example, the volunteers often can convince subjects who exhibit a less violent, milder form of mental illness to seek help from outpatient mental health services, which may prove more appropriate to their needs. Also, by directing such individuals to temporary outpatient services rather than admitting them to mental health medical facilities, the volunteers help reduce the burden on limited public resources.

Training the Volunteers

The average volunteer ranges in age from 30 to 40 and holds a master's degree. Many do not work in the field of mental health but come from a variety of professions, including teaching, law, medicine, and various trade and service occupations. Regardless of their regular employment, all volunteers receive nearly 3 months of classroom instruction, consisting of police procedures, report writing, interacting with individuals who are mentally ill, basic first aid, CPR, nonviolent physical crisis intervention, and safe-driving training. In addition to the classroom instruction, all volunteers must participate in a ride-along field training program for seven shifts.

Funding the Service

The crisis service receives funds from both the New Orleans Police Department and the Louisiana Office of Mental Health. The state currently provides \$150,000 annually for the purchase of emergency vehicles, office supplies, and a full-time staff, as well as for volunteer recruitment and incentives. The police department provides office space, vehicle fuel and maintenance, insurance, and the services of a police sergeant to command the unit. The insurance coverage for the volunteers and vehicles stems from other volunteer programs of the city government.

Interestingly, in the 16-year history of the service, volunteers have sustained injuries in only two cases.

Measuring the Benefits

During its operational hours, the crisis service can respond to about 60 percent of all police calls for service involving subjects with mental illness who have become violent. Because the service currently has only one response unit, police officers handle the remainder of such calls that the crisis service cannot cover. In over 85 percent of the calls that the service can answer, volunteers successfully intervene and defuse the subjects by the time they reach the receiving mental health facility. These successful interventions include individuals with Alzheimer's disease,

dementia, alcoholism and other substance addictions, bipolar disorder, schizophrenia, paranoia, suicidal and homicidal thoughts, depression, and posttraumatic stress disorder.

The crisis service has allowed police officers to concentrate on law enforcement duties, relieved the prison system by diverting subjects to appropriate mental health facilities, and saved the city of New Orleans approximately \$300,000 per year. Further, this intervention has reduced the number of lawsuits

filed against police by individuals who are mentally ill or their advocates.

Individuals with mental illness also benefit from this system. Often, subjects recognize the volunteers. This usually helps these individuals realize that they will receive the care they need as opposed to facing criminal proceedings. In many cases, individuals with mental illness are relieved to see the crisis service arrive and, with the assistance of the trained volunteers, can calm themselves and avoid a potentially dangerous situation. For example, the successful resolution of the scenario at the beginning of this article may illustrate best the benefits that the crisis service can bring to all involved parties. After the trained volunteers arrived at the scene, they performed a mental health status evaluation of the man,

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...police officers receive training in enforcing the law, not necessarily in interacting with individuals with mental illness.

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while the officers maintained everyone's safety. The volunteers observed that the man was acting paranoid, experiencing audio hallucinations, and becoming progressively physically agitated. In talking with the man, they found that he did not know the time, date, his name, and where he lived. He changed subjects and ideas rapidly, forgot questions posed to him, and told the volunteers that he felt angry. Finally, in a lucid moment, the man admitted that he had stopped taking the medications prescribed by his doctor to control his mental illness. Based on these observations, the volunteers determined that without his medications, the man was gravely disabled and posed a danger to himself and others. Thinking that the officers wanted to arrest him, the man became more agitated. The volunteers explained that he was not under arrest but in need of help. They told him that they would take him to a hospital for a complete evaluation. Once he understood that he was not going to jail, he visibly calmed down. The volunteers transported him to the hospital, and the officers returned to their law enforcement duties.

Mental health professionals benefit from the crisis service's existence, as well. When volunteers transport subjects to mental health facilities, they give the staff copies of the reports that they made at the scene of the incident. This allows hospital personnel to fully understand how the subject's behavior at the scene prompted the volunteers to recommend treatment. For example, the staff may observe a calm individual who tells them, "I was just sitting at home when the police busted in and brought me to the hospital." The volunteers' report reveals that, in reality, the individual was wrecking the house and threatening to commit suicide. This reporting method leads to a more thorough evaluation of the subject, rather than a quick, superficial examination and release.

In another aspect of the program, mental health professionals from local hospitals often ride along with crisis service volunteers when they respond to

psychiatric emergencies. In this way, they can see the program at work while developing a clearer picture of the mental health of residents in their communities. Working together, the mental health personnel and the crisis service volunteers can treat individuals with mental illness humanely and with dignity and ensure that these subjects receive the most appropriate services available.

CONCLUSION

The successful resolution of psychiatric emergencies illustrates the effectiveness of timely, appropriate intervention. However, for too long, law enforcement officers; not trained mental health workers, have had to shoulder the burden of responding to situations involving violent individuals with mental illness. The New Orleans, Louisiana, Police Department developed a unique and cost-effective method of handling these types of incidents

by creating a crisis service staffed by trained volunteers who intervene in psychiatric emergencies, conduct mental health examinations at the scene, and transport subjects to hospitals when appropriate.

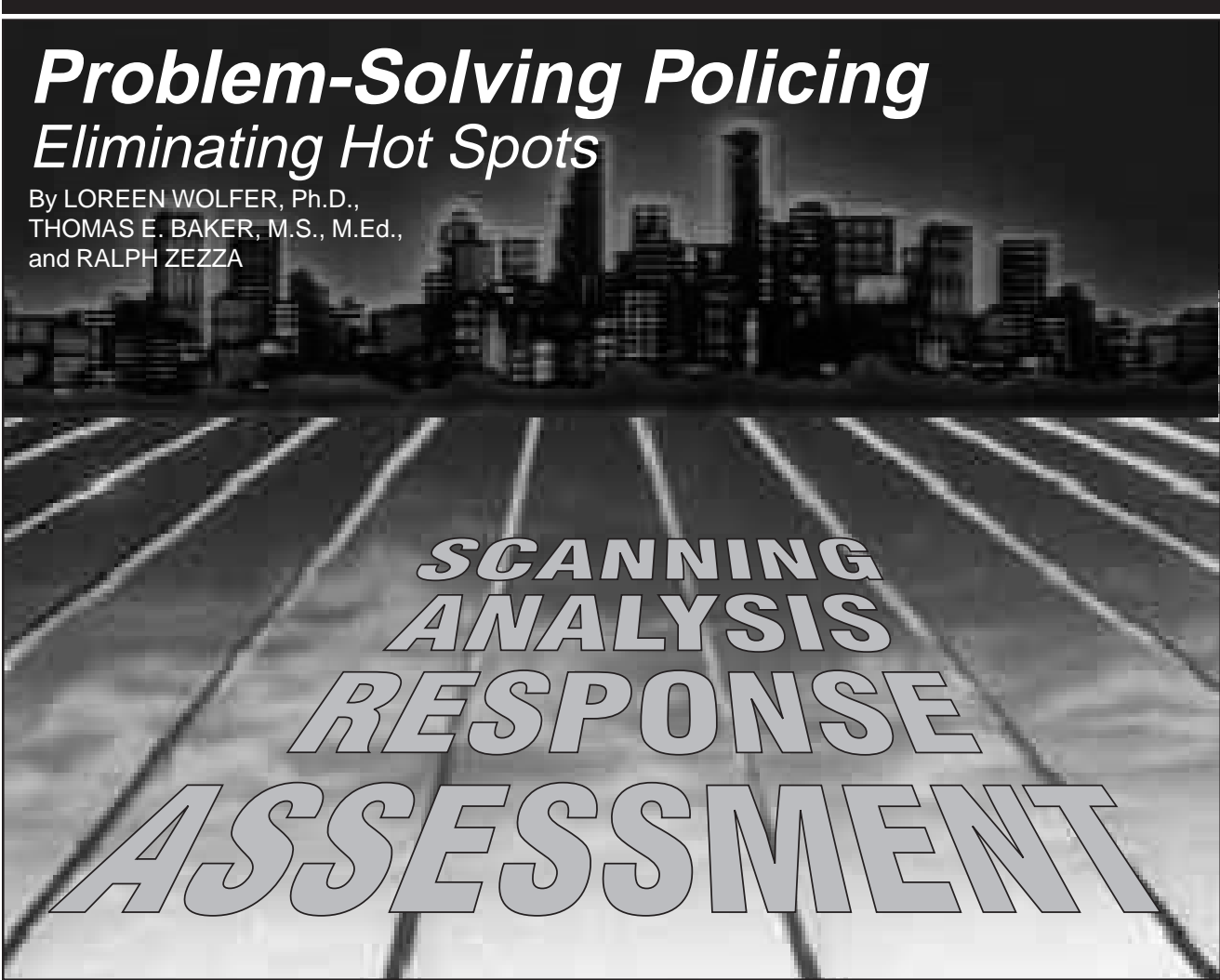
This service can benefit the police, the community, and individuals with mental illness. Police officers can concentrate on the law enforcement duties for which they are trained; communities can save money by using trained volunteers rather than officers to intervene; and individuals with mental illness can receive more appropriate services. Additionally, mental health professionals can see firsthand what police officers face when a psychiatric emergency occurs in their community. In short, the New Orleans Police Department's Mobile Crisis Service shows how cooperation between law enforcement and mental health officials can bring about a positive change in law enforcement's response to individuals with mental illness. ♦

Mr. Wellborn is the program administrator for the New Orleans, Louisiana, Police Department's Mobile Crisis Service.

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Problem-Solving Policing Eliminating Hot Spots

By LOREEN WOLFER, Ph.D.,
THOMAS E. BAKER, M.S., M.Ed.,
and RALPH ZEZZA



SCANNING ANALYSIS RESPONSE ASSESSMENT

In a small town in Pennsylvania, a local park that was once a safe, quiet area that local residents and children used for recreation became the object of repeated calls for police service. Many of the complaints involved vandalism and substance-abuse-related offenses. For example, drug dealers and juveniles terrorized elderly residents in an adjacent apartment complex and destroyed property owned by citizens living in the area surrounding the park. The vandalism appeared to result directly from abuse of alcohol and other drugs. Also, the

littered appearance of the park area and the overgrown shrubs that hid an adjacent railroad property encouraged these deviant behaviors. As a result, this area served as a crime “hot spot” for drug abuse and sexual activity that, in turn, helped generate a fear of crime among residents.

Using the SARA (scanning, analysis, response, and assessment) model of problem solving, law enforcement agencies can address crime in particular areas of a community. The SARA model helps police reduce the crime rate,

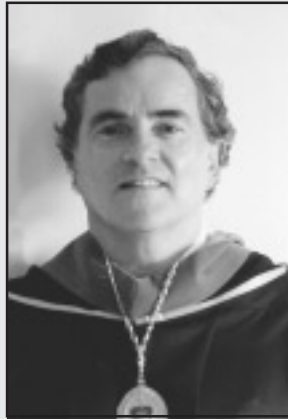
as well as the fear of crime among citizens.

PROBLEM-SOLVING STRATEGIES

In recent years, the philosophy of community-oriented policing has gained a significant position in American law enforcement procedures. The strategic planning process for the philosophy remains the problem-solving policing model of SARA.¹ These problem-solving strategies focus on crime generators and hot spots that plague law enforcement agencies in the United



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States. Specific problem-solving activities to eliminate these hot spots include working with citizens through such programs as Neighborhood Watch and coordinating with potential “guardians” (e.g., local business owners and residents) to increase surveillance and territorial control. Law enforcement agencies base SARA solutions to hot spots on information obtained from citizen and crime prevention surveys.

Why focus on hot spots? Residential locations can generate as much as 85 percent of the repeat calls for service. Moreover, research indicates that in many communities, more than 50 percent of the calls for service come from only 10 percent of the locations.² Identifying these hot spots through crime analysis and crime-specific planning can lower the level and the fear of crime.

SCANNING

Why are crime prevention surveys and crime-specific plan-

ning important? Community involvement remains the essential ingredient for reducing the fear of crime. Crime prevention surveys provide core information concerning criminal behavior for police patrol and Neighborhood Watch programs. After developing criminal intelligence, police officers can use this information as the foundation for coordinating community programs. Without the development of accurate criminal information, little opportunity exists for planned citizen involvement or successful tactical strategies. Moreover, only when agencies conduct the assessment of the present condition (where is the department now?), can they project its future status (where is the department going?). Therefore, prevention represents an ongoing process that requires planning strategies, implementing responses, evaluating effectiveness, and modifying approaches.

Crime prevention surveys gather information that can help police officers eliminate the

motives, opportunities, and means for individuals to commit crimes. This information provides officers with the exact times and kinds of offenses committed, the offenders’ methods of operation, the targets of attack, and the crime generators and hot spot locations. Further, crime prevention surveys can determine the underlying causes of crime, aid in eliminating opportunities for offenders to detect victims or criminal targets, and assess situations based on individual needs.

After gathering this information and carefully analyzing the problem and causative factors, officers can implement appropriate responses. For example, they can pinpoint hot-spot locations through computer mapping and photographs. Then, they can outline the problem by numbering the offenses, plotting the times and places crimes occurred, and noting the techniques used to commit the crimes. Finally, by establishing goals and priorities to determine where they need police patrols, officers can attack these hot

spots in an effective and efficient manner.

Although similar to problem-oriented policing, crime-specific planning approaches crime problems by considering the underlying factors that characterize each type of offense.³ Crime-specific planning aids problem-oriented policing by using proactive measures aimed at protecting citizens and property. For example, law enforcement agencies task police personnel and allocate equipment based on crime analysis results and crime-specific programming. Also, crime analysis can improve community relations by graphically illustrating criminal patterns to citizens' crime watch programs. The SARA model expanded on these early strategies by examining the geographical, cultural, and economic aspects of the hot-spot location, along with the relationship between the victim and the offender.

ANALYSIS

Officers must understand the actions and interactions among offenders, victims, and the crime scene before developing appropriate responses. Criminal intelligence information gathered in crime prevention surveys serves as the foundation for this analysis. However, the intelligence process also includes analysis and dissemination of criminal information.

A crime cannot occur without the presence of the three elements that form a crime triangle: the offender, the victim, and the crime scene or location.⁴ Accordingly, crime analysts must discover as much as possible about all three sides while examining the links

between each. By asking who, what, when, where, how, why, and why not about each side of the triangle, as well as observing the way these elements interact, analysts can understand what prompts certain crime problems.⁵

Law enforcement agencies use crime potential forecasts to attempt to determine future crime events. Forecasting depends primarily on historical analysis of cyclic, periodic, or specific events. The historical data can explain the context of the present and anticipated crimes

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The SARA model helps police reduce the crime rate, as well as the fear of crime among citizens.

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while focusing on problem locations. Officers benefit from using spot maps and computers when targeting crime sites and time frames from past experience and criminal information. Data from crime series and pattern analysis can provide assistance when estimating future target locations and times. For example, analysis of the neighborhood spatial, cultural, and psychological characteristics may produce valuable crime-specific information. Spatial analysis generally focuses on a small geographical area and includes physical, demographic, and crime history

characteristics. Blocking out on a map neighborhood areas that have a frequency of crime occurrences shows where most illegal acts occur and subsequently targets these locations and the levels of crime intensity. The criminal analyst then applies the techniques of spatial analysis and crime templating.

Determining Spatial Relations

Criminals do not move randomly through neighborhoods—a predictable pattern usually exists. A criminal who is motivated to commit crimes uses cues to locate, identify, and target sites and hot spots. Experience provides the offender with serial cues associated with environmental opportunities and risks. For example, familiarity with a neighborhood reinforces criminal patterns, a process often referred to as cognitive mapping or mental imaging. Consequently, offenders plan potential crimes and make decisions based on template information.⁶ Designated hot spots provide criminals with mental images for safe havens—places where criminals feel they can commit crimes with less chance of detection.

Microanalysis of criminal behavior links this criminal conduct to geography. This type of analysis represents the processing and selection of mental cues and images selected by the offender. Therefore, police leaders use templates to understand offender patterns and predict likely courses of action.

Identifying Crime Templates

Crime prevention surveys also can assist in identifying the criminal mindset or template. Templates provide a means for continuous

identification of offenders and their vulnerabilities. The templates can help reveal travel patterns and methods of operation and help officers predict how and where offenders may select activities and crime sites. The hot spots serve as focus points for analysis and crime prevention responses. In summary, templates have several advantages. They help 1) estimate locations where critical events and activities might occur, 2) identify victims and crime scenes, 3) project time-related events within crime sites or hot spots, 4) present mapping techniques, and 5) determine a guide for tactical decisions and proactive patrol allocations. While a template may be unable to predict exactly when and where a criminal will strike next, it provides information that can help police choose appropriate courses of action. For example, in many instances, police officers have determined that templates indicate that crimes often occur only short distances from an offender's residence.

Travel Distance

Offenders gain template knowledge from familiar environmental experiences (e.g., living in a certain geographical area). Most property crimes, such as vandalism, are committed within 2 miles' travel distance of the offender's residence. Yet, offenders may avoid targets closer to home because of the risk of apprehension. Opportunity, reward, and fear of arrest determine the difference between "good" and "poor" crime hot spots.⁷ An area that provides cover and concealment represents a favorable hot spot, whereas a well-lit, heavily patrolled area

would prove a poor choice for criminal activity.

Analyzing Crime Data

In the park case study, police officers found that crime-specific analysis and crime templates showed that the pattern of criminal behavior was restricted to a small geographical area. Crime statistics revealed a history of offenses surrounding the park. The data indicated that the offenders moved to and from an adjacent jurisdiction, often using a bridge joining the two areas.

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Crime prevention surveys...can help police officers eliminate the motives, opportunities, and means for individuals to commit crimes.
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The offenders and the victims remained close in time and space—only a walk of a distance of fewer than 400 yards. Mapping techniques traced the offenders to a particular residential area fewer than 2 miles from where they lived.

In this case, the juveniles obtained their alcohol or other drugs and then hid in the overgrown brush along the railroad tracks. This secluded hot spot was adjacent to the bridge and park. The unkempt vegetation obstructed the local residents' view, making natural

surveillance impossible. Illegal activities remained undetectable by anyone passing through the area, thereby creating a hot spot. The guardians were unable to view the area and engage in surveillance. Poor park maintenance contributed to the destruction of the social environment. Crime template analysis revealed that when youths used alcohol and other drugs, they committed more crimes. This social disinhibitor, alcohol, prompted them to target victims and engage in criminal behavior. An ideal crime site or safe haven reinforced these behaviors. A minimal risk of apprehension existed; therefore, the crime site continued to serve as a hot spot.

RESPONSES

Crime-specific analysis and crime prevention surveys can systematically appraise the social and geographic features of a hot spot and safe haven. For example, in the case study, crime analysis revealed that sellers and buyers could monitor the approach of the police officers or individuals who might report illegal activities. The physical terrain and geography provided an awning for drug transactions. Moreover, offenders created several escape routes by opening holes in the surrounding park fence. After acquiring relevant accurate information, law enforcement officers developed numerous proactive responses.

Law Enforcement Responses

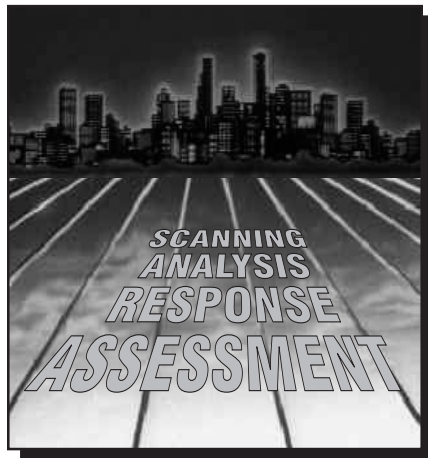
In the case study, law enforcement agencies developed and implemented several countermeasures based on crime prevention

survey responses: 1) installing closed-circuit television surveillance cameras, 2) repairing damaged fences, 3) improving lighting, 4) locking the park fence during the evening hours, 5) limiting access, and 6) posting and enforcing such signs as "Park Rules and Regulations." In addition, pruning the shrubbery around the park and creating a defensible space improved natural surveillance. These corrective actions gave a visible warning that the police and local residents cared about the park and were determined to abolish criminal behaviors. For example, youthful offenders used a pay telephone to page drug dealers. However, with the cooperation of the telephone company, officers had the telephone booth removed. Coordination with railroad authorities helped eliminate overgrown vegetation that blocked public view. Officers also contacted the guardians with the best view and encouraged them to report suspicious activities in the park and surrounding railroad area.

The emphasis on crime analysis and proactive patrol reduced the need for redundant calls for service. Crime-specific planning improved tactical responses and freed patrol officers to respond to emergency situations more effectively. Spatial analysis and crime templates served as the foundation for identifying hot spots and patrol techniques in this community.

The concept of random patrol proved less productive than employing direct-deterrent patrol and target-oriented patrol. The department changed patrol coverage based on offender location and crime site. In the case study,

direct-deterrent patrol and target-oriented patrol provided the best strategies. Direct patrol differs from traditional patrol methods because patrol officers perform certain specific, predetermined preventive functions. Patrol movements are planned on the basis of crime-specific planning and systematic procedures. Officers perform preventive activities on the basis of spatial analysis, crime incidents, offender characteristics, methods of operating, and offender templates. For example, in some geographical areas, foot and bicycle patrols have several advantages because of terrain.



With target-oriented patrol, when officers are not responding to calls, they may monitor particular routes to interrupt criminal patterns developed under analysis and crime-specific planning. Agencies target high-risk areas and certain types of crimes using location- and offender-oriented patrol.

Victim Responses

The level and fear of crime lessen after communities successfully establish Neighborhood

Watch and other community programs. Citizens feel safer when crime prevention initiatives give them an opportunity to become involved in their communities. Police departments can strategically employ bicycle and foot patrols, as well as coordinate with parents to determine their willingness to cooperate with nearby guardians. Police presence and high-profile tactics help reduce the fear of criminal behavior.

A crime newsletter and ongoing communication between the police and citizens proved beneficial to community residents in the case study. For example, in addition to the strategies discussed, monthly neighborhood meetings addressed accurate crime statistics and steps taken to improve the situation. Cooperation and communication between the police and local residents resulted in a reduction of crime, as well as the fear of crime.

Offender Responses

The police discovered that the same group of individuals committed a series of related crimes. Several unique, repeated incidents (e.g., ringing doorbells of residents who lived in the immediate park facility) identified specific group activities. Crime-specific analysis revealed that alcohol and other drug- and party-oriented activities became the common denominators for these acts. Psychological disinhibitors such as alcohol and other drugs often facilitate vandalism. These ingredients undermine social or moral inhibitions and impair judgment and restraint, making offenders less aware that they are breaking the law. Corrective actions

(controlling drinking in public and semipublic areas) limit these factors.

In addition, during the summer, teenagers who do not participate in meaningful activities have too much leisure time and become bored. As a result, they loiter at many community locations and have more opportunities for criminal activities. The creation of summer recreation programs may assist in more productive leisure activities for these youths. Coordination with the parents, school district, and recreation department may provide some solutions.

ASSESSMENT

When agencies design community crime prevention programs, they often neglect the assessment process, which measures the intervention results concerning the level and fear of crime. Statistical analysis of citizen surveys will help determine successful interventions. In the case study, the evaluation phase consisted of a preassessment that provided information on hot spots and a postresponse assessment designed to evaluate the effectiveness of the policing tactics.

Moreover, prevention programs generally fail to address the effect of the program outside the target area. In the case study, areas external to the park served as control groups and receive comparison with the target area. The results of the intervention effort showed that the level of crime tended to shift away from the park to areas where other law enforcement departments have not implemented crime prevention efforts.

A decreased level of crime that can be measured by such factors as lower levels of vandalism and drug abuse will provide the most dramatic indicator of the program's success. Another indicator of success is the level of the fear of crime. In the case study, a decrease in the fear of crime among individuals living near the park after the department implemented crime prevention measures indicated successful problem solving.

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Agencies should not displace the problem to another area.

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Agencies should not displace the problem to another area. In the case study, the problems in the park could move to a nearby jurisdiction across the bridge. Crime displacement—the movement from the crime hot spot to alternate crime sites—can occur in certain areas, by time, method of attack, victim of attack, and change of criminal offense. Departments must consider displacement when evaluating crime prevention programs.

CONCLUSION

Crime prevention requires constant vigilance and thorough, crime-specific planning. A crime prevention survey provides the

basic tool for accomplishing these goals. This tool assists police leaders in identifying hot spots and crime templates. Crime analysis allows police leaders to become proactive. The strategic planning and anticipation of events can produce valuable tactical information. The SARA model can assist law enforcement agencies by focusing on specific problem-solving approaches.

Accurate criminal intelligence remains essential to the process of analysis and the ultimate success of problem-solving policing. Once departments acquire the necessary data, they can develop and implement analyses and tailor-made responses to eliminate one or all of the sides of the crime triangle—the offender, the victim, and the location of the crime.

In a time of diminishing resources, the police must learn to do more with less. The cost of crime prevention is minimal; however, the opportunities and rewards are optimal. ♦

Endnotes

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³ B.D. Cummings, “Problem-Oriented Policing and Crime-Specific Planning,” *The Chief of Police*, March 1990, 63.

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⁵ W. Spellman and J.E. Eck, “Sitting Ducks, Ravenous Wolves, and Helping Hands: New Approaches to Urban Policing,” *Public Affairs Comment* (Austin, TX: School of Public Affairs, University of Texas, 1989).

⁶ *Ibid.*, 344.

⁷ *Ibid.*, 343.

The Benefits of Scent Evidence

By Robert Hunt, M.A.



In July 1998, a migrant worker in Northern California lured two men, a woman, and the woman's son and daughter into a cow pasture, where he had prepared a grave site 2 weeks earlier. First, the suspect shot the men and placed them into the grave. Then, he restrained the woman and sexually assaulted her in front of her two small children. While the suspect bludgeoned the boy and buried him, the woman managed to escape. After burying the young girl alive, the suspect fled.

Fortunately, within 24 hours of this quadruple murder, scent-discriminating dogs found the material used to restrain the woman, located the grave site, and provided investigators with leads indicating the suspect's whereabouts. By following the suspect's scent trail and using eyewitness accounts, investigators identified a pay telephone the suspect had used. From information obtained from subpoenaed

telephone records, they apprehended the suspect in Southern California.

Though often overlooked at a crime scene, scent evidence can help investigators solve a number of cases. With an understanding of its capabilities, law enforcement officers can use scent evidence as an investigative tool.

Understanding Scent

By definition, scent is the "bacterial, cellular, and vaporous debris enshrouding the individual."¹ Known collectively as "raft," this debris consists primarily of dead or dying skin cells, which the body sheds at a rate of approximately 40,000 each minute.² Air currents project the raft upward and away from the body, much like a plume. The debris becomes deposited in the environment in a conically shaped pattern known as the scent trail.

On average, humans lose approximately 1 to 2 1/2 quarts of water through perspiration each day, with that amount greatly increasing as activity and temperature intensify.³ Becoming saturated with perspiration and skin oils, raft serves as a “breeding ground” for the bacteria normally found on the skin.⁴ This action of bacteria on cellular debris may, in fact, form the basis of the human scent trail. Although culture, diet, environment, heredity, and race influence it to some degree, the combination of bacteria, vapor, and cellular debris is believed to be unique to the individual, accounting for the singularity of human scent.

Using Scent Evidence

The uniqueness of human scent permits law enforcement to use scent evidence to

- 1) follow a suspect directly from a crime scene;
- 2) determine a suspect’s direction of travel from a crime scene, possibly locating additional evidence that the suspect drops, abandons, or unwittingly leaves behind (e.g., footprints or tire tracks);
- 3) ascertain the whereabouts of a suspect;
- 4) identify a suspect in a lineup;
- 5) place a suspect at a particular crime scene or location;
- 6) establish probable cause; and
- 7) locate and recover missing persons, whether dead or alive.

Law enforcement agencies cannot rely on scent evidence alone to accomplish these tasks; they must use specially trained dogs to link the evidence to the individual and the crime.

Working with Scent-Discriminating Dogs

Dogs have an extraordinary number of olfactory sensory cells (220 million in a sheep dog, compared to 6-10 million in humans), enabling them to smell 44-100 times better than human beings.⁵ Although law enforcement agencies have used a number of

breeds in police work, the bloodhound, with its keen sense of smell and innate determination, remains the best suited for locating individuals and evidence.⁶

A properly trained dog can successfully follow trails of up to 10 days old. Still, because human scent is affected by such environmental elements as wind, temperature, humidity, and other factors and also diminishes with time, a dog should begin working within 24 hours. Law enforcement agencies that bring dogs into an investigation right away increase the odds of preserving vital evidence.

Preserving the Crime Scene

Law enforcement first responders should make every effort to preserve the crime scene or the last known location of a missing person (“point last seen”). To do this, they first should limit access to the area. A perimeter of at least 200 feet around the scene can prevent contamination and give dogs and their handlers an adequate area in which to obtain a scent trail. Because automotive exhaust masks scent, individuals arriving at the scene should turn off their vehicles’ engines.

Pets also should be confined. Although keeping individuals from contaminating the crime scene may prove particularly difficult in some cases—for example, in missing-child investigations,

where anxious family members and friends gather at the scene—doing so gives law enforcement the best chance to collect critical evidence.

Collecting Scent Evidence

Anything a suspect has touched, worn, or eliminated (e.g., bodily fluids, including blood and urine) can serve as scent evidence, but articles of clothing worn close to the skin work best. Investigators should avoid collecting clothing from hampers because it likely contains the scent of other family members or roommates.

Investigators or evidence technicians should collect the scent evidence, handling it with clean,

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**Anything a suspect
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scent evidence....**
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Law Enforcement Scent Evidence Resources

These associations represent a sample of the organizations that provide assistance and training in scent evidence to law enforcement officers, administrators, and handlers. These organizations specialize in the use of bloodhounds.

National Police Bloodhound Association
<http://www.icubed.com/~npba/>
Cpl. Doug Lowry
Maryland State Police
301-733-0951

Law Enforcement Bloodhound Association
<http://www.leba98.com/>
Brian Joyner
Veteran's Administration Police
Tomah, Wisconsin, 608-372-1706

unpowdered latex gloves and placing it in clean plastic (e.g., food storage) or paper bags. Garbage bags often contain odor-inhibiting coatings, which make them unacceptable evidence storage devices. The bags should be properly sealed, labeled, and stored for future use, preferably in a refrigerator or freezer. Agencies also may use a plastic bag made specifically for collecting evidence that can be heat sealed.

One technique used to minimize contamination involves taking a clean plastic bag, placing a hand on the bottom of the bag, pushing the bottom through the bag, and grasping the scent material. The investigator or evidence technician then pulls the material back into the bag and seals it.⁷

Investigators can use scent pads to obtain evidence from items they cannot take from the scene. They simply take a sterile gauze sponge and place it on or wipe it across an article with which they believe the suspect has had contact. The longer the sponge sits on the item, the better. The same evidence-gathering rules used for other scent evidence apply to the retrieval and storage of scent pads.

An officer with the Niagra County, New York, Sheriff's Office has designed a device that vacuums scent from an object onto a sterile gauze pad, leaving fingerprints and other trace evidence intact.⁸ In one case, a man had been suspected of the kidnapping and attempted murder of his former girlfriend's new suitor. Personnel from the sheriff's office used the machine to obtain scent evidence from the vehicle from which the suspect allegedly had abducted the

victim. The evidence was then stored and later used to identify the suspect when he arrived at the sheriff's office for a consensual interview. A bloodhound, once scented, identified the vehicle that the suspect had driven to the interview and successfully trailed him into the interview room.

Presenting Evidence in Court

Because state laws vary, law enforcement officers should consult their department's legal advisors or local prosecutors before using scent evidence. In general, however, the courts have accepted scent evidence, provided that agencies meet certain conditions. For example, at least one court has ruled that an agency must establish the qualifications of the handler and the dog and properly protect the crime scene.⁹ Another court ruled that scent evidence alone cannot support a conviction.¹⁰ In another case, the court ruled that evidence of a dog's tracking is admissible provided that the dog has been trained to track humans; it has proven reliable in such training; and the handler places the dog on the trail within the dog's period of efficiency and in a location where evidence or circumstances indicate the suspect has been.¹¹ In all of these cases, a common denominator exists: dog handlers must document their own and their dogs' experience, skill, training, and reputation when called upon to do so.

Conclusion

The scene of a crime often contains sufficient evidence to convict the offender. Yet, investigators

trained to look for visual clues may miss other important evidence, namely scent. Because the scent of every human being is nearly as unique as a fingerprint, scent evidence can help investigators find missing persons, uncover evidence, and locate suspects and link them to specific crimes.

Properly recognizing, collecting, preserving, and presenting scent evidence remain key to its use as an investigative tool. An experienced handler and well-trained dog increase the odds for the successful discovery and application of scent evidence. ♦

Endnotes

¹ William G. Syrotuck, *Scent and the Scenting Dog* (Rome, NY: Arner Publications, Inc., 1972), XIII.

² *Ibid.*, 37.

³ Patricia Deuster, Anita Singh, and Pierre A. Pelletier, *The Navy SEAL Nutrition Guide* (Bethesda, MD: Uniformed Services University of the Health Sciences, 1994), 51.

⁴ Milo D. Pearsall and Hugo Verbruggen, M.D., *Scent: Training to Track, Search, and Rescue* (Loveland, CO: Alpine Productions, 1982), 15.

⁵ Piet Vroon, with Anton von Amerongen, and Hans de Vries, *Smell: The Secret Seducer*, trans. Paul Vincent (New York: Farrar, Straus, and Giroux, 1994), 27.

⁶ The National Police Bloodhound Association provides search and rescue assistance and conducts training seminars for law enforcement bloodhound handlers. For more information, contact Cpl. Douglas Lowry, Maryland State Police, 301-733-0951.

⁷ Bill Tolhurst, *The Police Textbook for Dog Handlers* (Sandborn, NY: Sharp Printing, 1991), 33.

⁸ For more information, contact Bill Tolhurst, 383 Willow Street, Lockport, NY 14094-5512, 716-434-4126; for orders, contact Larry Harris, 1807 Highland Drive, Newport Beach, CA 92660-4402, 949-548-0782.

⁹ *Terrell v. Maryland*, 239 A.2d 128 (Md. App. 1968).

¹⁰ *People v. Perryman*, 280 N.W.2d 579 (Mich. App. 1979).

¹¹ *People v. Centolella*, 305 N.Y.S.2d 460 (Oneida County Ct. 1969).

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Sweden's Response to Domestic Violence

By LARS NYLÉN, LL.M., and GUN HEIMER, M.D., Ph.D.

"Violence at home is a significant reason for disability and death among women, both in the industrialized world and in developing countries."

—Rebecca and
Russel Dobash

In 1993, the United Nations approved a declaration calling for the elimination of violence against women in all of its forms, from violence within marriage and sexual harassment in the workplace to female genital mutilation and forced prostitution. These issues were discussed further at the U.N. Fourth World Conference on Women held in Beijing in 1995. At about the same time, the European Council issued a declaration with strategies to fight violence against

women in a democratic Europe. Additionally, through the World Health Organization, the United Nations began to view this violence as a female health issue.²

With the final report of the Committee on Violence Against Women in June 1995, the issue of violence against women also started to attract significant attention in Sweden.³ As in most Western countries, Sweden's response to violence and threats against women has varied considerably in the last

decade. Swedish society has begun to view domestic violence against women not as the silent, hushed-up problem of the past but as a serious situation affecting the health of women.

In the past, to prosecute a domestic violence case, prosecutors needed explicit accusations from victims. In addition, Swedish legislation mandated that the courts view each criminal act as an isolated matter. Courts rarely could consider the aggravating circumstances or the number of repeat occurrences perpetrated by an offender. Moreover, the Swedish legislature previously viewed reconciliation between the involved parties as preferable to judicial intervention.

Now, domestic violence is a general indictable crime. On July 1, 1998, the government introduced a new offense into the Swedish Penal Code. One part of the new offense, *gross violation of a woman's*

integrity, covers repeated acts committed by men against women with whom they have a close relationship. Its companion offense, *gross violation of integrity*, protects children and other close relatives. The new offense means that if a man commits certain criminal acts (e.g., assault, unlawful threat or coercion, sexual or other molestation, or sexual exploitation) against a woman to whom he is or has been married or with whom he is or has been cohabiting and seriously damages her self-confidence, the courts can sentence him for gross violation of the woman's integrity in addition to sentencing him on each traditional crime, such as aggravated assault. In this way, the new legislation allows the courts to take into account the entire situation of the abused woman and increase the offender's punishment to fit the severity and frequency of the acts.⁴

In September 1998, the Uppsala District Court issued one of the first sentences based on the new offense. On four occasions during a 6-week period in the summer of 1998, a man had battered his cohabitant, once bruising her entire face and, on another occasion, beating her severely and knocking out a tooth. The court sentenced the man to 10 months in prison.

Understanding the Crime

With the change in Sweden's attitude about violence against women, police officers began to examine the crime and its impact on society. Swedish police consider violence against women as the most extreme example of the imbalance or disparity between the sexes and a phenomenon that cannot be explained in the same way as other crimes. In support of this belief, a process known as normalization⁵ illustrates the difference between how men and women may rationalize domestic violence and may help explain why this type of violence continues to plague modern society. For men, the normalization process is a goal-oriented strategy designed to control women and prove their own masculinity. For women, the normalization process represents a defense mechanism, a way of rationalizing, adopting, accepting, and surviving the man's behavior. She makes excuses for him (e.g., it was her fault, he did not mean to do it, he is worried about something) and blurs the limits of what constitutes acceptable and unacceptable behavior. Eventually, she may accept the violence as a part of her life and gradually become more isolated.



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This process has much in common with survival strategies where the victim identifies with the aggressor, for example, the Stockholm Syndrome, which experts have observed in concentration camp settings and in hostage situations.

For many, home represents a safe haven, but for some women, home is a dangerous place. According to the statistics collected by women's shelters in Sweden, a woman is battered every 20 minutes, and every year, 25 to 30 women in Sweden are battered to death by their husbands.⁶ In a Canadian study of 12,000 women, 51 percent had encountered violence, and 25 percent had experienced physical or sexual violence by a current or former partner.⁷ English studies have shown that when a woman, her friends, or her neighbors finally contact the police, the woman probably has been battered more than 30 times.⁸

Some studies have demonstrated that among pregnant women, battery occurs more often than diabetes and high blood pressure. Moreover, Canadian studies have shown that, in certain cases, pregnancy initiated the violence. These researchers found that for a controlling and possessive man, his partner's pregnancy could represent a threat to his special control over her and to his having her undivided attention and love. Often, the most violent men are those who subject their partners to violence during pregnancy.⁹

Gathering the Evidence

The change in Sweden's attitude concerning domestic violence against women also has impacted

the way police obtain evidence in such cases. To fulfill the demands of a proactive, preventive approach, the Swedish police have had to study the dynamics of domestic violence, which make evidence gathering especially difficult.

For example, domestic violence victims often experience one or more of the following concerns:

- fear of retaliation by the perpetrator or relatives;
- desire to protect next of kin from the perpetrator's aggressiveness;
- risk of loss of economic and emotional security;

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...Sweden's response to violence and threats against women has varied considerably in the last decade.
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- fear of loss of residency and expulsion;
- pressure from relatives to not bring charges against the perpetrator;
- risk of losing cultural, religious, ethnic, or other support; and
- risk of facing further humiliation and doubt in the course of the judicial process.

As a result, victims act in what they believe to be the best way for them and their children to stay safe, both in the present and the future. They

may blame themselves or give statements that exonerate the offender. At the same time, suspects may offer persuasive arguments in attempts to disavow their actions.

Officers must prepare themselves for these circumstances and may need to gather evidence in other ways. For example, thorough medical examinations can help overcome the difficulties inherent in these cases, and officers should cooperate with such specialists as gynecologists, pediatricians, psychiatrists, and medical examiners in order to get a complete and accurate picture of the facts of the case. Well-formulated evidence based on expert examination often proves crucial during the preliminary investigation and at the trial.¹⁰

In 1994, to further assist victims of domestic violence, Sweden founded the National Centre for Battered and Raped Women at the Department of Obstetrics and Gynecology at the Uppsala University Hospital. Patients receive around-the-clock emergency medical attention, as well as social services, police support, and legal assistance.

This comprehensive approach proves critical for women who come to health and medical care services because of battery or sexual abuse. Many not only have been mentally and physically abused but judicially and socially harmed, as well. Moreover, their perpetrators are often relatives. Also, because all of the offenses they have suffered include different degrees of mental violence, most of the women feel frightened that they will not be understood or believed. Therefore, they are very sensitive to other people's attitudes and to the

way they are treated. These women seldom seek medical treatment, but when they do, they often may conceal the real reasons for visiting a doctor and try to explain away their visible injuries. Experts also have found that the amount and type of help a woman needs varies depending on her general life situation, on how long she has endured the violence, and whether she has any children. Therefore, police officers, social workers, and health care providers need to understand that they have the responsibility to give these women adequate medical, psychological, and social attention, which they can accomplish by:

- *discovering* the extent and length of the abuse;
- *documenting* the physical evidence;
- *treating* the victim's physical, emotional, and mental injuries;
- *nurturing* the victim's self-image;
- *empowering* the victim to seek judicial action;
- *rehabilitating* the victim's sense of self-worth; and
- *cooperating* among themselves to develop a comprehensive, seamless approach to help the victim deal with the effects of domestic violence.

The Warning Bell

In 1996, as part of the preventive and proactive approach to domestic violence cases, the police in Uppsala, Sweden, developed a database modeled on one from the Merseyside Police in Liverpool, Great Britain. This database, the

Warning Bell, allows police to quickly access information in connection with a domestic violence incident. The Warning Bell provides responding police officers with information about the crime victims, prior incidents, possible suspects, and any previous enforcement or protective measures taken. With the advent of the database, police officers no longer need to rely on one another's randomly acquired personal knowledge from previous interventions. Instead, officers can

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Often, the most violent men are those who subject their partners to violence during pregnancy.

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use information from the database to support an investigation, especially when victims waver about participating in the judicial process. The courts also can use this information to implement the new Swedish Penal Code offense (*gross violation of a woman's integrity*) when the case goes to trial. Moreover, through a more detailed report of every intervention, social service authorities can better assess the results of their procedures.

At the same time that they developed the database, the Uppsala police conducted a study of the observations made and measures

taken by the police officers responding to domestic violence incidents. The study revealed that the victim contacted the police the most (62 percent of the time), while someone other than the victim (e.g., neighbors, relatives, or witnesses) contacted them 26 percent of the time. The alleged male offender or an anonymous caller each contacted the police 3 percent of the time, while in 5 percent of the cases, the identity of the caller was not classified.

The study further showed that in 50 percent of the cases, a police patrol unit arrived at the location within 15 minutes, and in 78 percent of the cases, within 30 minutes. Slightly more than 52 percent of the cases occurred in the evening, or at night, usually between 6 p.m. and 3 a.m. In all cases, the suspected perpetrator was the victim's current or former husband or boyfriend. Seventy-eight percent of the cases occurred at the woman's residence or what had been the joint home of the involved parties. The analysis of interventions also confirmed what the police generally had known—that domestic violence takes place on all days of the week but occurs more often on Friday and Saturday evenings or nights.

Often, a general opinion exists among police officers that domestic violence correlates with alcohol intoxication. In light of this belief, the responding police officers in the Uppsala study reported their judgment of whether the involved parties seemed intoxicated. In 48 percent of the cases, police officers determined that the women *were not* under the influence of alcohol.

Conversely, in only 19 percent of the cases, the police judged that the men *were not* under the influence of alcohol. The police also surmised that 17 percent of the women and 34 percent of the men were obviously or strongly intoxicated at the time of the intervention. While alcohol use was associated with some of these domestic violence cases, long-standing research has shown that alcohol use in itself does not cause domestic violence.¹¹

Finally, the Uppsala study showed that police interventions led to a reported crime in 74 percent of the cases. In over 11 percent of the cases, the interventions resulted in formal contact with social services. Reconciliation between the involved parties as the sole means of arbitration occurred in only 13 percent of the cases. These findings reveal that the police and the victims themselves have begun to employ more proactive measures to combat domestic violence.

Meeting the Judicial System

Bringing a domestic violence case to trial often proves difficult. What causes women to resist the judicial process? First, the treatment from the police and the handling of the preliminary investigation influence the victim's desire and ability to assist, especially if, at the same time, she is affected by the normalization process. Also, in many areas of the judicial system, an old-fashioned, patriarchal opinion of women still exists; for instance, that husbands can punish their wives. Moreover, the woman may perceive that the investigation could shift the guilt from the

perpetrator to her. This is especially true if a report to the police would mean far-reaching negative social consequences for the man if convicted. Additionally, women often view the police investigation and the subsequent trial as a public repetition of the traumatic experience of the criminal offense, something many naturally try to avoid.

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However, the court needs detailed information to correctly understand and judge the case. Therefore, authorities should consider appointing an advocate to brief the victim about the trial's procedures and to support her throughout the process. Also, many victims doubt the authorities' ability to protect them during and after a judicial process. In Sweden, commonly used protection methods include police protection (bodyguards in special cases), alarm kits, or changes of identity and location. Still, domestic violence victims often do not feel sufficiently safe to fully cooperate in the judicial process.

Further, victims may underestimate the difficulties associated with these types of formal protective measures and the adjustments that are necessary for the measures to work. Therefore, simpler measures may more effectively protect victims and allay their fears. Swedish authorities presently are studying the possibilities of electronically monitoring men who have violated restraining orders.

Conclusion

In Sweden, recent studies show that the problem of violence against women is significant and requires renewed attention not only from the law enforcement profession but also society in general. While this problem cuts across all boundaries, its countermeasures require a multifaceted and active approach in every community. Society's attitudes and outlooks must change; law enforcement must create new procedures; the judicial system must acquire knowledge and authority to intervene and take appropriate legal action; and medical and social services must look at victims in a holistic and comprehensive manner.

From such a joint knowledge base, Swedish society has begun to build a working, all-inclusive solution to domestic violence—a crime that adversely affects the health, productivity, and lifestyles of women around the world. The Swedish experience clearly shows that close operational cooperation among health and medical services, law enforcement and judicial authorities, and social and volunteer agencies, with confidence

and respect for the primary roles of the different organizations, stands as the surest, practical way to eliminate such a devastating threat to women. ♦

Endnotes

¹ Rebecca and Russel Dobash, Violence Research Centre, Department of Social Policy and Social Work, Great Britain.

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⁶ "Women Shelter Knowledge," National Institute of Public Health, Stockholm, Sweden (1994): 10.

⁷ Holly Johnson, "Violence Against Women Survey," *Statistics Canada*, 1993.

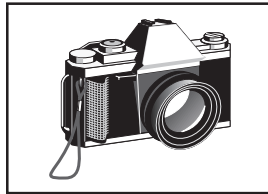
⁸ Gloria Laycock, Home Office Police Research Group, London, Great Britain.

⁹ H. Johnson and V.F. Sacco, "Researching Violence Against Women," *Canadian Journal of Criminology* (July 1995): 281-304.

¹⁰ "Women Subjected to Sexualized Violence," National Centre for Battered and Raped Women, Uppsala University Hospital, Sweden, 1996, contains instructions for medical personnel conducting examinations of women who have been subjected to domestic violence; and "Legal Certificates at Investigations of Violent and Sexual Crimes," National Board of Health and Welfare, Stockholm, Sweden, 1997:5 (M) contains instructions for preparing forensic medical certificates in such cases.

¹¹ B. Critchlow, "The Powers of John Barleycorn: Beliefs About the Effects of Alcohol on Social Behavior," *American Psychology* 41 (1986): 751-64.

Wanted: Photographs



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

We can use either black-and-white glossy or color prints or slides, although we prefer prints (5x7 or 8x10). Appropriate credit will be given to contributing photographers when their work appears in the magazine. We suggest that you send duplicate, not original, prints as we do not accept responsibility for prints that may be damaged or lost. Send your photographs to:

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Stress Management in Law Enforcement

by Leonard Territo and James D. Sewell,
Carolina Academic Press, Durham, North
Carolina, 1999.

How police officers manage stress will impact the success on the job, as well as all facets of their relationships with their families and friends. Stress affects individuals in many ways, and the authors of *Stress Management in Law Enforcement* present a complete picture, including prominent research in coping strategies, to afford a comprehensive, proactive approach to stress management.

The text is organized into eight sections, starting with the psychological, physiological, and social consequences of stress. The sections that follow focus on coping behaviors, suicide and its impact on the family, trauma and vicarious traumatization. The last two parts discuss the psychological services in law enforcement that can assist an officer overwhelmed with stress and how the police organization can proactively address stress issues to make a “win-win” situation for both the police officer and the police department.

One suicide is too many. Through the compilation of articles on police suicide, the authors note that officer suicide now may occur at twice the rate as in the past. This type of information on suicide either was not previously collected or frequently misclassified as accidental or undetermined deaths. Law enforcement agencies no longer can pretend that the problem does not exist; they must break the wall of silence by developing preventive programs to address suicide, as suggested in the articles in this section.

The authors discuss another important area—the emotional trauma from critical incidents inflicted daily on officers. It is no longer a question of whether an officer might be involved in a critical incident; it is a certainty

that it will happen daily, weekly, or monthly, depending on the position the officer holds at any given time. Previously, police departments defined critical incidents as shooting incidents. Today, the term includes any sudden, powerful event that can overwhelm the usual coping skills of an individual. This section identifies approaches to alleviate and mitigate these stressors. These strategies, which help police officers from falling victim to burnout, include preincident stress education, implementation of a peer support program, use of critical incident stress debriefings, and the development of an employee assistance program. Many police officers still subscribe to John Wayne’s macho image and reluctantly accept any psychological services; however, the police culture is moving toward acceptance of a peer-based program where the officers speak from experience and help others. The common theme throughout the articles from noted authorities in the field of police stress emphasizes that accepting assistance when faced with traumatic events on the job does not represent a sign of weakness, but a sign of strength. Police management must recognize stress as part of the job, and more departments should proactively implement programs to address stress. Currently, approximately 25 percent of police departments use some sort of psychological services. This book offers an excellent collection of articles to assist police administrators, law enforcement officers, and academicians in developing a comprehensive program to reduce stress in police departments.

Reviewed by
Special Agent Vincent J. McNally
Certified Employee Assistance Professional
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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 articles should contain 2,000 to 3,500 words (8 to 14 pages, double-spaced). Submissions for specialized departments, such as Police Practice and Case Study, should contain 1,200 to 2,000 words (5 to 8 pages, double-spaced).

Format: Authors should submit three copies of their articles typed and double-spaced on 8 1/2- by 11-inch white paper with all pages numbered. When possible, an electronic version of the article saved on computer disk should accompany the typed manuscript.

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

Writing Style and Grammar: The *Bulletin* prefers to publish articles in the third person (Point of View and Perspective submissions are exceptions) using active voice. Authors should follow *The New York Public Library Writer's Guide to Style and Usage* and should study several issues of the magazine to ensure that their writing style meets the *Bulletin's* requirements.

Authors also should contact the *Bulletin* staff for the expanded author guidelines, which contain

additional specifications, detailed examples, and effective writing techniques.

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A photograph of the author(s) should accompany the manuscript. Authors can submit photos and illustrations that visually enhance and support the text. Black-and-white glossy prints (3- by 5-inch to 5- by 7-inch) reproduce best. The *Bulletin* does not accept responsibility for lost or damaged photos or illustrations.

PUBLICATION

Judging Manuscripts: The *Bulletin* judges articles on relevance to the audience, factual accuracy, analysis of the information, structure and logical flow, style and ease of reading, and length. The *Bulletin* generally does not publish articles on similar topics within a 12-month period or accept articles previously published or currently under consideration by other magazines. Because it is a government publication, the *Bulletin* cannot accept articles that advertise a product or service.

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Author Notification: The *Bulletin* staff will review queries and articles and advise the authors of acceptance or rejection. The magazine cannot guarantee a publication date for accepted articles.

Editing: The *Bulletin* staff edits all manuscripts for length, clarity, format, and style.

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Authors should mail their submissions to:
Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Madison Bldg., Room 209, Quantico, VA 22135; telephone: 703-632-1952; fax: 703-632-1968; e-mail: leb@fbiacademy.edu.

Drug Roadblocks

A Constitutional Perspective

By KIMBERLY A. CRAWFORD, J.D.

Photo © Mark C. Ide



When traveling major highways in the United States, it is not uncommon for motorists to encounter signs warning of drug roadblocks ahead. Sometimes, these signs are legitimate, and travelers find themselves briefly stopped at roadblocks while drug dogs are used to detect the odor of any controlled substances that may be emanating from the vehicles. Other motorists, who attempt to avoid these roadblocks by making a quick exit off the high-

way or a U-turn, find themselves stopped and questioned by strategically placed law enforcement officers. Occasionally, the signs are a pretense—set for the sole purpose of justifying the detention of drivers who take steps to avert the nonexistent roadblock.

Because the federal appellate courts are inconsistent in their views regarding the lawfulness of drug roadblocks, and the U.S. Supreme Court has not specifically addressed the issue, the

constitutionality of drug roadblocks remains uncertain. This article examines the issues surrounding the use of various types of drug roadblocks from a constitutional perspective and offers some legal and practical considerations for law enforcement agencies contemplating the use of these techniques.

The Constitutionality of Roadblocks

In the 1979 case of *Brown v. Texas*,¹ the Supreme Court



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

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...to satisfy the requirements of the Fourth Amendment, roadblocks must be reasonable.
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considered the constitutionality of roadblocks and created a framework for evaluating their lawfulness. The starting point of the Court’s analysis was that all individuals stopped at roadblocks have been “seized” for constitutional purposes, and thus, to satisfy the requirements of the Fourth Amendment, roadblocks must be reasonable.² The Court then created a balancing test for determining the reasonableness of roadblocks.

The *Brown* balancing test requires that courts evaluating the lawfulness of roadblocks consider three factors: 1) the gravity of the public concerns that are addressed or served by the establishment of the roadblock; 2) the degree to which the roadblock is likely to succeed in serving the public interest; and 3) the severity with which the roadblock interferes with individual liberty. When evaluating the severity of interference, courts are required to gauge the subjective and objective intrusion into individual freedom.³ Subjective intrusion is determined by calculating the potential of the roadblock for

generating fear and surprise in motorists. Objective intrusion into individual freedom is measured by the duration of the detention at the roadblock and the intensity of any attendant questioning or inspection.

The practical result of the *Brown* balancing test is that there is no general rule permitting or prohibiting the establishment of roadblocks. Rather, individual roadblocks must be evaluated within the framework of the balancing test on a case-by-case basis to determine their lawfulness.

Application of the *Brown* Balancing Test

Although the constitutionality of any roadblock requires an evaluation under all three factors of the *Brown* balancing test, existing case law allows for a high degree of predictability regarding the first two factors when certain types of roadblocks are put to the test. For example, in *Michigan Dept. of State Police v. Sitz*,⁴ the Supreme Court ruled that a highway sobriety checkpoint program passed the *Brown* balancing test. In doing so,

the Court found, with respect to the first factor of the balancing test, that there could be no dispute over the “magnitude of the drunken driving problem or the States’ interest in eradicating it.”⁵ Similarly, the second factor was satisfied by the Court’s concluding that statistics sufficiently prove the effectiveness of sobriety checkpoints in addressing this important interest.⁶

With the first two factors of the balancing test satisfactorily resolved by the Supreme Court, the lawfulness of any drunk-driving roadblock thus depends completely on the outcome of the review under the third factor. Successful analysis under the third factor depends primarily on the level of planning, preparation, and care taken by the instituting law enforcement agency to ensure that the roadblock in question interferes with individual liberty no more than is reasonably necessary.⁷

The Supreme Court has likewise resolved the first two factors of the balancing test in favor of checkpoints designed to detect illegal aliens,⁸ and those designed to enforce driver licensing and vehicle registration laws.⁹ The Court has not, however, similarly resolved these threshold issues with respect to drug roadblocks. Consequently, law enforcement agencies contemplating the use of drug roadblocks must be prepared to address all three factors of the *Brown* balancing test. Whether a drug roadblock passes the balancing test may very well depend on how carefully the initiating law enforcement agency plans the procedure and articulates its purpose.

Single-Purpose Drug Roadblock

One of the more difficult types of roadblock for law enforcement agencies to justify is the single-purpose drug roadblock. Although roadblocks intended to advance such administrative purposes as compliance with registration, licensing, and traffic laws are routinely permitted, some courts have been reluctant to allow roadblocks designed to investigate criminal activity.¹⁰ Recognizing that the law in this area is unsettled, agencies contemplating the use of the single-purpose drug roadblock should be aware that their efforts involve some risk. However, the risk can be somewhat abated by full knowledge and compliance with the *Brown* balancing test.

When the stated purpose of a roadblock is to detect illegal controlled substances, there should be no dispute over the legitimacy of the government interest that is addressed by the activity. Like drunk drivers on U.S. highways, the quantity of illegal drugs in the United States has prompted serious public concern. Thus, drug roadblocks should easily stand up to scrutiny under the first factor of the *Brown* balancing test.

Promoters of single-purpose drug roadblocks are more likely to encounter difficulty when required to demonstrate the effectiveness of the practice in advancing its legitimate interest in combating drug trafficking. Roadblocks established for the sole purpose of detecting illegal drugs are not likely to result in a high percentage of arrests. In the past, the Supreme Court has demonstrated a willingness to

accept a low percentage of arrests¹¹ as long as at its inception, the belief that the roadblock would be effective was reasonable.¹² Designers of drug roadblocks can bolster the reasonableness of their belief in the predicted effectiveness of roadblocks and, at the same time, increase the likelihood of a high percentage of arrests by strategically placing the roadblocks in areas where drug use is rampant.¹³

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When evaluating the severity of interference, courts are required to gauge the subjective and objective intrusion into individual freedom.
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Careful planning can similarly improve the chances of a drug roadblock meeting the third factor under the *Brown* balancing test. In order to limit the subjective intrusion on individual liberty worked by a roadblock, designers can obviate motorists' fear and surprise by clearly advertising the existence and purpose of the roadblock with a sufficient number of large, easily read signs placed on the highway well in advance of the actual checkpoint.

The objective intrusion can be curtailed by implementing the roadblock in a manner that limits the

delay experienced by travelers approaching and passing through the checkpoint. Managers can tailor the roadblock by regulating the number of vehicles that can be stopped at any one time and by limiting the nature and number of questions posed by officers staffing the checkpoints. In order to effectively meet subsequent challenges in court, efforts to limit the objective intrusion of roadblocks should be reflected in carefully drafted written instructions and not left to the discretion of officers implementing the roadblock.¹⁴

Mixed-Motive Roadblock

Law enforcement agencies can reduce the risks attendant to single-purpose roadblocks by combining a drug canvass with a more readily justified DUI or licensing and registration checkpoint. Although questions regarding their legality remain unresolved, mixed-motive roadblocks are more apt to satisfy the elements of the *Brown* balancing test. Moreover, logic and language from recent Supreme Court decisions argue strongly in favor of the constitutionality of such roadblocks.

The first two factors of the balancing test are met satisfactorily when the purpose of a roadblock is to enforce licensing and registration requirements or to apprehend drunk drivers.¹⁵ Thus, the only remaining issue is whether the roadblock is carefully constructed so as to reduce both the subjective and objective interference with individual liberty. The outcome of the balancing test should not be altered simply because officers staffing the

checkpoint have the investigation of drug trafficking as an ancillary motive. The constitutionality of the roadblock seems apparent as long as the time it takes to ask drug-related questions, request consent to search, or use a dog to detect odors of contraband does not significantly increase the delay experienced by motorists passing through the checkpoint.

For example, in *Merrett v. Moore*,¹⁶ the Eleventh Circuit Court of Appeals upheld the legality of a roadblock that had the interception of illegal drugs as its undisputed primary purpose. Because the investigating law enforcement agency had no authority to establish roadblocks, the drug probe was conducted in conjunction with a driver's license and vehicle registration checkpoint. A class action was filed challenging the legality of the roadblock on the grounds that the license and registration check was merely a pretext for the drug seizure. On review, the court found that the license and registration checkpoint satisfied the requirements of the *Brown* balancing test and concluded that "where the state has one lawful purpose sufficient to justify a roadblock, that the state also uses the roadblock to intercept illegal drugs does not render the roadblock unconstitutional."¹⁷

Other courts have been more receptive to the pretext argument advanced by the class action in *Merrett*.¹⁸ These courts tend to focus on the "primary" or "real" motive for the roadblock rather than the application of the balancing test. When evaluating roadblocks that have the primary purpose of

investigating drug trafficking, courts that subscribe to the pretext argument find the practice "unreasonable" under conventional Fourth Amendment review. This approach, however, appears to contradict recent Supreme Court analysis of the Fourth Amendment reasonableness requirement.¹⁹

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...courts are unlikely to view efforts to evade, standing alone, as sufficient justification for the seizure.

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The Supreme Court has held repeatedly that the reasonableness requirement of the Fourth Amendment is an objective standard that does not permit an inquiry into the law enforcement officers' subjective motivation.²⁰ To hold that otherwise-lawful DUI or license and registration enforcement checkpoints are unlawful simply because program sponsors had an additional motive to investigate drug trafficking seems an anomaly. However, until the Supreme Court resolves this issue, law enforcement agencies should understand that conducting a mixed-motive roadblock is not completely without risk.

Significance of Motorists' Efforts to Evade

Stopping vehicles that seek to avoid roadblocks and using false signs warning of drug checkpoints ahead for the sole purpose of justifying the detention of motorists making obvious attempts to evade nonexistent roadblocks are rather controversial, yet legally defensible law enforcement strategies. The success of these strategies may depend largely on the location of the checkpoints and signs.

The practice of stopping motorists attempting to avoid advertised roadblocks is likely to be challenged when a subsequent search of the vehicle results in the seizure of evidence or contraband that becomes the subject of a motion to suppress. Because the vehicle was not actually stopped at a checkpoint, the court hearing the motion will not apply the *Brown* balancing test. Instead, the court will require that the government justify both the seizure and search of the vehicle under traditional Fourth Amendment analysis.

In an effort to justify the seizure, the government may argue that the motorist's efforts to evade the drug checkpoint gave law enforcement officers a reasonable suspicion to justify the temporary detention of the vehicle pursuant to the Supreme Court's decision in *Terry v. Ohio*.²¹ The success of this argument, however, will depend on the court's willingness to view a quick exit off the highway or a hasty U-turn as indicia of criminal activity. Because there could be any number of legitimate reasons why motorists would want to avoid the

inherent delay of a drug roadblock, courts are unlikely to view efforts to evade, standing alone, as sufficient justification for the seizure.²²

The government's ability to defend the seizure would be enhanced greatly if the motorist's efforts to evade the checkpoint involved a violation of traffic regulations. According to the ruling of the Supreme Court in *Whren v. United States*,²³ a stop based on probable cause to believe that the driver of a vehicle has committed a traffic violation is lawful despite the fact that officers making the stop have an ulterior motive to investigate criminal activity.

In *Whren*, plainclothes officers patrolling a high-drug area in an unmarked police car noted the somewhat-suspicious behavior of the occupants of a vehicle. After the vehicle made an unsignaled right-hand turn, the officers pursued and stopped it. When they approached the vehicle, the officers observed evidence of illegal drug activity. The occupants of the vehicle were arrested and a search of the car disclosed a substantial quantity of drugs that subsequently became the subject of a motion to suppress.

The defendants argued that the stop of their vehicle for the minor traffic infraction was unreasonable under the Fourth Amendment because it was a pretext used by the officers to conduct their drug investigation. The Supreme Court, however, rejected the defendants' argument and concluded that the objective nature of the Fourth Amendment reasonableness analysis precluded any consideration of an officer's subjective motivation.

The fact that officers have the subjective intent to investigate criminal activity cannot render unlawful an otherwise-objectively reasonable stop.

Applying the *Whren* rationale to the stop of motorists evading drug roadblocks, the seizure would be objectively reasonable if the efforts to evade involved an *illegal* U-turn, an unsignaled lane change, or any other violation of the traffic laws. To take full advantage of this principle, law enforcement agencies should locate drug checkpoints and the signs advertising them in areas with no easy exit and where U-turns are illegal. Additionally, officers positioned to stop vehicles attempting to avoid roadblocks should be instructed specifically to make the seizure only after observing a clear traffic violation.

Using Dogs to Detect Drugs

Once officers lawfully stop a vehicle, either at a checkpoint or as it is attempting to evade one, they can justify a subsequent search in a number of ways. They can search the vehicle pursuant to voluntary consent,²⁴ incident to the arrest of an occupant,²⁵ under the vehicle exception,²⁶ or with a search warrant. Both the issuance of a search warrant and the justification of a search under the vehicle exception require that the government establish probable cause to believe the vehicle contains evidence or contraband. In an effort to develop the requisite probable cause to search vehicles in and around drug checkpoints, many law enforcement agencies employ drug dogs.

Whether a dog alert alone constitutes probable cause depends on a variety of factors, such as the dog's

Photo © Mark C. Ide



training and record of reliability. Regardless of the evidentiary weight accorded a dog alert, the drug dog remains both a useful and practical law enforcement tool. In *United States v. Place*,²⁷ the Supreme Court held that the use of a dog to detect the odor of contraband did not amount to a search under the Fourth Amendment and, thus, did not require any justification on the part of the government. This ruling opened the door for law enforcement agencies to use dogs for a variety of purposes, including the detection of controlled substances at drug roadblocks.

Law enforcement agencies that employ drug dogs at checkpoints should be careful, however, to ensure that the use of the dogs does not adversely affect analysis of the roadblock under the third factor of the *Brown* balancing test by significantly increasing either the fear or delay experienced by stopped motorists. Agencies can accomplish this by having a sufficient number of dogs on hand to efficiently contend with stopped vehicles, by using dogs that do not have an overly aggressive alert, and by not allowing the dogs to intrude into the stopped vehicles.

Conclusion

Until the legal issues surrounding drug roadblocks are conclusively resolved, the technique will continue to be the subject of considerable litigation. Law enforcement agencies need not, however, abandon the practice. Rather, agencies should exercise abundant care in designing and implementing

roadblocks so as to maximize the likelihood that they will withstand scrutiny under the *Brown* balancing test and traditional Fourth Amendment analysis. ♦



...mixed-motive roadblocks are more apt to satisfy the elements of the Brown balancing test.



Endnotes

¹ 443 U.S. 47 (1979).
² U.S. Const. amend. IV reads:
“The right of the people to be protected in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”
³ 443 U.S. at 50-51.
⁴ 110 S. Ct. 2481 (1990).
⁵ *Id.* at 2485.
⁶ *Id.* at 2486-87.
⁷ *Id.*
⁸ *United States v. Martinez-Fuerte*, 96 S. Ct. 3074 (1976).
⁹ *Delaware v. Prouse*, 99 S. Ct. 1391 (1979).
¹⁰ See, e.g., *United States v. Huguenin*, 154 F.3d 547 (CA6); *United States v. Morales-Zamora*, 974 F.2d 149 (CA10); *Edmond v. Goldsmith*, F.3d; *Wilson v. Commonwealth*, 509 S.E.2d 540 (Va. App. 1999).

¹¹ In *Martinez-Fuerte*, *supra*, the success rate was approximately .5 percent; in *Prouse*, *supra*, the success rate was 1.6 percent; and in *Sitz*, *supra*, the success rate was approximately 1 percent.

¹² 110 S. Ct. at 2487-88.

¹³ In *Edmond v. Goldsmith*, F.3d, (CA7 1999), the court noted that the police increased the likelihood of the drug roadblock in question being found reasonable by placing it in an area where “drug use approaches epidemic proportions. *Id.* at

¹⁴ See, *Martinez-Fuerte*, 96 S. Ct. at 3083.

¹⁵ *Supra* notes 7, 8, and 9.

¹⁶ 58 F.3d 1547 (CA 11 1995).

¹⁷ *Id.* at 1550-51.

¹⁸ See, e.g., *United States v. Huguenin*, 154 F.3d 547 (CA6 1998), *Edmond v. Goldsmith*, F.3d (CA7 1999).

¹⁹ In *Edmond*, *supra*, Circuit Judge Easterbrook filed a dissenting opinion in which he made the following statement:

“Why should the constitutionality of a roadblock program turn on what its promoters think (or the order in which its components were approved), rather than on what happens to the citizenry? Over and over, the Supreme Court says that the reasonableness inquiry under the Fourth Amendment is objective; it depends on what the police do, not on what they want or think.” F.3d at (dissenting opinion).

²⁰ See *Whren v. United States*, 116 S. Ct. 1769 (1996) and cases cited therein.

²¹ 392 U.S. 1 (1968).

²² See, e.g., *Huguenin*, *supra*.

²³ 116 S. Ct. 1769.

²⁴ *Illinois v. Rodriguez*, 110 S. Ct. 2793 (1990).

²⁵ *New York v. Belton*, 69 L.Ed.2d 768 (1981).

²⁶ *California v. Acevedo*, 111 S. Ct. 1982 (1991)

²⁷ 103 S. Ct. 2637 (1983).

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

The Bulletin Notes

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



Officer Brown



Officer Haug

While returning from a training session, Officers William Brown and Larry Haug of the Minot, North Dakota, Police Department overheard a call on the police radio that patrol units were in pursuit of two subjects who had fled in a vehicle from a traffic stop. After the subjects deliberately crashed into and disabled the four pursuing police cars, Officers Brown and Haug arrived at the scene. While the pursuing officers were recovering from the accident, the driver of the vehicle emerged with a machete; the passenger appeared to be unarmed. After the subjects ignored orders to get down on the ground, Officer Haug, unarmed, pursued the passenger on foot

and took several blows to the face before handcuffing him. The driver of the vehicle continued to swing the machete even after being sprayed with pepper spray. He lunged at a patrolman, sliced through the officer's jacket sleeve, and continued to slash at the patrolman, who was unable to escape the blows. The patrolman, now unable to defend himself, was vulnerable as the subject swung the machete for a potentially life-threatening blow. To save his fellow officer's life, Officer Brown fired a single shot, killing the subject. Officers Brown and Haug acted quickly and selflessly to protect the lives of their fellow officers.



Officer Hurst

Officer Dennis C. Hurst of the Chesapeake, Virginia, Police Department was dispatched to a house fire where two individuals remained inside the residence. Officer Hurst entered the dwelling and helped one occupant escape through a window. He entered the house a second time to rescue the other individual but was driven back by smoke and flames. With wet towels from neighbors, Officer Hurst entered the house a third time and was able to rescue the resident. Officer Hurst courageously put his own life in danger three times to save the lives of others.

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.

