



**NIJ**

National Institute of Justice

**JOURNAL**



## Solving Missing Persons Cases

Debating DNA Collection

Increasing Sexual Assault Prosecution Rates

Mobile Crime Laboratories Are Changing  
the Way We Respond to Crisis

CeaseFire: A Public Health Approach to Reduce  
Shootings and Killings

The Future of Terrorism

**U.S. Department of Justice  
Office of Justice Programs**

810 Seventh St. N.W.  
Washington, DC 20531

**Eric H. Holder Jr.**  
*Attorney General*

**Laurie O. Robinson**  
*Assistant Attorney General*

**Kristina Rose**  
*Acting Director, National Institute of Justice*

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NCJ 228381

## DIRECTOR'S MESSAGE

At first glance, the nitty-gritty world of law enforcement appears to have little in common with that of academic researchers. But this issue of the *NIJ Journal* shows that collaborative relationships between those who work in criminal justice and researchers can produce extraordinary results.

A primary example is a study of Sexual Assault Nurse Examiner programs. Advocates have lauded SANE programs as an improvement in care for assault victims, but questions remained about what effects, if any, SANEs were having on the criminal justice system. Rebecca Campbell of Michigan State University led a team of researchers who examined police and court records in a Midwestern county. They found a statistically significant increase in prosecution rates and convictions after SANE programs started. Yet the researchers took the study a step further. They interviewed dozens of detectives, prosecutors, assault victims and nurses to learn which ingredients of SANE were making an impact in the courtroom. The result is a fascinating study of how programs can benefit both victims and law enforcement alike.

We also present results of a rigorous evaluation of Chicago's CeaseFire program conducted by a team of researchers led by Wesley Skogan of Northwestern University. This innovative violence reduction program abated shootings in crime-plagued neighborhoods. The researchers analyzed crime rate changes and found that shootings declined 16 to 28 percent in some of the CeaseFire neighborhoods. The research team also shared the results of interviews with many law enforcement officials, social workers, street gang members and the "violence interrupters" who work to prevent a shooting from sparking a cascade of retaliatory killings.

The National Institute of Justice is currently working to spur closer collaborations between criminal justice practitioners and researchers. We recently invited people to apply for grants that would focus on such partnerships. We are particularly interested in creative ideas that would involve placing a researcher within a criminal justice organization to develop and conduct studies or program evaluations. We look forward to sharing the results of these endeavors with you in the future.

Finally, I would like to mention our cover story highlighting an exciting NIJ initiative that is assisting law enforcement organizations, medical examiners and coroners to resolve cases of missing persons and unidentified human remains. The National Missing and Unidentified Persons System is now helping to solve some tough cases, and we wanted to share a few of our first success stories with you.



Kristina Rose  
Acting Director, National Institute of Justice



To view the director's message video, check out the following link: <http://www.ojp.usdoj.gov/nij/multimedia/video-jnl264-director.htm>.



BUILDING  
KNOWLEDGE TO  
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CRIME AND JUSTICE

## National Institute of Justice

### Kristina Rose

Acting Director, National Institute of Justice

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### Contact NIJ

National Institute of Justice  
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### Contact the Editor

[Philip.Bulman@usdoj.gov](mailto:Philip.Bulman@usdoj.gov)

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Aaron Auyeung, *Designer*

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## Publications IN BRIEF

### New Perspectives in Policing

To understand how policing will change in the future, NIJ and Harvard University's Kennedy School of Government are collaborating on the second Executive Session on Policing and Public Safety.

The first paper from the session, "One Week in Heron City," is a case study and teaching tool about how to solve community problems using multifaceted approaches.

Author Malcolm Sparrow points out the dangers of rigidly adhering to a particular approach — departments end up circling problems but never resolving them.

Follow Chief Laura Harrison through her first week on the job in this fictional city of 400,000, and see how law enforcement agencies

might change narrow mentalities and see problems in a new light.

This case study is presented in three parts. Learn more at:

► <http://www.ojp.usdoj.gov/nij/pubs-sum/one-week-in-heron-city.htm>

### Smart Radio for Police

Smart Radio describes two related developments in radio technology: software-defined radio and cognitive radio. Because of their digital parts, these radios are much less expensive and more versatile than analog radios. SDR enables the user to send and receive analog voice, digital voice, data or all three. CR is a software-defined radio with complex software called a "cognitive engine," which enables dynamic frequency sharing, improved interoperability, and automatic adjustment of radio

performance for police and other public safety officials.

► <http://www.ojp.usdoj.gov/nij/pubs-sum/224253.htm>

### Expanding Police Ability to Report Crime

The National Incident-Based Reporting System has improved crime-reporting efforts, giving officers the ability to record data about a specific event and providing leaders with a much fuller understanding of crime. Author David Hirschel describes how NIBRS can help us better understand the dynamics of domestic violence.

► Two-page version: <http://www.ojp.usdoj.gov/nij/pubs-sum/225459.htm>

► Expanded version: <http://www.ojp.usdoj.gov/nij/publications/dv-dual-arrest-222679/welcome.htm>

## News & Notes

### NIJ Welcomes Ellen Scrivner

NIJ is pleased to welcome Ellen Scrivner as a Deputy Director.

Scrivner is a nationally recognized expert on a broad range of policing issues. She started her career as a psychologist for two local police departments in the Washington, D.C., metropolitan area and later served as a deputy

superintendent of the Chicago Police Department.

Scrivner was Deputy Director of the Community Oriented Policing Services Office at the U.S. Department of Justice and has served as a consultant to the Office of Law Enforcement Coordination at the FBI. She was a visiting scholar at NIJ from 1992 to 1994.

In her most recent position, she was director of the Leadership Academy at John Jay College of Criminal Justice in New York City.

While at NIJ, Scrivner intends to deepen her interest in applied research and foster partnerships between researchers and practitioners.



## Newest Research Findings

The full reports were not yet available at <http://www.ncjrs.gov> when we went to print, but key findings had surfaced.

### The 2007 Survey of Law Enforcement Forensic Evidence Processing

*Primary Investigators:* Kevin J. Strom, Jeri Roper-Miller, Shelton Jones, Nathan Sikes, Mark Pope and Nicole Horstmann

The efficient processing and analysis of forensic evidence is an increasingly critical issue in criminal justice. This survey found that 14 to 23 percent of unsolved cases contained forensic evidence that had not been submitted to a crime lab. The researchers did not analyze why evidence had not been submitted (because, for example, investigation showed that the evidence was not probative; the case hinged on "consent," not evidence; or charges were dropped against a suspect).

The survey showed that law enforcement agencies:

- Need better information systems that can systematically track forensic evidence associated with criminal cases.
- Need more guidelines and documentation for evidence retention.
- Need improved training on benefits and use of forensic analysis.

### The Kentucky Civil Protective Order Study

*Primary Investigator:* T.K. Logan

This study addresses several gaps in the research literature on domestic violence civil protective orders by examining their effectiveness, enforcement and cost-effectiveness.

The study suggests:

- Protective orders work best for those who are not stalked during the six months before getting the protective order and for those who live in an urban area.
- The costs of civil protective orders are low, especially when compared with the toll that domestic violence exacts on victims.
- Increased safety had no added cost to society, but when the victim's quality of life was considered, great savings accrued to society.
- Without justice system interventions, domestic violence offenders are likely to continue various criminal behaviors because such violence is part of a behavior pattern rather than an anomaly.

.gov

See the NIJ Web site for multimedia links throughout this issue and look for the following online content:

- ▶ Highlights from the 2009 NIJ Conference, including speeches by the Attorney General and Acting Assistant Attorney General and video interviews with select panelists.
- ▶ NIJ's popular Crime Scene Guides.
- ▶ A four part interview with Dora Schiro, former director of the Arizona Department of Corrections, discussing the innovative Getting Ready re entry program.
- ▶ NIJ funding opportunities and awards.
- ▶ The online archive of back issues of the *NIJ Journal*.

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## Solving Missing Persons Cases

by Beth Pearsall with Danielle Weiss

**The National Missing and Unidentified Persons System has helped agencies solve cases and allowed families to find resolution.**

*In June 1995, 16-year-old Toussaint Gumbs of Virginia went missing. Relatives said he had last been seen on June 9.*

*The National Center for Missing and Exploited Children became involved, creating posters, searching public records, collecting DNA samples and contacting offices and agencies across the country. The years went by and efforts continued, but investigators found no sign of the boy.*

*In March 2008 the Virginia medical examiner's office uploaded details on its unidentified decedent cases into the National Missing and Unidentified Persons System. One case entered was that of a man estimated to be 18-22 years old; his body had been found on June 6, 1995.*

*A volunteer with the Doe Network (a volunteer organization devoted to helping solve cold missing persons cases) was reviewing cases in NamUs and came across the two*

*profiles. Despite the differences between the date of last contact of the missing boy and the date the unidentified body was found, the volunteer noticed likenesses in the two cases' physical descriptors. She also noticed that both cases included a description of a unique scar on the left thigh.*

*The volunteer reported these likenesses to NCMEC. DNA testing later confirmed the match — the unidentified "man" was, in fact, the missing boy.*

**I**t began with a need — the need to improve access to critical information for those who can help solve missing persons and unidentified decedent cases.

With an estimated 4,400 unidentified human remains cases every year<sup>1</sup> and close to 100,000 active missing persons cases on any given day,<sup>2</sup> the nation needed a central



repository for case records. Therefore, the National Institute of Justice created NamUs, the first national repository for missing persons and unidentified decedent records accessible to law enforcement agencies, medical examiners, coroners and the public. More than 2,000 missing persons cases and more than 5,000 unidentified decedent cases have already been entered into NamUs, and the numbers continue to grow.

### Improving a Fragmented System

“Before NamUs, it was more of a haphazard, disjointed, localized effort,” said Mike Murphy of the Clark County Coroner’s Office in Las Vegas.

Some local agencies had Web sites dedicated to helping identify remains or solve missing persons cases in their jurisdictions. Clark County, for example, has had its own site on unidentified dead since 2003. Yet according to Murphy, when his agency first started the site, it was unaware of similar sites: “We didn’t know that other sites existed, and we were in the business. If we didn’t know, then the public certainly didn’t know they existed.”

Randy Hanzlick, medical examiner at the Fulton County Medical Examiner’s Center in Atlanta, said that people were working in a “fragmented system” made up of sites created by state and local agencies and nonprofit groups.

“Often you had to go to multiple Web sites for information,” Hanzlick said. “And while there were some sites that have tried to collect information on cases from all over, the coverage was often incomplete.”

Several federal databases also have relevant information: the National Crime Information Center, the Combined DNA Index System for Missing Persons, the Integrated Automated Fingerprint Identification System and the Violent Criminal Apprehension Program. Yet many of the nation’s 17,000 law enforcement agencies lack the time and resources to enter data on missing persons and unidentified human remains cases.<sup>3</sup>

## *In May 2009 NamUs received an Excellence in Technology Award from the International Association of Chiefs of Police.*

Take NCIC for example. The Federal Bureau of Investigation’s computerized database contains criminal justice information — including missing persons and unidentified decedent cases — and is available to law enforcement agencies. NCIC, however, suffers from a low rate of reporting.<sup>4</sup> An estimated 40,000 sets of human remains are still unidentified in America. On December 31, 2008, only about 7,100 unidentified person records had been entered into NCIC.<sup>5</sup>

Carla Tippie Proudfoot, director of the Maryland Missing Persons Clearinghouse, described the problem in state terms. “There are now 242 unidentified deceased cases entered into NamUs for the state of Maryland,” Proudfoot said. “Only 54 cases are in the NCIC database.”

As for missing persons, cases involving people 18 years old and younger must be reported to the NCIC database, but reporting adult missing persons cases is voluntary. Only a handful of states have laws that require law enforcement agencies to prepare missing persons reports on adults, thus compounding the problem of inconsistent reporting in the federal database.

### NamUs: A ‘Needed Bridge’

NamUs is helping to close the circle by providing a national online repository for both missing persons and unidentified decedent records.

“NamUs is the nexus of all the work that was being done independently,” Murphy said. “It is a ‘one-stop shop’ where law enforcement, medical examiners, coroners, families, anyone who is involved and touched by a missing persons case can go for information.”

Anthropologist Tony Falsetti at the University of Florida noted that with NamUs, there is finally a central place to get information.

*“This is the first time we have had a central system that everyone can use and access. We are all on the same page, looking at the same info, and that is truly important.”*

“Say unidentified remains are found in a large county in Florida and the profile is entered into NCIC. If a missing persons report is filed in a smaller county in the state, those two pieces of information may never meet for a number of reasons, resources being one. Now [with NamUs] the two sets of information will talk to each other,” Falsetti said.

This applies to interstate cases as well. Todd Matthews, a system administrator for NamUs, said the site is useful for cases that involve more than one state. According to Matthews, “These cases often fall to the side — missing from one place, lived in another.”

“I’m seeing cases come in that had no other avenue until now,” he added.

Matthews describes NamUs as a “needed bridge” between law enforcement agencies, medical examiners, coroners and the public. “This is the first time we have had a central system that everyone can use and access. We are all on the same page, looking at the same info, and that is truly important,” he said.

The lines of communication that NamUs has set up are also important, Matthews said. “Before, we had to create ways to communicate with other people,” he said. “Now there are official liaisons between the groups, and we are in an almost constant state of communication,” he said.

### **An Active Role for Families**

Public participation is a critical part of NamUs. Family members, friends and colleagues can access and search the databases to help find missing loved ones.

“The most important part of NamUs is that it joins together families and all of the other disciplines that may be involved in a missing persons case,” Murphy said. “In the past, the different disciplines working on a case told families just to wait and they would let them know when information was available. NamUs gives families a place to be. It makes them feel like they are now part of the solution.”

“Before NamUs, families with missing loved ones would have to call every coroner and every medical examiner in the country,” Proudfoot said. “After a while, it gets time-consuming, expensive and extremely frustrating making all of those calls.” Hanzlick added that family members often felt handcuffed in terms of what they could do when looking for a loved one.

“The databases that did exist [before NamUs] were not searchable — you had to scroll down and read everything,” Hanzlick said. With NamUs, people can get customized searches for specific features such as tattoos and crowns on teeth, significantly decreasing the number of possible related cases.

In addition, those who register can receive an automatic e-mail telling them when case information has been updated. “With older cases, there hasn’t always been the opportunity to provide feedback to families,” Falsetti said. “Part of the hole that NamUs fills is providing constant feedback to stakeholders, whether it’s the detective on the cold case or the mother whose daughter is missing.”

“The addition of the public is really going to drive this,” Falsetti added. “This is an opportunity for families to participate within the system. Now they are actively participating to identify missing persons.”

Rick Jones, a coroner investigator in the Clark County Coroner’s Office, stressed the importance of families playing an active role. “Families need to be part of the team,” Jones said. “In light of certain record-retention policies, you can’t just assume

that DNA and fingerprint samples and dental records are going to be around long term. It is crucial that families be involved in helping to secure this information.”<sup>6</sup>

“Each unidentified case that comes through our doors is a person with a family that most certainly has been waiting to hear from their loved one,” Jones added. NamUs is helping to produce new information on these cases, allowing his office — and offices around the country — to get one step closer to identifying remains and bringing loved ones home.

Take, for example, a recent case in Maryland. In 1994 Maryland police found a deceased male with extensive injuries to his face. No identification was made at the time. In March 2008 Proudfoot, who was helping the state medical examiner’s office load its cases into NamUs, entered the case information. She also asked a forensic artist to create an image of the man’s face using old photographs found in the original missing person file.

In September of the same year, an improved image of the man’s likeness was added to the NamUs case profile. A local newspaper ran a story about the case and included the new image. Within two weeks, a woman contacted Proudfoot, saying she believed the man in the story was David Riddick, her missing nephew. Further investigation confirmed this, and the previously unidentified man was finally sent home.

“NamUs was instrumental in getting this case solved and bringing some resolution to the man’s aunt,” Proudfoot said.

## More Improvements

The NamUs databases are just one part of a broader program to improve the nation’s ability to address missing persons and unidentified decedent cases.

Thanks to partnerships across the country, NamUs now provides free forensic services. A network of anthropologists is available to help investigators and agencies that may not have these professionals on staff or

*“NamUs gives families a place to be. It makes them feel like they are now part of the solution.”*

access to those services. In addition, agencies may have free DNA testing through the University of North Texas Center for Human Identification to add to NamUs records and further improve the chances that a match will be found.

NIJ also provides family reference-sample kits, at no charge, to any U.S. jurisdiction. These standardized collection kits provide a safe, effective and noninvasive means for gathering family members’ DNA, which can help identify people.

## Continuing to Help Families Find Peace

“When we talk with families who have a missing loved one, they say that you keep searching every day for that person. You see someone on the street, and you quicken your step to catch up with them, thinking maybe, just maybe. You experience the exhilaration that it could be them ... and then the disappointment when it turns out that it’s not,” Murphy said.

“Families with missing loved ones keep searching and searching and searching — they are never going to give up,” Proudfoot added. “NamUs has the potential to let a lot of families out there know what happened to their missing loved ones and begin to find some peace.”

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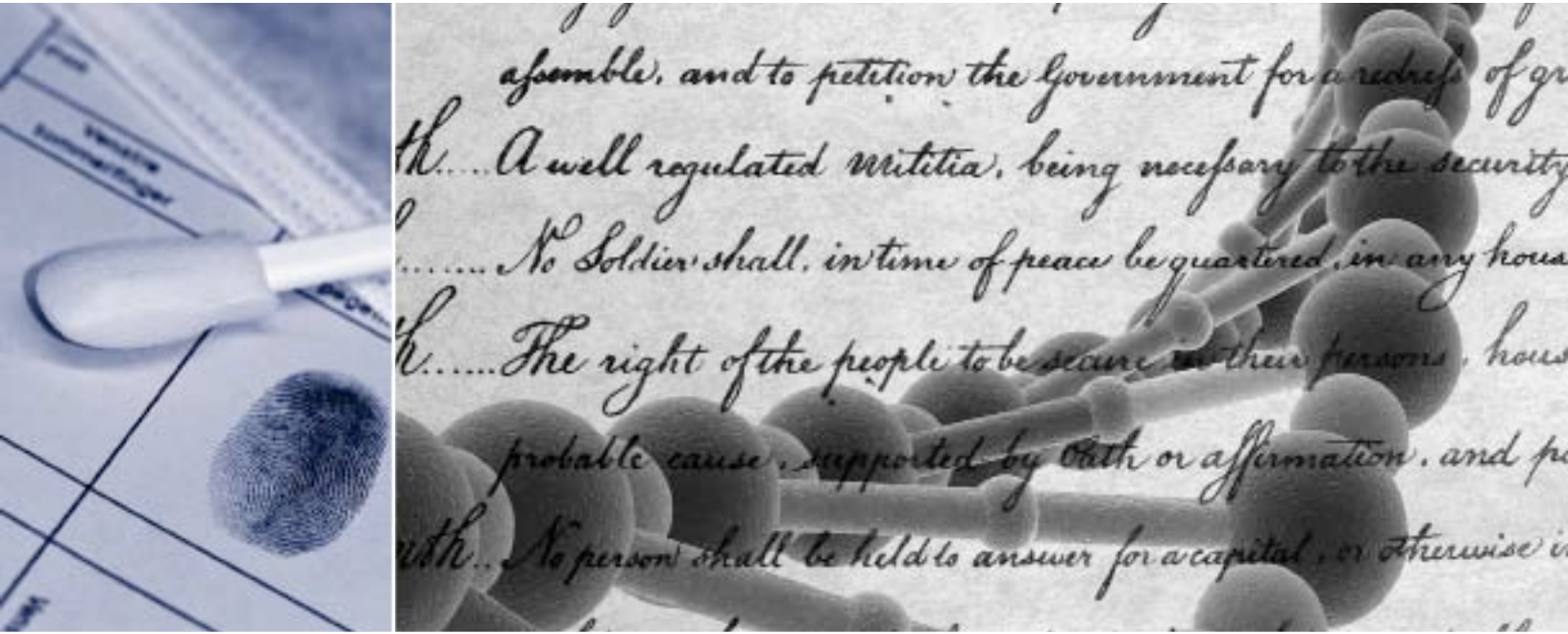
Beth Pearsall is a freelance writer and editor and former managing editor of the *NIJ Journal*.

Danielle M. Weiss is an associate with the Investigative and Forensic Sciences Division of NIJ. She received her Juris Doctorate from Western New England College School of Law and her master’s in forensic sciences from The George Washington University.

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## Notes

1. Hickman, M.J., K.A. Hughes, K.J. Strom, and J.D. Roper-Miller, *Medical Examiners and Coroners' Offices, 2004*, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, June 2007, <http://www.ojp.usdoj.gov/bjs/pub/pdf/meco04.pdf>.
2. As of December 31, 2008, the National Crime Information Center database contains 102,764 active missing person records. Federal Bureau of Investigation, *NCIC Missing Person and Unidentified Person Statistics for 2008*, Washington, DC: Federal Bureau of Investigation, <http://www.fbi.gov/hq/cjisd/missingpersons2008.htm>.
3. For more information on these federal databases and the challenges surrounding them, see Ritter, N., "Missing Persons and Unidentified Remains: The Nation's Silent Mass Disaster," *NIJ Journal* (256): January 2007, <http://www.ojp.usdoj.gov/nij/journals/256/missing-persons.html>.
4. Office of Justice Programs, "About NamUs," Washington, DC: U.S. Department of Justice, <http://www.namus.gov/about.htm>.
5. Submitting unidentified decedent cases to NCIC is not mandated by law. For more information, see Federal Bureau of Investigation, *NCIC Missing Person and Unidentified Person Statistics for 2008*.
6. According to the Bureau of Justice Statistics, as of 2004, more than half (51 percent) of the nation's medical examiners' offices had no policy for retaining records — such as X-rays, DNA or fingerprints — on unidentified human decedents. However, BJS also noted that more than 90 percent of the offices servicing large jurisdictions did have such a policy. Hickman, M.J., K.A. Hughes, K.J. Strom, and J.D. Roper-Miller, *Medical Examiners and Coroners' Offices, 2004*.



## Debating DNA Collection

by Sarah B. Berson

**DNA helps law enforcement investigate and prosecute crime, but the new trend of preconviction DNA collection raises serious Fourth Amendment issues for the criminal justice community.**

**P**olicymakers are increasingly coming to grips with legal issues related to taking DNA samples from people who have not been convicted of crimes.

The practice of taking DNA samples from convicted criminals is now largely uncontroversial. The courts have routinely upheld laws that authorize DNA collection from both current and former convicts, and the resulting databases of DNA have become powerful tools to analyze forensic evidence collected from crime scenes. The databases help to clear innocent suspects and redirect law enforcement officials away from unproductive investigations.<sup>1</sup> They also help to convict guilty criminals and clear the wrongfully convicted.

A trend that is causing significant debate is gathering DNA samples from people who

are arrested but not convicted. About 20 states and the federal government have passed legislation that requires DNA collection upon arrest. This legislation has raised concerns that crime laboratories may be unable to manage an influx of samples from a new source and that preconviction DNA collection may violate Fourth Amendment privacy guarantees.

Some people worry that collecting DNA creates the potential for abuse of genetic information stored in databases. Others point out that the federal and state privacy laws and penalties that apply to crime labs are stringent — far more stringent than the rules governing private entities that collect blood and saliva for medical or insurance purposes. Additionally, crime labs process only the DNA that applies to human identification. They do not process DNA that

*Fingerprints remain on file unless a person makes a formal request to remove them. Proponents believe that taking DNA samples should be thought of in the same way and that the process will yield similar benefits.*

identifies predisposition to diseases. Indeed, most crime labs are incapable of doing that kind of DNA processing.

Proponents of laws to collect DNA from arrested persons say these laws are no different from the long-standing, routine practice of taking fingerprints of arrested suspects. Law enforcement officers run fingerprints against national databases to confirm a suspect's identity and learn of any outstanding warrants against the person. Fingerprints remain on file unless a person makes a formal request to remove them. Proponents believe that taking DNA

samples should be thought of in the same way and that the process will yield similar benefits.

## **Preconviction DNA Sample Collection**

The DNA Fingerprint Act of 2005 requires that, beginning January 1, 2009, any adult arrested for a federal crime provide a DNA sample.<sup>2</sup> The law also mandates DNA collection from persons detained under the authority of the United States who are not U.S. citizens or are not lawfully in the country.

Even before passage of the act, five states — California, Louisiana, Minnesota, Texas and Virginia — had statutes that mandated collecting DNA from people arrested for various qualifying offenses. Although some states limit preconviction DNA collection to violent offenses or sex crimes, other states include all felonies, and some extend the requirement to misdemeanors as well. States' legislation requiring preconviction

## **THE GROWTH OF DNA COLLECTION FROM CONVICTED CRIMINALS**

When Congress passed the DNA Analysis Backlog Elimination Act of 2000,<sup>3</sup> it approved a new program of federal aid to states to help them clear their backlogs of DNA samples. The law also approved the collection, analysis and indexing of DNA samples from people convicted of federal crimes.<sup>4</sup>

Today, all 50 states have passed their own statutes that require certain offenders to provide a DNA sample for inclusion in CODIS, the federal Combined DNA Index System database, and state databases after conviction. Indeed, many states, beginning with Colorado in 1988, had statutes mandating DNA collection from various offenders post-conviction that preceded the federal government's move. Often these laws began with a focus on sex offenders (and today, all states collect DNA from sex offenders), although Virginia made its legal debut in this arena with a law mandating collection from all convicted felons.

Congress set up CODIS in 1994 through the Violent Crime Control and Law Enforcement Act.<sup>5</sup> The Federal Bureau of Investigation runs CODIS, which combines DNA databases from the local, state and national levels. CODIS acts as a central repository for DNA data and allows laboratories across the country to compare DNA profiles. Qualifying offenses for compulsory DNA collection from convicted offenders vary by state (that is, offenses for which a convicted offender must supply a biological sample). Only three states — Idaho, Nebraska and New Hampshire — do not provide for collection in all felony convictions. Most states also require collection following conviction for some misdemeanors.

DNA collection varies. Variations include the types of crimes for which samples are collected, applicability of the law to juveniles and procedures for deleting profiles. Some state laws have faced Fourth Amendment challenges in court.

## Expunging Profiles

After law enforcement officers collect a DNA sample, laboratory technicians translate the sample into a DNA profile (a numerical sequence). It is that profile, and not the genetic material itself, that enters the DNA database. The information contained in the DNA profile does not predict or identify physical characteristics, race, medical disorders or genetic disorders. The profile remains in the database if a court convicts the person. But what happens if the person is not convicted? That depends on the jurisdiction.

All states with laws allowing preconviction DNA sampling provide a way to expunge profiles if an arrest does not result in a conviction. Nine states automatically expunge a DNA profile if there is no conviction. However, many states require the person to request that their profile be expunged.<sup>6</sup> Louisiana, for instance, requires the person to provide a written request with a court order to expunge the profile.<sup>7</sup> Federal law similarly requires the person to ask that the profile be expunged. The person must provide a certified copy of the “final court order establishing that the charge was dismissed, that it resulted in an acquittal or that no charge was filed within the applicable time period” for each charge.<sup>8</sup> Most states require a written request and certified court order to purge a DNA profile if a conviction is reversed on appeal and the case dismissed.

## Privacy and Penalties

Federal law imposes a fine of \$250,000 or a year’s imprisonment for each instance of wrongdoing involving unauthorized use or disclosure of DNA data collected in an offender or arrestee database. States similarly have penalties, and these vary widely in both fines imposed and imprisonment.

State laws also vary with regard to how samples may be used beyond law enforcement and quality control purposes. Many states explicitly provide for other uses, such as identification of missing persons, identification of remains from natural or mass disasters, and statistical research. Several states, including some states with statutes authorizing DNA sampling from arrestees (e.g., South Dakota, Texas and Vermont), prohibit the use of samples for predicting or identifying medical or genetic disorders.<sup>9</sup>

Some concerns about collecting pre-conviction DNA samples do not relate directly to the potential misuse of collected information or genetic privacy. Rather, they focus on Fourth Amendment search and seizure issues. The Fourth Amendment guarantees “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.”<sup>10</sup> Usually, a “search” is interpreted to require probable cause and a warrant or, at minimum, individualized suspicion.<sup>11</sup> Courts have viewed collecting and analyzing DNA as a “search” in Fourth Amendment challenges to DNA databases.<sup>12</sup> However, the courts have not definitively settled the legal status of preconviction DNA sampling.

Two states — Virginia and Minnesota — have seen challenges to their preconviction DNA collection statutes along this line of argument. The courts have come down on opposite sides of the issue. The Virginia case, *Anderson v. Commonwealth*, involved a DNA sample taken from Angel Anderson when he was arrested for rape in 2001.<sup>13</sup> His sample matched another in the state database — one from the crime scene of an unsolved 1991 rape. Anderson was subsequently convicted of the earlier offense. He appealed his conviction on Fourth Amendment grounds, arguing that taking the sample constituted a search that was not based on reasonable suspicion, as it was unrelated to the crime for which he had been arrested.

The court disagreed with Anderson. It ruled that Virginia’s law accorded with the Fourth Amendment under the “established principle that a search incident to arrest is

## NIJ HELPS STATES TO PROCESS DNA SAMPLES

Crime laboratories throughout the nation continue to face great increases in the number of requests for DNA testing in criminal cases. Congress increased the National Institute of Justice's funding to expand lab capacity and reduce backlogs to \$56.3 million in fiscal 2008. The funding enabled crime labs to work on more than 30,000 criminal cases. The program helps labs to improve their capacity. Labs can update instruments, install robotic systems that speed processing and train forensic scientists.

In addition, NIJ's Convicted Offender and/or Arrestee DNA Backlog Reduction Program helps states to process the DNA profiles of people who have been arrested or convicted of certain crimes. The profiles are then placed in a national database. Such profiles have sometimes helped police identify suspects in previously unsolved crime cases. In fiscal 2008, NIJ funding of \$7.1 million helped states process more than 200,000 offender DNA samples.

NIJ has also been active in promoting the use of DNA testing to clear the innocent. More than 200 Americans convicted of serious crimes have been freed from prison after DNA testing showed they could not have committed the crimes. Often, DNA testing was not available when they were convicted. In addition, DNA testing has improved a great deal in recent years, and new testing techniques can yield definitive results in cases that may have been inconclusive in the past.

NIJ's Post-Conviction Testing Assistance Program helps states pay for DNA testing in cases where the testing could prove innocence. In fiscal 2008, NIJ awarded some \$7.8 million through the program. The funding helps to clear the innocent and can sometimes help to identify the real perpetrators of the crimes. The funding is used in reviews of homicide, manslaughter and rape cases.

a similar determination that probable cause supported issuing a search warrant. C.T.L. refused to give police a DNA sample after being charged with assault and aiding and abetting robbery.<sup>16</sup> The court agreed with C.T.L.'s argument that the collection would violate his Fourth Amendment rights and held that in the absence of a search warrant, a criminal charge alone was insufficient to permit taking a DNA sample.<sup>17</sup>

With regard to the federal law, in the first case of its kind, a federal judge in California ruled that it was constitutional to take DNA samples at the time of arrest for a felony and that the federal law did not violate the Fourth Amendment.<sup>18</sup> The case involved a man accused of possessing child pornography on his computer. The judge wrote that the invasive nature of obtaining a DNA sample was minimal and likened it "to taking fingerprints as part of the routine booking process upon arrest."<sup>19</sup> He further noted that "an arrestee's identity obviously becomes a matter of legitimate state interest" and acknowledged some of the common concerns about preconviction DNA testing: "While fears of a 'Big Brother' style government harassing or persecuting individuals based on genetic characteristics is always theoretically possible, that is not the purpose of the amendments before the court, nor is it at all likely."<sup>20</sup>

The Constitution protects citizens against unreasonable searches. The balance of reasonableness depends on weighing the extent to which an individual's privacy is violated (that is, the degree of intrusion) against the state's interest in fulfilling the search.

Both American and European courts are grappling with the issue. On December 4, 2008, the Grand Chamber of the European Court of Human Rights ruled against the United Kingdom in a privacy case. "In conclusion, the Court finds that the blanket and indiscriminate nature of the powers of retention of the fingerprints, cellular samples and DNA profiles of persons suspected but not convicted of offences, as applied in the case of the present applicants, fails to strike a fair balance between the competing public

permissible within the Fourth Amendment and that such a search may include an attempt to identify the arrestee."<sup>14</sup> The court cited a 1992 Fourth Circuit case that held the suspect's identity "is relevant not only to solving the crime for which the suspect is arrested but also for maintaining a permanent record to solve other past and future crimes."<sup>15</sup>

A month after the Virginia decision, Minnesota's Court of Appeals held that Minnesota's DNA statute violated the Fourth Amendment in *In re Welfare of C.T.L.* When C.T.L. was arrested, the police had a judicial determination that probable cause supported criminal charges but did not have



*The DNA backlog was a topic at the 2009 NIJ Conference. To listen to a panel that discusses new and potential time- and cost-saving approaches to reduce the backlog, go to <http://www.ojp.usdoj.gov/nij/multimedia/audio-nijconf2009-dna-backlog.htm>.*



and private interests and that the respondent State has overstepped any acceptable margin of appreciation in this regard. Accordingly, the retention at issue constitutes a disproportionate interference with the applicants' right to respect for private life and cannot be regarded as necessary in a democratic society."<sup>21</sup>

DNA is undoubtedly valuable in identifying criminals and solving crimes. The use of DNA to clear innocent people and convict guilty ones has produced remarkable results. But the issue of balancing the costs and benefits of preconviction DNA collection remains open to debate.

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**Sarah B. Berson is on the communications staff of the National Institute of Justice. She received her Juris Doctorate from the University of Virginia School of Law in 2008.**

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## Notes

1. See DNA Initiative, "Solving Crimes," DNA Initiative: Advancing Criminal Justice Through DNA Technology, <http://www.dna.gov/solving-crimes>.
2. *Violence Against Women and Department of Justice Reauthorization Act of 2005*, Pub. L. No. 109-162, § 1004, 119 Stat. 2960, 3085 (codified as amended at 42 U.S.C. § 14135a). See also *Adam Walsh Child Protection and Safety Act of 2006*, which also authorizes federal officials to collect DNA samples from federal arrestees and non-U.S. citizens detained by federal officials.
3. *DNA Analysis Backlog Elimination Act of 2000*, Pub. L. No. 106-546, § 3, 114 Stat. 2726 (codified as amended at 42 U.S.C. § 14135a).
4. H.R. Rep. No. 106-900, pt. 1, at 8 (2000), quoted in Haines, P., "Embracing the DNA Fingerprint Act of 2005," *Journal on Telecommunications and High Technology Law* 629 (5) (2006): 631.
5. *Violent Crime Control and Law Enforcement Act of 1994*, Pub. L. No. 103-322, § 210304, 108 Stat. 1796 (codified as amended at 42 U.S.C. § 14132 (2000 & Supp. IV 2004)).
6. Colorado seems to have come to an interesting compromise. The former arrestee must initiate the expungement process, but if the profile is not expunged, the state must pay him or her \$25,000. Colorado's law does not go into effect until 2010, however, so the relative merits of such a system will not be evaluated for some time.
7. La. Rev. Stat. Ann. § 15:614.
8. See Federal Bureau of Investigation, "Expungement of DNA Records in Accordance with 42 U.S.C. 14132(d)(1)(A)," U.S. Department of Justice, Federal Bureau of Investigation, <http://www.fbi.gov/hq/lab/html/expungement.htm>.
9. Axelrad, S., "Survey of State DNA Database Statutes," *American Society of Law, Medicine & Ethics* (2006), [http://www.aslme.org/dna\\_04/grid/guide.pdf](http://www.aslme.org/dna_04/grid/guide.pdf).
10. U.S. Const. Amend. IV.
11. See Simoncelli, T., "Dangerous Excursions: The Case Against Expanding Forensic DNA Databases to Innocent Persons," *Journal of Law, Medicine & Ethics* 34 (2) (2006): 391.
12. *Ibid.*
13. *Anderson v. Commonwealth of Virginia*, 48 Va. App. 704 (Va. 2004).
14. Carling, D., "Less Privacy Please, We're British: Investigating Crime With DNA in the U.K. and the U.S.," *Hastings International and Comparative Law Review* 494 (2008).
15. *Jones v. Murray*, 962 F.2d 302, 306 (4th Cir. 1992).
16. *In re C.T.L.*, 722 N.W.2d 484, 486 (Minn. 2006).
17. *Ibid.*, 492.
18. *U.S. v. Jerry Albert Pool*, CR S-09-0015 EJJ GGh, Eastern District of California, May 27, 2009.
19. *Ibid.*
20. *Ibid.*
21. *S. and Marper v. the United Kingdom* (application nos. 30562/04 and 30566/04) (2008).



## Increasing Sexual Assault Prosecution Rates

by Philip Bulman

**Humane treatment shapes both the victims' recovery and the success of investigations.**

**S**exual assault victims often praise the compassionate services of Sexual Assault Nurse Examiners, and a new study of two SANE programs confirmed that they contribute to higher prosecution and conviction rates.

The study focused on SANE programs in a large Midwestern county, carefully measuring how far sexual assault cases progressed through the criminal justice system during the years before and after the programs started. Researchers found statistically significant increases in various case progression measures, including the percentage of cases that eventually resulted in guilty pleas or convictions.

Led by Rebecca Campbell, professor of psychology at Michigan State University,

the research team looked at adult sexual assault cases treated in county hospitals and processed by the county's five largest law enforcement agencies for the five years before the launch of the SANE programs. The researchers also looked at cases treated by SANE teams during their first seven years of operation.

Campbell and her colleagues excluded cases that were not processed by the criminal justice system. These included stranger rape cases in which no perpetrator was ever identified as well as cases in which law enforcement officials concluded that the assault allegations were unfounded. This resulted in a sample of 156 pre-SANE cases and 141 post-SANE cases. All victims received complete medical forensic exams, and the exam results

were analyzed by the state crime laboratory for DNA evidence.

SANE nurses receive a minimum of 40 hours of classroom training and 40 hours of clinical training. The training covers evidence collection, injury detection methods, chain-of-evidence requirements, ways to avoid re-traumatizing a victim during an examination and other topics. Most SANE teams use specialized equipment such as a colposcope, a lighted magnifying tool that can detect small cuts, bruises and other injuries. The colposcope is also equipped with a camera to document any injuries.

Historically, sexual assault cases have been underreported and had low prosecution rates. These particular SANE programs — and perhaps many others — are contributing to higher prosecution and conviction rates. To discover how the programs led to increased prosecution, the researchers looked at the details of cases and interviewed law enforcement officers, prosecutors and assault victims.

SANE programs provide forensic evidence that is critical for successful investigations. One supervising detective noted that the quality of the evidence produced by medical forensic exams is higher with the SANE program. "I know the quality of documentation has improved from what we've seen in the past. Particularly with the addition of ... photographs of injuries; we never had that from an ER."

Participants in the study were granted anonymity and will not be identified by name or agency.

Another detective noted that the SANE program produced evidence quickly and made it available to law enforcement. "SANE information is received rather quickly, if not the same day, the following day ... With the hospital it took time to go through their records to obtain any additional reports, which made it difficult for us to proceed with our investigation."

In addition, once a law enforcement agency knew that evidence would be forthcoming,

## SANE FACTS

- ▶ SANE programs now exist in every state of the union, with about 500 programs in all. The programs treat adults and adolescents, and about half treat children as well. SANE programs typically handle sexual assault victims of both sexes.
- ▶ Most SANE programs are based in hospitals, although a few are based in rape crisis centers. In some places, mobile SANE teams are set up to go to various hospitals or other locations as needed.
- ▶ Although some SANE programs have relied on grant funding to get started, they often become self-sustaining because they provide reimbursable medical services.
- ▶ SANE programs have grown partly because the need is great. A 1998 report by the National Institute of Justice and the Centers for Disease Control and Prevention included results of a survey of 16,000 adults of both sexes. Some 17.7 percent of women and 3 percent of men reported being the victim of a completed or attempted rape at some point in their lifetimes.



*Rebecca Campbell discussed the findings of her study in more detail at an NIJ seminar. Go to <http://www.ojp.usdoj.gov/nij/pubs-sum/video-sane.htm> to view her presentation.*

it became more confident about building a case. The researchers found that in cases where the victim had a medical forensic exam, police collected more kinds of other evidence from the crime scene and from interviews with the suspect and possible witnesses. "Evidence begets more evidence," the researchers report. The cumulative effect was that more cases progressed further through the criminal justice system.

A prosecutor noted that the evidence collected helped to elicit guilty pleas in some cases and trial convictions in others. "I'm sitting here thinking to myself, I've got a good case.

*Even after accounting for other influences, the effects of the SANE program were still statistically significant.*

"I've got corroboration, I've got medical, I've got a good case, and I'll use that with talking to the defense attorney."

Besides providing forensic evidence, SANE teams are also available to testify in court as expert witnesses. SANE programs in this county do not pressure their patients to contact law enforcement and pursue prosecution. Nurses and advocates strive to minimize victim trauma, and they focus on providing high-quality patient care and attending to the emotional needs of the victim. The nurses and advocates take the time to answer all the victim's questions about evidence and

the legal system. One victim told researchers that the SANE program's involvement played an important role in her decision to file criminal charges. "That's part of the reason [that I continued] ... Because that will just show that he did things to me, and I have proof." By not focusing on legal concerns right away, victims were more willing and able to continue with a criminal case.

Some assault victims said the SANE experience was a turning point. "It was the first time where I felt ... human, after going through such a horrendous experience and made to feel I was just a bitch in heat ... or a pig being led to the slaughter ... and people like the advocates and the nurse examiner, they ... make you feel like they're more interested in you, in helping you cope with what happened, and that makes it easier, too, because they're looking at you like a person ... I didn't feel like another body on a slab."

### HOW SEXUAL ASSAULT CASES PROGRESS FURTHER WITH SANE: EXAMINING THE FACTORS

Many investigations of suspected crimes do not result in convictions because law enforcement agencies do not refer every case to prosecutors and prosecutors do not pursue every case, often due to inadequate evidence. Of those cases that are prosecuted, many fail to reach a finding of guilt.

This research shows that SANE programs resulted in more cases progressing further:

- The number of cases referred to prosecutors but not warranted for prosecution declined from 17 percent to 15 percent.
- Cases resulting in guilty pleas or trial convictions rose from 24 percent to 29 percent.

Advances in DNA testing technology mean that much smaller samples can yield results. This may have increased the rates of conclusive DNA evidence obtained by SANE programs. When the research team examined this possibility, it found that while DNA was a significant predictor of case progression through the criminal justice system, SANE programs still provided uniquely positive contributions to the outcomes of cases.

Other factors also influenced case progression:

- Cases involving penetration were more likely to progress than those involving fondling.
- Cases where the victim reported being under the influence of alcohol or drugs were less likely to progress.
- Some seasonal variations arose from the analysis. Cases processed in December were less likely to progress as far through the criminal justice system as those cases processed in other months.



SANE programs may help solve long-standing problems associated with sexual assault cases. The programs provide quality evidence in a timely way that can help shape the course of an investigation, the researchers concluded. "With the medical forensic evidence safely in the hand of SANEs, law enforcement put more investigational efforts into other aspects of the case. The training and ongoing consultation provided by SANEs often suggested investigational leads that law enforcement could pursue to further develop a case. As a result, the cases that are put forward to prosecutors reflect the collective efforts and expertise of law enforcement and SANEs, and

not surprisingly, the cases are stronger. Consequently, prosecutors are more inclined to move forward with charging cases, and over time, the prosecution rates did increase," the researchers report.

The National Institute of Justice funded the study. The complete study is available at <http://www.ncjrs.gov/pdffiles1/nij/grants/226497.pdf>.

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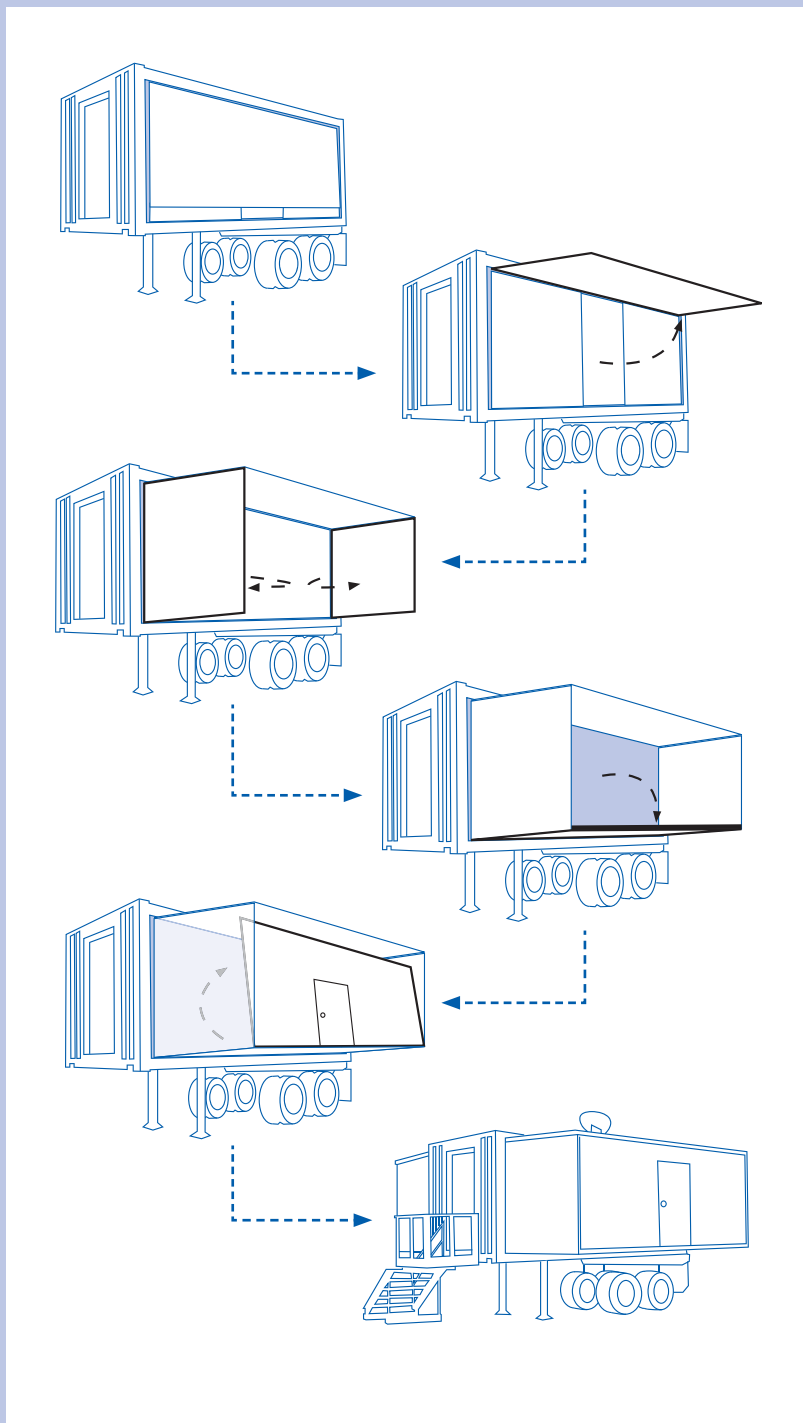
Philip Bulman is a writer with the National Institute of Justice and editor of the *NIJ Journal*.

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## VIRTUAL TRAINING AND OTHER SEXUAL ASSAULT RESOURCES FOR PROFESSIONALS

- ▶ A comprehensive and inexpensive training tool is helping advance skills in collecting sexual assault forensic evidence and preparing it for trial. It was developed by the Office on Violence Against Women in partnership with the National Institute of Justice and Dartmouth Medical School. The **Sexual Assault — Forensic and Clinical Management virtual practicum DVD** takes viewers through an interactive virtual forensic facility where distinguished faculty, practitioners and legal experts explain the process from first meeting through pretrial to courtroom.
  - More information is available at <http://www.safeta.org>.
  - Read an *NIJ Journal* article on the virtual practicum: <http://www.ojp.usdoj.gov/nij/journals/258/sexual-assault.html>.
- ▶ The Department of Justice's **National Protocol for Sexual Assault Medical Forensic Examinations** provides details on the roles of responders to sexual assault as part of a coordinated community response. The protocol was developed with help from relevant disciplines, such as medical providers, law enforcement, prosecutors, advocates and crime lab personnel.
  - It is available at <http://www.ncjrs.gov/pdffiles1/ovw/206554.pdf>.
- ▶ The **National Training Standards for Sexual Assault Medical Forensic Examiners** is a companion to the national protocol. It offers specialized education for health care providers who wish to practice as sexual assault forensic examiners. The training standards include recommendations for training objectives and topics that will enable a sexual assault forensic examiner to carry out the guidelines outlined by the protocol.
  - The standards are available at <http://www.ncjrs.gov/pdffiles1/ovw/213827.pdf>.
- ▶ The International Association of Forensic Nurses provides technical help on carrying out the protocol. Please see <http://www.safeta.org> or call 877-819-SART.
- ▶ A toolkit for evaluating the effectiveness of SANE programs is at <http://www.ncjrs.gov/pdffiles1/nij/grants/226499.pdf>.

## FROM BATTLEFIELD TO HOMEFRONT: Mobile Laboratories Are Changing the Way We Respond to Crisis



**M**obile forensic laboratories are an innovative and efficient way to expand or replace forensic capabilities in combat areas or regions that have experienced a natural disaster or other crisis. They were developed by the National Forensic Science Technology Center in partnership with the Department of Defense, which used similar laboratories in Iraq and Afghanistan to study improvised explosive devices.

In addition to helping agencies respond to natural disasters, the mobile forensic laboratories can be used for security training exercises.

### Nuts and Bolts

- ▶ Because they are created from a standard shipping container, mobile forensic laboratories can be delivered by truck, transport plane, train, ship or helicopter, bringing laboratory support to even the most remote areas.
- ▶ Each laboratory measures 8' x 20' x 8.5' and rests on a standard transport trailer for ease of movement. Once folded out, the laboratory provides a maximum of 400 square feet of usable space, complete with lighting, wrap-around power access and open floor space. Multiple laboratories can be connected to allow for different disciplines, contamination prevention, administrative areas or other uses.
- ▶ Each section is self-supporting and can be used separately for smaller projects. A diesel-powered generator offers a minimum of 33 hours of power on a single tank, providing air conditioning or heat, light satellite communications and even conditioned power for sensitive forensic equipment. Interior separators can provide dust- and light-proof work areas within each unit.
- ▶ A small team can set up the laboratory in less than an hour, not including equipment startup. Each lab features full data sharing and an access-controlled entryway.

To learn more, go to <http://www.nfstc.org>.

NCJ 228385



## Mobile Forensics Laboratory Helps Cedar Rapids CSI Recover From Devastating Flood

by Bill Cote

In his 18 years on the force, Cedar Rapids Police Sergeant Joe Clark thought he had seen it all. However, nothing prepared him for the sight of the department's crime lab swamped in more than eight feet of water.

"It was unbelievable. Water was almost up to the ceiling," he said. "The crime lab was completely ruined."

Luckily, in what they thought was an abundance of caution, his investigative unit had moved its new Automated Fingerprint Identification System out of the crime lab that occupied the basement of its headquarters before the flood. However, no one had anticipated that more than 30 feet of water would engulf the city. The rest of the forensic equipment was destroyed.

For a few months, the officers conducted forensics analysis in a makeshift lab set up in an unventilated garage.

"You can imagine how difficult that was — with cross-contamination and security issues," said Clark. "Not to mention how cold it got in there as fall arrived."

Clark contacted Joe Polski, chief operating officer of the International Association for Identification, who put him in touch with the

*Within a few weeks, Clark had a 400-square-foot mobile forensics lab up and running in the parking lot.*

National Forensic Science Technology Center in Largo, Fla., to discuss using one of its mobile labs. Within a few weeks, Clark had a 400-square-foot mobile forensics lab up and running in the parking lot.

Although the town of Cedar Rapids is still a long way from being back to normal after the historic flood, the Police Department's crime scene investigation unit is now running again.

"I don't know what we would have done without this lab," said Clark. "Our evidence processing ability would have been next to nothing during the last several months. And we can't just quit investigating crimes because we get flooded."

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Bill Cote is on staff at the National Forensic Science Technology Center.



## CeaseFire: A Public Health Approach to Reduce Shootings and Killings

by Nancy Ritter

Strategies that address serious health threats can also reduce violent crime.

The bloodshed in some of the Windy City's toughest neighborhoods declined substantially with the advent of the CeaseFire violence reduction program.

A rigorous evaluation of the program, sponsored by the National Institute of Justice, confirmed anecdotal evidence that had already led officials in other cities to adopt Chicago's CeaseFire model. Researchers found that CeaseFire had a significant positive impact on many of the neighborhoods in which the program was implemented, including a decline of 16 to 28 percent in the number of shootings in four of the seven sites studied.

"Overall, the program areas grew noticeably safer in six of the seven sites, and we concluded that there was evidence that decreases in the size and intensity of shooting hot spots were linked to the introduction of CeaseFire in four of those areas. In two other areas shooting hot spots waned, but evidence that this decline could be linked to CeaseFire was inconclusive," the researchers reported.

Led by Wesley Skogan, a political science professor at Northwestern University, the evaluation team meticulously measured CeaseFire's impact on shootings and killings in Chicago.<sup>1</sup> The researchers spent three years evaluating the program. The findings are encouraging.



## What Is CeaseFire?

CeaseFire uses prevention, intervention and community-mobilization strategies to reduce shootings and killings. The program was launched in Chicago in 1999 by the Chicago Project for Violence Prevention at the University of Illinois at Chicago School of Public Health. By 2004, 25 CeaseFire sites existed in Chicago and a few other Illinois cities. Some of the program's strategies were adapted from the public health field, which has had notable success in changing dangerous behaviors. For example, public health campaigns have helped to decrease smoking and increase childhood immunizations. In fact, the program's executive director, Gary Slutkin, is an epidemiologist who views shootings as a public health issue.

As the researchers note in their report, a significant amount of street violence is "surprisingly casual in character." Men shoot one another in disputes over women, or because they feel they have been "dissed." Simply driving through rival gang territory can be fatal. In the gang world, one shooting can lead to another, starting a cycle of violence that can send neighborhoods careening.

CeaseFire uses various tools to target this violence:

- Community mobilization.
- A major public education campaign.
- Services, such as GED programs, anger-management counseling, drug or alcohol treatment, and help finding child care or looking for a job, that can improve the lives of at-risk youth, including gang members.

In their evaluation, the researchers detail the program's approaches to building collaborations in the CeaseFire sites. The successes and pitfalls were many, as could be expected in a complex program that required law enforcement agencies, businesses, service providers, schools, community groups, political leaders and one of CeaseFire's most important partners, churches, to work together.

*In the gang world, one shooting can lead to another, starting a cycle of violence that can send neighborhoods careening.*

Of all of the program's facets, the most notable involves hiring "violence interrupters." (See "Who Are the Violence Interrupters?" page 23.) CeaseFire's violence interrupters establish a rapport with gang leaders and other at-risk youth, just as outreach workers in a public health campaign contact a target community. Working alone or in pairs, the violence interrupters cruise the streets at night, mediating conflicts between gangs. After a shooting, they immediately offer nonviolent alternatives to gang leaders and a shooting victim's friends and relatives to try to interrupt the cycle of retaliatory violence. Violence interrupters differ from community organizers or social workers. Many are former gang members who have served time in prison, which gives them greater credibility among current gang members.

CeaseFire's message travels from violence interrupters to gang members, from clergy to parishioners, and from community leaders to the neighborhood through conversations, sermons, marches and prayer vigils. The message appears on banners at post-shooting rallies, which are a major part of the program. The message is simple: "The killing must stop!"

## Measuring Results

The evaluation included two parts: process and outcomes.

In the process evaluation, the researchers looked at how the program worked in the field. They interviewed CeaseFire staff, police, social service workers, and business, religious and community leaders at 17 sites. The researchers also interviewed 297 gang members and street youth to get their assessment of the program.



*Gary Slutkin, executive director of CeaseFire, spoke at the 2009 NIJ Conference. To see a brief interview, go to <http://www.ojp.usdoj.gov/ni/multimedia/video-nijconf2009-slutkin.htm>.*

*“Working for CeaseFire also offered ex-offenders an opportunity for personal redemption and a positive role to play in the communities where many had once been active in gangs.”*

The evaluation of outcomes was challenging because the researchers had to find comparable areas without the program to make valid comparisons to CeaseFire neighborhoods. They found seven such sites within the city of Chicago.

**Statistical analysis:** Analysis based on 17 years of data showed that, as a direct result of CeaseFire, shootings decreased 16-28 percent in four of the seven sites studied. The researchers called this decrease in gun violence “immediate and permanent” in three of the sites and “gradual and permanent” in the fourth site.

**Hot spots analysis:** Using crime mapping techniques, the researchers compared shooting patterns before and after CeaseFire started to those in areas that had no CeaseFire program. Six of the sites grew noticeably safer overall, but the researchers could credit this to CeaseFire in only four of those areas. In two sites, shooting hot spots waned, but there was not enough evidence to link this to CeaseFire.

**Gang social network analysis:** Gang killings declined in two CeaseFire sites. The researchers also looked at the proportion of gang homicides that were sparked by an earlier shooting. This violence was a special focus of the violence interrupters. In four sites, retaliatory killings decreased more than in the comparison areas.

### **Impact on Young People**

The researchers also looked at CeaseFire’s impact on gang members and other at-risk street youth (“clients”) that the program

targeted. More than 80 percent of CeaseFire’s clients had past arrests, 56 percent had spent more than a day in jail, 20 percent had been to prison, and about 40 percent had been on probation or parole. Most CeaseFire clients had been involved in a gang. Nearly 60 percent had only a grade school education.

Many clients said in interviews that they had received significant help from CeaseFire. More than three-fourths of the clients said they needed a job; 87 percent of that group received significant help. Of the 37 percent who said they wanted to get back into school or a GED program, 85 percent said they had received help through the program. Nearly every one of the 34 percent who told the researchers that they wanted help in leaving a gang reported that they had received such guidance. However, although two-thirds of the clients became active in CeaseFire after they had formed a relationship with a violence interrupter — and indeed, half of them took part in marches and vigils after a shooting occurred in their neighborhood — 70 percent of the clients were still in a gang when they were interviewed.

That said, the researchers found that CeaseFire had a positive influence on these at-risk youth.

“A striking finding was how important CeaseFire loomed in their lives,” the researchers stated in the report. “Clients noted the importance of being able to reach their outreach worker at critical moments — when they were tempted to resume taking drugs, were involved in illegal activities, or when they felt that violence was imminent.”

CeaseFire also had a positive influence on the violence interrupters themselves. The program employed 150, many of whom had been in a gang and served time in prison. CeaseFire gave them a job in an environment where ex-offenders have limited opportunities and, the researchers note, “Working for CeaseFire also offered them an opportunity for personal redemption and a positive role to play in the communities where many had once been active in gangs.”

## Who Are the Violence Interrupters?

A unique approach in the criminal justice field

CeaseFire's use of violence interrupters made the program unique. Although many public health campaigns hire people who are adept at reaching target populations, hiring former gang members is not a common approach in the criminal justice field.

CeaseFire's violence interrupters were not always part of the program, however. As program officials realized that they needed better access to gang leaders, they made a strategic decision in 2004 to hire people who were uniquely suited to do this.

Violence interrupters must work in the netherworld of street gangs and pass muster with gang leaders. Interrupters cruise the streets of the toughest neighborhoods to identify and intervene in gang-related conflicts before they intensify. If a shooting has occurred, they seek out the victim's friends and relatives and try to prevent a retaliatory shooting.

People who fit this bill often lack traditional workplace experience, and finding and hiring them is not easy. Many have been in trouble with the law. However, the violence interrupters interviewed for the evaluation said they had turned their lives around and wanted to help others do the same.

CeaseFire set up many safeguards to ensure that the violence interrupters stayed clean. They are hired by a panel that includes police officers and local leaders. Background checks are run,



with particular attention given to crimes against women and children. Some sites do not hire anyone with a felony conviction. Violence interrupters have to pass periodic drug tests.

Turnover can be high. The work is dangerous, and the pay — about \$15 an hour at the time the researchers performed their evaluation — is modest. In many respects, violence interrupters are exposed to hazards from all sides. They are vulnerable to shootings, as well as stop-and-frisks by the police. Gangs are suspicious that violence interrupters are somehow associated with law enforcement, yet those who are ex-felons are at risk of legal repercussions from being “associated” with a gun.

Funding of Chicago CeaseFire has been unstable. Often, budget shortfalls forced short-term layoffs. Every time a site lost a violence interrupter, staff had to rebuild relationships with gang members and other high-risk youth who were the most likely to commit — or be the victims of — gun violence.



*CeaseFire was a topic at the 2009 NIJ Conference. To listen to a panel that discusses the impact of violence interrupters on crime in Chicago neighborhoods, go to <http://www.ojp.usdoj.gov/nij/multimedia/audio-nijconf2009-ceasefire.htm>.*

*CeaseFire decreased shootings and killings (including retaliatory murders in some of the sites), making shooting hot spots cooler and helping the highest-risk youth.*

## Challenges and Cautions

Evaluating Chicago CeaseFire was not a neat laboratory experiment. Because the program runs in the real world, boundaries were not always clear between CeaseFire neighborhoods and other neighborhoods. For example, the violence interrupters had to go where gang members and other potential perpetrators of gun crime (and their potential victims) lived or hung out. “Spillover” between targeted areas and other areas was inevitable, although the researchers pointed out that this could have resulted in underestimating the program’s impact.

Other programs, such as Project Safe Neighborhoods, were running in and around some of the CeaseFire sites during part of the time the researchers evaluated the program. Despite their best efforts to avoid such areas when selecting comparison sites, it was not always possible to do so. When this occurred, the researchers stated they were unable to determine empirically that CeaseFire alone was responsible for the decrease in violence.

Other issues made it difficult to discover the exact effect of CeaseFire in as straightforward and precise a way as policymakers and citizens might like. For example, in looking at the statistical data about violence, the researchers had to pick a month as the pre- and post-CeaseFire demarcation. However, pinpointing a precise date for the start of a program as large and multifaceted as CeaseFire is not easy. Community-mobilization and public education efforts got under way at different times

in different areas, and the hiring of violence interrupters came a few years after the program started.

Another issue to consider when looking at the findings is that the researchers were able to examine only events that were reported to and recorded by police.

Finally, one overarching caveat to keep in mind is that Chicago experienced a huge drop in violence beginning in 1992.<sup>2</sup> As the researchers state in their report, “The reasons for this decline are, as elsewhere in the nation, ill-understood, and we could not account for possible remaining differences between the target and comparison areas in terms of those obviously important factors.”

## Still, It Worked

Despite these caveats, the evaluation showed that the program made neighborhoods safer. CeaseFire decreased shootings and killings (including retaliatory murders in some of the sites), making shooting hot spots cooler and helping the highest-risk youth.

The full report contains an extensive discussion of many topics, including:

- How sites were selected and organized, and how the central CeaseFire management worked.
- Challenges in areas with notably weak community bases.
- The crucial role of local police in providing immediate information about a shooting. This cooperation was not automatic, and readers may want to learn more about how this evolved.

Like other criminal justice programs, CeaseFire was vulnerable to the vagaries of funding fluctuations. Policymakers in particular will want to read sections of the evaluation to understand how the program was funded and the role that fluctuations played

throughout the years. Also, CeaseFire was a small-scale program. Although it varied among the sites, the typical CeaseFire site's annual budget during the period covered in the evaluation was about \$240,000.

In the summer of 2007, the program was dramatically downsized because of budget cuts. The researchers found that they did not have enough data to do a rigorous statistical analysis of this cutback's impact. They did state, however, that "[a] detailed examination of the existing data did not reveal any dramatic shifts in crime following the closures [of CeaseFire sites], when compared to trends in the comparison areas."

CeaseFire is still running in 16 Chicago communities and six other Illinois cities. The CeaseFire model is going national. Recently, CeaseFire has collaborated with the Baltimore City Health Department to set up the model in four sites. Parts of the model are being implemented in Kansas City, Mo., and officials are considering implementing it in Columbus, Ohio; Detroit; Jacksonville, Fla.; and New Orleans. Other programs modeled on CeaseFire are being launched in eight New York cities, including Albany, Buffalo, New York City, Rochester and Syracuse.

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Nancy Ritter is a writer with the National Institute of Justice. She is a former editor of the *NIJ Journal*.

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### For More Information

- An executive summary and the full report are available at [http://www.skogan.org/files/Evaluation\\_of\\_CeaseFire-Chicago\\_Main\\_Report.03-2009.pdf](http://www.skogan.org/files/Evaluation_of_CeaseFire-Chicago_Main_Report.03-2009.pdf).
- CeaseFire Web site: <http://www.ceasefirechicago.org>.

### Notes

1. Skogan was the lead investigator on the NIJ-funded evaluation. Other researchers who participated in the evaluation include So Yung Kim (Korea Advanced Institute of Science and Technology); Richard Block (Loyola University Chicago); Andrew Papachristos (University of Massachusetts Amherst); and Susan Hartnett and Jill DuBois (Northwestern University).
2. Crime and violence decreased throughout Chicago in both the target and the comparison sites during the time that the researchers considered data, so they used fairly complex analyses to examine whether crime dropped significantly, hot spots visibly moved or cooled, and gang homicide weakened more in the CeaseFire sites than in the comparison areas.



# The Future of Terrorism

by John T. Picarelli

Two experts debate the evolving nature of terrorism and its effect on law enforcement.

A future terrorist threat could emerge in Minnesota, Mogadishu, or perhaps both simultaneously.

In a recent case, the FBI investigated what had become of a group of young Somali-American men who lived in the Minneapolis area and disappeared. Relatives said they had abruptly left the country to join a suspected terrorist organization in Somalia. If that is true, the men might train with terrorists and then join local operations in Somalia or return to the United States on their American passports.

This case demonstrates how a sharp debate between two terrorism experts has significant implications for state, local and tribal law enforcement agencies in the United States. Bruce Hoffman and Marc Sageman — two of the nation's preeminent terrorism

experts — disagree about the nature of the threat. Hoffman, a professor at Georgetown University and a former senior executive of the RAND Corp., says the primary threat lies with al-Qaida slowly reconstituting itself in Pakistan. Sageman, a scholar-in-residence at the New York Police Department and a former case officer with the CIA, contends that the threat has shifted to radicalized individuals forming groups in the United States and Europe.

Although Hoffman and Sageman focus mainly on the threat from al-Qaida and Islamic terrorism, the issues they raise are not limited to these groups. Both men touch on factors common to all terrorist groups, such as recruitment and organization.

The debate between Hoffman and Sageman presents law enforcement agencies with a

challenge and an opportunity. The challenge is deciding which analysis of terrorism is correct. At its core, the debate concerns terrorist recruitment and organization. Therefore, agencies will form their community protection strategies based on the more accurate point of view. The difference between radicalization within a community and radicalization directed from abroad creates the difference between investing in counterterrorism programs that stress community outreach and those that stress intelligence sharing.

The opportunity, however, is equally great. Law enforcement agencies have a critical role to play in contributing to the debate because their observations of how terrorists recruit, radicalize, organize and train people are prime drivers of how counterterrorism efforts will unfold in the future.

## The Nature of the Threat

Both Hoffman and Sageman are prominent, well-published researchers who often consult with security and law enforcement agencies on terrorism issues. Critics and colleagues alike agree that their books are influential, and, in fact, they are among the most often cited in terrorism studies.<sup>1</sup>

Hoffman says the main threat from terrorism lies with the core of al-Qaida, which he believes is gradually rebuilding itself in Pakistan to attack targets in the United States and Europe. "Al-Qaida is much like a shark, which must keep moving forward, no matter how slow or incrementally, or die ... The group's capacity to survive is also a direct reflection of both its resilience and the continued resonance of its ideology," he said.<sup>2</sup>

Sageman sees the threat of terrorism originating not from a centralized core but from the "bottom up." Although Sageman agrees that al-Qaida's core group in Pakistan remains a danger, he believes it is effectively contained. For Sageman, the future of terrorism is more diffuse, with the primary risk of attack coming from smaller groups of radicalized individuals who find one another in

*Radicalization occurs when recruits align their existing worldview with the ideology of a group and commit themselves to using violence to achieve the group's goals.*

the community (often through the Internet). Sageman believes that al-Qaida's ideology — not its organization — binds these groups. "The threat from al-Qaida and its progeny has evolved over time," Sageman said. "The process of radicalization is still going on but now proceeds in a hostile, post-Sept. 11, wired environment, resulting in a social structure comprised of disconnected groups."<sup>3</sup>

## When and Where Does Radicalization Occur?

Radicalization occurs when recruits align their existing worldview with the ideology of a group and commit themselves to using violence to achieve the group's goals. To understand this alignment is to understand what drives a person to commit terrorism.

Hoffman and Sageman agree that understanding radicalization is vital to understanding terrorism. However, they strongly differ on where radicalization takes place. For Hoffman, radicalization occurs in a centralized core of terrorist elites who oversee recruitment and training programs housed in clandestine facilities or in lawless regions of the globe such as the Afghanistan-Pakistan border. Sageman, on the other hand, argues that radicalization is diffuse — or leaderless — and occurs through groups of loosely associated radicals found within American and European communities.

If Hoffman's theory is correct, law enforcement officials would expect to find radicals trained through organized programs, most often overseas. To identify and counter this threat, the best strategy would be to track foreign-born or domestic radicals through intelligence fusion centers or other inter-agency task forces.

On the other hand, if Sageman's theory is valid — that terror groups form within local communities without the help of organized training programs — law enforcement officials would focus on identifying and countering sources of radicalization within their communities. For example, correctional facilities are one place where radicalization can occur. A 2007 National Institute of Justice study found that prisoner radicalization was indeed happening in prisons, mostly through personal inmate relationships.<sup>4</sup> The study found that radicalization often began with a prisoner's religious conversion and continued with extremist religious teachings, eventually leading individuals to undertake political violence. Similar to what Sageman holds, the NIJ study found the threat arose from small groups of "true believers" who were motivated to commit terrorist acts.<sup>5</sup>

Although Hoffman and Sageman disagree on where radicalization occurs, they believe outreach programs are important in combating radicalization. Community policing builds bridges of trust between community members and police, providing an important link to understanding when potential radicals might be active within a community.

A 2006 NIJ study found that although an increased prevalence of hate crimes against

Arab-American communities and heightened levels of alienation within these communities followed the Sept. 11 attacks, outreach programs helped rebuild trust.<sup>6</sup> Community policing served as a bulwark against radicalization. Relationships between community members and authorities helped dampen or remove the grievances that often lead to radicalization, such as perceptions of bias or hate crimes. Such relationships and trust could also yield information on trained radicals arriving in communities.

The study further showed that these communities responded more favorably to outreach efforts from state and local agencies than to those from the federal level. This affirms the critical role of local law enforcement in combating radicalization and terrorism.

## How Do Terrorists Organize?

Another significant dispute between Hoffman and Sageman concerns how terrorist groups organize. Hoffman's analysis suggests the most dangerous terrorist groups organize around a center-periphery model. In this model, the leadership and best-trained cells remain in safe havens such as Afghanistan, drawing information, money and practical assistance from support cells working in target countries. When it is time to strike, the attack cells quickly enter,

### FURTHER READING ON THE DEBATE

Bruce Hoffman's review of Marc Sageman's most recent book in the journal *Foreign Affairs* began the debate regarding the nature of the threat from terrorism. The debate continued in subsequent issues of *Foreign Affairs*. For more on the public policy impact of this issue, see "A Not Very Private Feud Over Terrorism," published in the *New York Times* in 2008. See:

- <http://www.foreignaffairs.org/20080501fareviewessay87310/bruce-hoffman/the-myth-of-grass-roots-terrorism.html>.
- <http://www.foreignaffairs.org/20080701faresponse87415/marc-sageman-bruce-hoffman/does-osama-still-call-the-shots.html>.
- <http://www.nytimes.com/2008/06/08/weekinreview/08sciolino.html?sq=bruce%20hoffman&st=cse&scp=4&pagewanted=all>.



attack and exit the target country with the aid of the already-embedded support cells. Organizational control remains centralized with the leadership cells, which give orders to the other groups.

Sageman, on the other hand, sees the most dangerous terrorist organizations centered in small groups that provide their own support. The groups do not travel overseas for specialized training; rather, they educate themselves using sources such as Web postings. Sageman's groups are more autonomous than the cells that Hoffman describes in that they conduct their preparations and attacks from within the community, keeping their own organizational control.

NIJ's research on organizational learning and the role of the Internet has found merit in both positions, suggesting a complex reality. A 2005 NIJ study examined terror groups' organization, especially how they get, interpret and disseminate information. The study identified evidence supporting both models of terrorist organization, concluding that how these groups adapt to changing conditions will influence which counterterrorism strategies are most effective. If, for example, terrorists responsible for collecting and analyzing information are in the community, law enforcement agencies would have to adopt a more active surveillance and investigation plan than if the terrorists were abroad. Agencies would also have to help identify safe havens that terrorist groups use, such as warehouses, ranches or even houses in suburban areas.<sup>7</sup>

Continuing NIJ studies on extremism on the Internet may also help further clarify this discussion. For example, one study is examining the content of extremist Web sites to identify the location of people who contribute to the sites.<sup>8</sup>

Meanwhile, state and local law enforcement agencies are already bringing this discussion into sharper focus. Many have collected information about specific terrorist groups and

*Communities responded more favorably to outreach efforts from state and local agencies than to those from the federal level. This affirms the critical role of local law enforcement in combating radicalization and terrorism.*

shared it with other agencies. This has led to a better understanding about how terrorist groups organize in communities and how best to counter them. In addition, agencies are paying closer attention to online extremism, another important way to understand terrorist organization. Continued information gathering and vigilance from counterterrorism agencies will inform the Sageman-Hoffman debate and will influence how the nation develops counterterrorism measures.

## A Two-Way Street

History will decide who won this debate. Now, however, the differing opinions offer a superb example of how complex issues evolve into policy choices. Whether radicalization happens here or abroad is an important question, but for law enforcement agencies, the academic debate translates into how to provide the most effective community outreach in the effort to prevent terrorist attacks.

Law enforcement agencies are not passive bystanders in the discussion — they are key contributors. Their efforts offer valuable insights into how terrorists recruit and organize. This give-and-take between research and practice will yield greater clarity and improved decision-making for counterterrorism efforts.

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John T. Picarelli joined the International Center of the National Institute of Justice in 2008.

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## Notes

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2. Hoffman, B., "The Myth of Grass-Roots Terrorism: Why Osama bin Laden Still Matters," *Foreign Affairs* 87 (2008): 133-138.
3. Sageman, M., and B. Hoffman, "Does Osama Still Call the Shots? Debating the Containment of al Qaeda's Leadership," *Foreign Affairs* 87 (2008): 163-166.
4. Hamm, M.S., *Terrorist Recruitment in American Correctional Institutions: An Exploratory Study of Non-Traditional Faith Groups*, final report submitted to the National Institute of Justice, U.S. Department of Justice, Washington, DC: December 2007 (NCJ 220957), available at <http://www.ncjrs.gov/pdffiles1/nij/grants/220957.pdf>.
5. See "Prisoner Radicalization: Assessing the Threat in U.S. Correctional Institutions," *NIJ Journal* 261 (October 2008), available at <http://www.ojp.usdoj.gov/nij/journals/261/prisoner-radicalization.htm>.
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