

**INTERNATIONAL  
ASSOCIATION OF  
LAW ENFORCEMENT  
PLANNERS**



**National Institute of Justice**

**Research Preview:**

**INFORMAL INFORMATION SHARING AMONG POLICE AGENCIES**

Summary of Research by Alexander Weiss, Northwestern University

The American police system is among the most decentralized and fragmented, consisting of thousands of agencies at the Federal, State, and local levels. Whether large or small, however, these agencies need adequate, timely information to perform effectively. Of particular importance is information about changes in policy, law, and practice—including innovative ways to address problems and issues.

Two systems have emerged to meet the demands for information. One is a formal system that centers on the distribution of information by government sources and by professional organizations such as the International Association of Chiefs of Police, the Police Executive Research Forum, and the Police Foundation. Although this formal system provides enormous amounts of information to an array of agencies, another system is also engaged in these dissemination efforts—an informal network among police organizations. This study examines the informal network.

Through this informal network or system of information sharing, police planners and others contact other law enforcement agencies directly to gather information needed to manage their departments. As the study demonstrates, this system, although informal, is relatively sophisticated and frequently used by police planners. Often, these consultations with other agencies lead to the introduction of successful ideas from other communities or help to reduce the perceived risk of civil liability within an agency.

**COMMUNICATIONS SURVEY**

The study is based on a survey administered to police planners in 360 local organizations (all with 100 or more sworn officers) and 43 State law enforcement agencies between March and June 1996. The overall response rate was quite favorable—71 percent. The survey focused on seven issues:

- What agencies are planners most likely to contact when they look for information?
- What factors influence the choice of a contact?
- How frequent are these contacts?
- What is the mode of communication?
- What are the resource requirements associated with these requests?
- Are requests for information specific?
- How well are police planning and research units prepared to conduct research?

The article appearing on pages 2-5 in the print version of The Exchange, *Sweat About the Threat*, concerning national programs combating computer security threats was originally published by CIO. Our reprint agreement does not allow us to present it in the electronic version of our publication. It can be viewed at the CIO web site at:

[http://www.cio.com/archive/120198\\_nipc.html](http://www.cio.com/archive/120198_nipc.html)



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[http://www.cio.com/archive/120198\\_nipc.html](http://www.cio.com/archive/120198_nipc.html)

**HELP WANTED :**

The Orange County Sheriff's Office (Orlando, FL) is seeking an innovative Communications Center Manager (civilian position) to lead the agency into the 21st century. The new 11,200 sq. ft. Communications Center has a staff of 158 employees with a service population of 1 million and is home to Disney World, Sea World, and Universal theme parks. A new Tiburon CAD system and Positron E-911 phone system will be on-line during the fall of 1999. A Motorola 800 MHz analog computer-trunked radio system is currently used. The position requires highly developed leadership and interpersonal skills, and 10 years of increasingly responsible management experience in public safety communications. Experience in a digital dispatch environment preferred. An Associate's degree is required; Bachelor's preferred. Starting Salary: \$58,884

A resume must be submitted by April 30, 1999 and can be mailed or faxed to Orange County Sheriff's Office, Human Resources Division, 2450 W. 33rd Street, Orlando, FL 32839 (phone: 407-836-4070; fax: 407-836-4079).



## PLANNING FOR A CHANGING WORLD

September 19 - 24, 1999

Omni San Antonio Hotel  
San Antonio, Texas

### HOTEL INFORMATION:

Omni San Antonio Hotel  
9821 Colonnade Boulevard  
San Antonio, Texas 78230  
210-691-8888  
www.omnihotels.com

Room Rate:  
Single: \$99  
Double: \$129  
Triple+: \$149

The Omni San Antonio Hotel is located in northwest San Antonio at Interstate 10 and Wurzbach Road, 15 minutes from downtown and the San Antonio International Airport.

Complementary shuttle service to and from the San Antonio International Airport is provided by the Omni San Antonio Hotel. Call the hotel from the baggage pickup area when you arrive, and arrange your return to the Airport with the hotel concierge.

The hotel is equipped with:

The Park Restaurant, featuring Texas cuisine in a casual setting

Lobby bar with light dining and live music

Fully-equipped health club with sauna

Indoor / Outdoor pool plus two hydrotherapy pools

10 miles to Sea World of Texas

5 miles to Six Flags Fiesta Texas Theme Park

### International and Global Crime Trends

This general session will focus on and provide an overview of contemporary perspectives and emerging issues and trends in organized crime from the point of an international and global crime problem, yet one that cannot be ignored by local jurisdictions.

Presenter **David L. Carter** is a Professor in the School of Criminal Justice at Michigan State University and a Research Fellow for the Police Executive Research Forum (Washington, D.C.) who specializes in police administration and policing issues. He received his Bachelor's and Master's degree in Criminal Justice from Central Missouri State University and a Ph.D. in Criminal Justice Administration from Sam Houston State University in Huntsville, Texas.

A former Kansas City, Missouri police officer, Dr. Carter was Chairman of the Department of Criminal Justice at the University of Texas - Pan American, in Edinburg, Texas for 11 years prior to his appointment at Michigan State in 1985. Dr. Carter has served as a trainer, consultant, and advisor to many law enforcement agencies throughout the US and several foreign countries on matters associated with officer behavior, civil rights, community policing, organizational evaluation, violent crime, law enforcement intelligence analysis and labor relations. In addition, he has

presented training sessions at the FBI National Academy, the FBI Law Enforcement Development Seminar (LEEDS), police "command colleges" of Texas, Florida, Ohio, Kentucky, and the US Customs Service.

### Cyberterrorism

This workshop session will provide an examination of trends in cybercrime and other computer and technology based criminality, to include hacking, and other illicit uses of computer networks and computer technology to support criminal enterprises or further terrorist organization goals.

Presenter **Dr. David L. Carter** (see bio above)

### Future Trends in Policing

This general session will examine the foreseeable future of policing by reviewing forecasts and strategic analysis of projected trends in crime, crime statistics and demographics. An overall view of economic, social, demographic, technological and political trends that are likely to impact policing in the 21st Century will be presented.

Presenter **Dr. Allen D. Sapp** received his doctorate in criminal justice from Sam Houston State University. He also holds the Master's degree in guidance and counseling from the University of Southern California and the Bachelors degree in sociology from the University of Nebraska at Omaha.

He has been a member of the criminal justice faculty at Central Missouri State University since 1982.

Dr. Sapp has been a consultant to more than 100 law enforcement agencies at local, county, state, and national levels. Dr. Sapp is also a Research Fellow with the Police Executive Research Forum. He lectures frequently at the FBI National Academy and the Florida Criminal Justice Executive Institute, Center for Advanced Law Enforcement Studies.

### Response to Critical Incidents

This workshop session will contain an overview of the type and magnitude of critical incidents that police agencies are dealing with, and provide insights into the trend toward more violence and greater destruction - especially in incidents related to organized criminal and terrorists activity. Emphasis will be placed on agency preparation and effective response planning.

Presenter **Dr. Allen D. Sapp** (see bio above)

### Designing and Managing a High-Tech Police Agency

This presentation will provide an overview of the high technology program being operated by the Highland Park (TX) Police Department. Captain Richardson is responsible for managing and maintaining his department's "high-tech" arsenal, which includes FLIR cameras, CAD, GIS/GPS systems, personal 911 system and in-car laptops. Several insights relating to technology acquisition and utilization within police agencies will be discussed.

Presenter **Captain Bobby R. Richardson**, Highland Park Police Department, Texas

### The Training and Technology Train: Don't Forget the Passengers

This workshop session will emphasize the need to remain focused on the individual recipient of training and technology services in order to ensure that their needs and capabilities are being appropriately served. The main theme is: When it comes to technology, a "one size fits all" mentality does not work. It is incumbent on the agency to do proper research prior to buying.

Presenter **Director Randy Garner**  
Texas Police Management Institute

### Geographic Based Policing

This workshop session will provide an explanation of what is meant by geographic policing and provide an overview of its major components and benefits. The primary focus of geographic policing is on problem solving within communities and assigning geographic responsibility for dealing with crimes and other societal issues.

Presenter **Chief Theron Bowman**, Arlington Police Department (Texas)

### Strategic Planning and Forecasting in Law Enforcement

This workshop session will consist of a discussion of strategic planning and forecasting in law enforcement and its value as a management tool. A strategic planning capability that is linked to and fed from a strategic intelligence program within a law enforcement agency will be explained and examined. Strategic intelligence, forecasting and futures research will be defined and discussed in relation to their potential benefits.

Presenter **Merle Manzi** retired from active law enforcement service after over thirty years of progressively responsible law enforcement duties. Merle retired from the Florida Department of Law Enforcement, where his duties ranged from: major criminal investigations related to drug trafficking, homicide, fraud/theft cases and fugitive investigations; to intelligence assignments, including having been assigned to the Florida Intelligence Center with responsibility for training and interagency liaison; to training and program development, including assignment to the Organized Crime Institute and the Florida Criminal Justice Executive Institute. Prior to employment with FDLE, Merle served as a sworn officer in the US Air Force Security Police, the Florida Game and Fresh Water Fish Commission, and the Mulberry (Florida) Police Department.

Merle's educational background includes an A.S. Degree in Police Science from Polk Community College, a B.S. degree in Criminology from Florida State University and a M.S. Degree in Criminal Justice from Rollins College.

### NIJ's Information Technology Acquisition for Law Enforcement

When people think about getting new computer systems, the initial response usually includes excitement, anticipation, and high hopes for a job made easier,

quicker and more effective. This is the common reaction of the user. The users often do not realize what others – planners, technical people, and managers – have gone through to put the new information technology into their hands. As information technology becomes an essential tool for effective policing, agencies large and small throughout the country are running out to buy new systems. In addition to the availability of thousands of systems that promise to do everything for you, the federal government, in the last five years, has funded hundreds of millions of dollars for information technology purchases for law enforcement. Many agencies are acquiring this new technology with little experience and big eyes.

The National Institute of Justice has recognized this problem and has funded a project entitled “Information Technology Acquisition for Law Enforcement.” This study takes an in-depth look at the many issues faced in purchasing and implementing new computer systems. The project covers seven key technologies – CAD/RMS/ Investigative Case Management systems, crime analysis and computer mapping systems, laptops and wireless technologies, internet and intranet technologies, and AFIS. The final report will include a description of the state of the technology, in-depth case studies and short reviews of agencies that have acquired new systems, and a variety of resources to assist agencies with the process.

Presenter **Julie Wartell** is a Senior Research and Technology Associate with the Institute for Law and Justice. Julie is currently working on several projects related to information technology and community policing. She recently completed a Fellowship at the National Institute of Justice Crime Mapping Research Center where she coordinated the development of a series of crime mapping training

modules and co-edited a book about “successful crime mapping case studies.” Julie spent over five years as a Crime Analyst at the San Diego Police Department and one year as a Field Researcher for the Police Executive Research Forum. Her responsibilities for the Police Department and PERF included research and analysis of major problems, serving as a liaison to patrol, investigations, and administration, and working on the department-wide strategic planning effort. Julie has done extensive training and presentations to officers and analysts throughout the country on topics relating to crime analysis and problem oriented policing. Julie has a Masters in Public Administration with an emphasis in Criminal Justice Administration.

### Gang Net: Florida's Statewide Implementation

In recent years, Florida has seen an increase in gang activity and gang-related crimes. In response to the escalating problems associated with criminal street gangs, the Legislature enacted the Street Terrorism Enforcement and Prevention Act, which in part provides for FDLE to develop and manage a statewide criminal street gang database. A coordinated effort among federal, state and local criminal justice agencies, along with the Florida Gang Investigators Association, has resulted in the development of GangNet™, a statewide gang intelligence system that will greatly enhance the sharing of information between agencies throughout Florida. The statewide intelligence system of GangNet will provide criminal justice officials in Florida with a wealth of information that was never available to them in the past. This is one of the newest applications to be deployed over FDLE's new Criminal Justice

Network and will be one of many exciting programs that will be provided to Florida's criminal justice community in the future. This presentation will give you a real-world example of how other states are handling all of the different aspects of gang tracking. In addition, valuable information will be presented on what questions to ask when bringing in a system of this nature and how you as a planner can facilitate preparation for this type of tracking system.

Presenter **Mary Roberts** is a Data Processing Manager for the Florida Department of Law Enforcement (FDLE) in Tallahassee, Florida. She has been developing database applications and tools for over 8 years on a variety of platforms and has been managing a team of programmers in the Business Systems Engineering group for the last three years. This team concentrates on creating applications that enable law enforcement officers to better serve the community while maintaining officer safety. Her latest venture with GangNet will serve not only FDLE customers but also the entire law enforcement community in the state of Florida through the use of FDLE's web-based Criminal Justice Network.

### Crime Trax

This presentation will provide an overview of a revolutionary new tool, Crime Trax, in the prevention of crime and apprehension of offenders. Crime Trax is a system of Global Positioning Satellite (GPS) electronic tracking of probationers and parolees in Florida. This data will then be fully integrated, for automated comparison and analysis, with geo-based crime incident data. Implementation of this program in Florida involves the Florida Department of Law Enforcement, the Florida Department of Corrections, Spaceport Florida Authority, Tallahassee Police Department and

other local agencies that will serve as pilot sites for the system.

Presenter **Greg Frost**, Tallahassee Police Department and

Presenter **Gary Yates** has been employed at the Florida Department of Law Enforcement (FDLE) since 1978 and currently serves as Director of the Office of Research and Planning. Mr. Yates has served in a variety of administrative, technical and management positions.

Through his current leadership of the Department's research and planning operations, which includes the Florida Statistical Analysis Center, Mr. Yates is actively involved in a wide range of criminal justice research; policy development; and legislative initiatives at the state and national levels. These initiatives include major anti-drug policies and programs; anti-violence initiatives; state and national efforts to maximize the use of criminal justice information; and strategies for responding to the emerging problems of economic and computer crime.

Mr. Yates holds a Bachelors in Education and certificates of completion from many criminal justice training and other professional development courses, including the FDLE Senior Leadership Program. Mr. Yates is also active in numerous state and national criminal justice organizations and associations.

### **IACP/IALEP Partnership and the Assessment of the State of Police Management**

The mission of the IACP Police Administration Committee is to assess the state of police management and organization; identify major police management and organizational problems and needs; survey new and advanced public and private sector

organizational and management practices; evaluate the degree to which these concepts can be introduced to improve the management and organization of police agencies; and, report all pertinent findings and recommendations to this Association for dissemination to police agencies.

Over the last the two years, the IACP/PAC has expanded to include a research project for each Vice President of the IACP (to be published when the VP is President), and five subcommittees. The subcommittees are: Agency Budget and Financial, Agency Human Resources, Agency Research/Development/Planning, Executive Management Institute, and the Subcommittee to Review Police Administration Books, Literature, and WWW sites, and the Future Issues Subcommittee.

Presenter **Karen Hagen** of the Michigan State Police serves as the Chair of the Future Issues Subcommittee and the Chair of the Agency Human Resources Subcommittee. Ms. Hagen will bring to the conference the work PAC has done and also help find ways to better integrate the IALEP with the IACP. In her day job, Ms. Hagen works in the Human Resources Division of the Michigan State Police in Labor Relations. She is the collective bargaining employment contract administrator in the Agreements between the State of Michigan and the Michigan State Troopers Association and the State of Michigan and the Michigan Professional Employees Association.

### **Model States Program**

This presentation will review initial results from the "Model States False Dispatch Reduction Project," a two-year joint project of IACP and the alarm industry with comments directed toward lessons learned on permits, fines, restricting response, abusers schools and enforcement. Discussion will include successful elements of an ordinance and how to reduce dispatches 30%-50% in six months or less. We will review the industry plan for the next two years to assist agencies needing help by utilizing full-time industry paid field coordinators and hosting workshops around the country. I will provide handouts that include a sample ordinance, software sources and agency references/contacts from around the country.

Presenter **Stan Martin** is the Vice-President of Industry Relations for ADI, a major distributor of security, access, CCTV and fire products. Stan has been "on-loan" from ADI to manage the two-year IACP "Model States Project." He chairs the IACP "False Alarm Subcommittee" and has addressed over 1000 law enforcement agencies around the country on reducing false dispatches. Stan was once an alarm company owner himself in Dallas for 15 years. He has held several key industry positions including three years as the Executive Director of the National Burglar & Fire Alarm Association.

Last year Stan made extensive presentations on alarm system issues to police in China at the invitation of the Ministry of Public Security. Because of his industry background and close working relationship with law enforcement the past seven years he brings a balanced and practical perspective when discussing challenges and solutions to false alarms.

*Continued Page 11*

# IALEP 99 - SAN ANTONIO

## PLANNING FOR A CHANGING WORLD

### Conference Registration



Name & Rank/Title (for ID Badge)	
Agency	
Mailing Address	
Phone / Fax	
Email	

#### Registration Fees (in U.S. Dollars)

	IALEP Members	Non-Members + Chapter Membership (includes membership) (optional)	= Total
Early Registration (Registration postmarked before August 1, 1999)	\$275	\$305 + \$ _____	= \$ _____
Regular Registration (Registration postmarked August 1 to September 1, 1999)	\$300	\$330 + \$ _____	= \$ _____
Late Registration (Registration postmarked after September 1, 1999 or at the door)	\$350	\$380 + \$ _____	= \$ _____

Partner Registration(s)	Partner program includes Monday excursion to the Alamo / Dinner at Riverwalk, banquet (additional excursions to be determined) \$100 (each person)
Partner Name(s)	

IALEP IRS ID number: FEID 43—1569519	<b>Total Fees Due</b> (Payable to 1999 IALEP Conference) \$ _____
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**Yes! This is my first IALEP Annual Conference**  
 First time attendees are invited to the new member luncheon on the first day of the conference.  
 Check here if you've never been to a conference before.

**Mail to: IALEP 1999 Conference c/o Lisa Hopkins, 2518 Killarney Way, Tallahassee, Florida 32308**  
 Questions about registration? Call Lisa Hopkins at 850-410-8513 or e-mail at [lisahopkins@fdle.state.fl.us](mailto:lisahopkins@fdle.state.fl.us)

## Conference Topics

(continued)

### Overview of NIJ Services for Law Enforcement

The presentation will revolve around NIJ's research in the area of law enforcement. Research topics will most likely include interoperability and wireless communications, community policing, locally initiated research partnerships in policing, police-corrections partnerships, and perhaps DNA analysis and state crime laboratories. The speech will also likely include an overview of NIJ's outreach activities with law enforcement and how NIJ can work better with police planners to get them the information they need to do their jobs effectively.

Presenter will be either Jeremy Travis, NIJ Director or John Schwarz, NIJ Deputy Director.

### The New Zealand Police and Technology

This presentation will provide an overview of the structure of the New Zealand Police and describe current changes and new direction of the New Zealand Police - in particular, the Martin Review and Policing 2000. The presentation will identify technology issues facing the New Zealand Police such as INCIS and CARD.

Presenter Garth den Heyer has been a Police Officer for nineteen years, having spent ten years as a patrol officer. In 1990 he was promoted to Sergeant and seconded as a Policy Analyst to a Ministerial Policy Unit. In 1992, Garth was transferred to the Corporate Planning Unit at Police National Headquarters and was promoted (in April 1996) to Senior Sergeant and seconded to the Policing 2000 change programme to advise on

restructuring Police Districts. On completion of this project Garth was seconded to the Finance Group at Police National Headquarters to implement Activity Based Costing into the New Zealand Police. In January of this year he transferred to Operations Support at Police National Headquarters and is now Officer in Charge of Special Planning.

Garth has an undergraduate degree in economics and is in his second year of a three-year Masters Degree from the London School of Economics majoring in Financial Economics.

### Computerized Mapping for Criminal Justice Policy and Planning

This presentation provides an overview of the value of Geographic Information Systems (GIS) as a criminal justice policy and planning tool. Following a brief description of GIS and its common applications, this presentation will offer a number of examples of ways in which computerized mapping can be used to allocate resources and engage in long-term strategic planning. Examples include using GIS to: make beat assignments for patrol officers; assign caseloads to probation and parole officers; analyze the potential impact of policies that would release more incarcerated offenders back in the community; and analyze current patterns of delinquency to aid in developing long-term prevention efforts.

Presenter **Nancy La Vigne** is the founder and director of the Crime Mapping Research Center at the National Institute of Justice, U.S. Department of Justice, in Washington, DC. Her research areas include the geographic analysis of crime, situational crime prevention, and community policing.

La Vigne is a member of the Joint DOJ/Office of the Vice President Crime Mapping Task Force and chairs the Task Force's subcommittee on Training and Technical Assistance. She is also the Department of Justice delegate to the Federal Geographic Data Committee and an active member of the Department of Justice's GIS Working Group.

She pursued her undergraduate studies at Smith College in Massachusetts, earned her Master's degree at the LBJ School of Public Affairs at the University of Texas at Austin, and her Ph.D. at The School of Criminal Justice at Rutgers University.

### Technologies in the Investigation of Missing Children

Presenter **Lieutenant Tom Smith**, Collier County Sheriff's Office

### Law Enforcement Assessment and Readiness for Y2K

Presenter (not yet named), Lubbock, Texas

### DO YOU HAVE SOMETHING TO SHARE WITH YOUR FELLOW PLANNERS?

IALEP is looking for members who would like to do presentations at the 1999 Annual Training Conference. Presentations may be from 30 minutes to 1 hour long and may be on any topic. We only have a limited amount of time left, so get your presentation proposals in early! Please submit presentation proposals to: Lisa Hopkins, Conference Chair - c/o FDLE, PO Box 1489, Tallahassee, FL 32302

## INFORMAL INFORMATION SHARING AMONG POLICE AGENCIES *(continued)*

### COMMUNICATION PATTERNS

The major findings of this study are as follows:

- The communication between law enforcement planners is both frequent and relatively well organized. About 40 percent of respondents contact another agency at least once a month.
- The principal mode of this communication is by telephone, but newer technologies like electronic bulletin boards and World Wide Web sites show significant potential.
- Police organizations devoted significant resources to responding to outside agencies' requests for information. The typical agency received 22 such requests (mean) per year, while a few received more than 90. On average, an agency spent 13 percent of its planning staff time preparing responses.
- Agency similarity and reputation of the organization are key factors for police planners when choosing which agency to contact. For instance, requests for information on administrative issues tended to go to agencies facing similar problems, and requests about specific topics like problem solving or gangs to agencies with strong reputations in these areas.
- Most planning and research managers believe that their staff have not had adequate preparation in the skills required to conduct research in their own organizations.

### POLICY IMPLICATIONS

As this study indicates, the network of police planners is a significant resource

for the police community, particularly to the extent that it facilitates the diffusion of new ideas. The informal network among police planners appears to be a critical element in the research planning process, which may be further enhanced as follows:

- Acknowledge and encourage the network of communication among police organizations. While this network probably cannot replace more formal channels of communication, it is nonetheless a key component of the dissemination process.
- Provide resources to key organizations in this network to support their dissemination activities. Supporting this network could prove most beneficial to police and government agencies alike. For example, many program agencies in the U.S. Department of Justice disseminate copies of their relevant publications to police departments. That practice leverages the Government's dissemination efforts to the extent that the departments pass along the content of those publications through the informal information-sharing network.
- Continue efforts to enhance the research capacity of police organizations. In the recent past, the Federal Government instituted a number of programs designed to increase the internal research capacity of police organizations. Programs such as the National Institute of Justice's Locally Initiated Research Partnerships, which team researchers with police practitioners, are a very positive step and are consistent with the findings of this study. Additional efforts might include providing police planners with training in research methodology or offering support to professional associations serving police planning and research officers.
- Choose sites for research and demonstration projects on the basis of an agency's prominence in the

communication network. Many police planners equate agency expertise with research experience. That is, police planners are inclined to believe that the sites of large research or demonstration projects are the best places to look for information on particular subjects. For example, the Milwaukee Police Department, site of one of the spouse assault replication projects, was cited as an organization to contact for information on domestic violence. This suggests that an agency is likely to serve a dissemination role after the project is completed. It would seem that agencies active in this network would prove to be more efficient in these dissemination functions.

- Continue efforts to make research available through electronic media. The study results suggest that the Internet and electronic bulletin boards could play a significant role in enhancing the police communication network, particularly for smaller agencies.

While this study was comprehensive, results indicate several additional areas of research worth pursuing. First, it is important to closely examine the nature of smaller agencies' (fewer than 100 sworn officers) participation in this informal network of police agencies. Second, it would be helpful to explore more fully the planning operations of the major departments that serve as major information providers. Such a study may reveal whether factors endemic to those units make them more attractive as information providers. Finally, it may be useful to conduct studies of the relationship between the formal means of dissemination and the informal police network.

*This summary is based on a study by Alexander Weiss, Ph.D., while at Indiana University. He is now Executive Associate Director of the Northwestern University Traffic Institute and Associate Professor of*

*Management and Strategy at the J.L. Kellogg Graduate School of Management at Northwestern University. The research was sponsored under NIJ grant number 95-IJ-CX-0052, with funding from the Office of Community Oriented Policing Services.*

### **Other Resources Available from the National Institute of Justice:**

NIJ Web Site - the on-line resource for NIJ publications, funding information and news about NIJ programs and initiatives.  
<[www.ojp.usdoj.gov/nij](http://www.ojp.usdoj.gov/nij)>

National Criminal Justice Reference Service (NCJRS) - The clearinghouse for the Office of Justice Programs (OJP) which offers reference, referral, and distribution services all at one 800 number. 800-851-3420

Justice Information Center Web Site - NCJRS' on-line resource and home of the NCJRS Abstract Data Base, which contains summaries of more than 150,000 criminal and juvenile justice publications.  
<[www.ncjrs.org](http://www.ncjrs.org)>

National Law Enforcement and Corrections Technology Center (NLETC) - A comprehensive resource for law enforcement and corrections product and technology information. 800-248-2742

Justice Technology Information Network (JUSTNET) - An on-line gateway to law enforcement and corrections technology information. <<http://www.nleetc.org>>

Crime Mapping Research Center (CMRC) - A national resource for promotion, research, evaluation, development, and dissemination of GIS (geographic information systems) technology and the spacial analysis of crime.  
<[www.ojp.usdoj.gov/cmrc](http://www.ojp.usdoj.gov/cmrc)>

Arrestee Drug Abuse Monitoring (ADAM) Program - Tracks trends in the prevalence and types of drug use among booked arrestees in urban areas. ADAM currently operates in 35 data collections sites, expanding to a maximum of 75 sites by 2001.

## **POLICE CORRUPTION AND DRUG TRAFFICKING: A REVIEW OF A RECENT GOVERNMENT STUDY**

by Thomas E. Engells

In response to a request from Congressman Charles Rangel (D-NY), the General Accounting Office conducted a study focusing on police corruption. Specifically, Rangel asked for an examination of the impact of drug trafficking on the integrity of police in large-city police agencies.

While acknowledging the absence of a central data repository, this report attempts to establish a correlation between narcotics and police corruption. In doing so, the study relies upon four information sources - a comprehensive literature search; interviews with academic experts and the staffs of both the Mollen and Chicago Commissions; interviews with federal authorities (DOJ, FBI, ONDCP and the US Attorney); and interviews with international, national and state law enforcement associations.

Some portions of this study will likely prove useful to Ethics Instructors, including the finding that officers involved in drug-related police corruption tend to work in small groups that protect and assist each other in criminal activities. Such corruption has been found to have several motives beyond the long-understood profit motive, primarily power and vigilante justice.

Two of the report's appendices will be immediately helpful at both the introductory and in-service levels of ethics instruction. Appendix II (FBI Led State and Local Law Enforcement Corruption Cases Opened and Officers Convicted, 1993-1997), for example, provides recent data on the extent of federal prosecutions in an easily understood tabular format. And Appendix III (Examples of Publicly Disclosed Investigations of Drug-Related Police Corruption in Large Cities, 1988-1998) highlights the dimensions of recent public information on police corruption.

Though far from conclusive, this study reviewed a number of familiar aspects of internal affairs investigations. Included were the infamous "code of silence," ineffective management, poor organizational cultures, and the consequences of inadequate recruitment. This study also included strategies for preventing and detecting drug-related police corruption, including (1) Integrity training as part of continuing education, (2) Integrity assessments as part of in-service evaluations, and (3) Consideration of integrity assessments in determining promotion.

Brief and to the point, this entire report (including appendices and bibliography) is only fifty pages in length. It is available at no cost from the General Accounting Office (GAO/GGD-98-111), or via the Internet at [www.ncjrs.org](http://www.ncjrs.org).

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Visit the Southwestern Law Enforcement Institute at their web site:  
<http://web2.airmail.net/flf/slei.html>

## WHITE HOUSE SCHOOL SAFETY CONFERENCE

With the school year in full swing, school safety remains a top priority for educators, legislators, parents, students, police, and others. At the October 15 day-long White House Conference on School Safety: Causes and Prevention of Youth Violence, President Clinton announced a \$65-million initiative to help schools hire and train 2,000 new community police and school resource officers to work closely with principals, teachers, parents, and students to develop antiviolence and antidrug plans. "Community policing has helped to make our streets safe," he said. "It can work for our schools, too."

Clinton cited a number of ways to help schools and communities build safer schools including providing quick emergency response to violent incidents and long-term counseling for those affected; providing mentoring, counseling, conflict resolution, mental health services; and teaching young people tolerance and respect.

The President also underscored the importance of after-school programs: "We can't stop the prevention efforts at the schoolhouse door."

The White House Conference featured a report by the Departments of Education and Justice, *Indicators of School Crime and Safety, 1998*. The report finds that for the most part, American schools are safe places and that students fall victim to crime more frequently away from school than at school. However, students increasingly are feeling unsafe while at school. In 1989, six percent of

students feared being attacked or harmed at school while in 1995, the number had grown to nine percent.

NCPC recently published two documents addressing school safety.



Stopping School Violence: supplements the booklet, *Making Children, Families, and Communities Safer From Violence and Safer Schools: Strategies for Educators and Law Enforcement Seeking to Prevent Violence Within Schools*, a document addressing school violence prevention and

the need for educator and law enforcement collaboration

Electronic versions of these documents are available by accessing [www.ncpc.org/cat9811e.htm](http://www.ncpc.org/cat9811e.htm)

To receive a printed copy of the updated *Making Children, Families, and Communities Safer From Violence* call 800-WE-PREVENT.

Police chiefs and school principals can receive a printed copy of *Safer Schools* by mailing a request on school/agency letterhead to:

NCPC Fulfillment Center  
PO Box 1, 100 Church St.  
Amsterdam, NY 12010  
Fax 518-843-6857

## NEW REPORT ON KIDS AND GUNS

A newly released report by the National Institute of Justice, *High School Youths, Weapons, and Violence: A National Survey*, finds that 29 percent of high school males surveyed have guns and 50 percent said they could easily obtain firearms. The study also reported that gun possession levels were highest for

firearms more suited to hunting and sporting uses (rifles and shotguns) rather than criminal behavior (handguns).

While many studies link weapons to crime, the average respondent for this survey was not involved in serious criminal activity or delinquent behavior: 67 percent had never been expelled or suspended from school; 94 percent anticipated graduating from high school. Fourteen percent reported committing a theft, eight percent a burglary and two percent an armed robbery in the past 12 months. Five percent used a "hard" drug (heroin, crack, cocaine); three percent sold a hard drug; eight percent admitted gang affiliation.

Six percent said they carried a gun outside the home during the past 12 months. For those youth who carried guns, 43 percent said they did so for protection and 35 percent said they were holding it for someone else. Less frequent reasons for carrying guns included scaring someone, getting back at someone, feeling important, or using in a crime.

*High School Youths, Weapons, and Violence: A National Survey* (NCJ 172857) is available from the National Criminal Justice Reference Service, 1-800-851-3420 and at [www.ojp.usdoj.gov/nij/](http://www.ojp.usdoj.gov/nij/).

## PROJECT ALERT SEEKS VOLUNTEERS TO HELP WITH MISSING CHILDREN CASES

The National Center for Missing and Exploited Children (NCMEC) is recruiting volunteers for Project ALERT (America's Law Enforcement Retiree Team), a program that uses the expertise of former municipal, state, and federal law enforcement officers in missing children investigations.

Small agencies with limited resources and larger agencies with overwhelming caseloads can tap into this resource for additional manpower hours, an emergency response team, veteran investigators, and training. Project ALERT members also can conduct presentations to the community on child safety awareness and crime prevention strategies.

Volunteers complete a background investigation and 40-hour training course. For more information or an application, call Ann Scofield, manager, Project ALERT, 800-THE-LOST or email [ascfield@ncmec.org](mailto:ascfield@ncmec.org).

Reprinted with permission from the *Catalyst*, November 1998.

## ALARM AGGRAVATION By Anya Sostek

Every other Thursday night, about 40 people file into the Phoenix police department's conference room. An overhead-projector screen is pulled down over a wall of police badges, creating a makeshift classroom for yet another session of what has been dubbed false alarm abuser school. Patti Rea, coordinator of the department's Alarm Unit, begins to address the group. "The alarm system is like a car," she says. "It needs to be maintained periodically."

Invariably, some of the attendees are angry, asserting that a recent false burglar alarm at their home or business wasn't their fault and protesting the fine that the city has levied. Others are curious, wanting to learn how they can prevent newly installed security systems from generating false alarms in the first place. Whatever the case, each graduate of the two-hour class is given a waiver good for one false alarm, along with a bumper sticker that reads, "It's Alarming! False Alarms Cost Millions!"

Indeed, the proliferation of electronic security systems for both commercial and residential use has quickly become one of the most annoying and wasteful problems for law enforcement officers nationwide. On average, 98 percent of all activations prove to be false alarms—triggered by roaming pets, bad weather, faulty equipment or forgetful homeowners. The National Burglar and Fire Alarm Association, the largest trade association serving the industry, has calculated that by the year 2000, false alarms could cost police departments \$1.4 billion.

The time that police departments spend addressing false alarms, which ranges from 5 to 30 percent of all calls for police service, also cuts into the time they are able to devote to fighting actual crimes. Police, of course, are expected to treat each alarm as an emergency situation, and two patrol cars are generally sent—sirens blaring—to the scene. In addition to the potential for accidents that may occur on the way, there are concerns that officers have become so accustomed to alarms being false that they might be unprepared for a real one—the "boy who cried wolf" syndrome.

For years, cities have used permits and penalties to crack down on false alarms, but with limited success. "Fines are not an effective deterrent," says Assistant Police Chief Dave Butzer of Portland, Oregon. "We know that a lot of businesses simply budget for a number of fines." And while hefty fines may discourage undesirable behavior such as speeding, false alarms, by contrast, are rarely deliberate. So some police departments are taking prevention a step further.

By national standards, Portland, Oregon's false-alarm rate is relatively low, but that's little comfort to local authorities and taxpayers. Alarm calls still usurp 8 percent of all police resources, so the department is proposing a "verification" policy, similar to an existing ordinance in Las Vegas and one proposed in Los Angeles. It would require evidence from the owner's alarm company that an actual crime is taking place before police would respond. Although such an approach seems almost certain to reduce their burden, it also raises many questions of police responsibility.

Ordinarily, when a burglar alarm is activated through a motion detector or broken glass, a signal is sent to the alarm company. The company is supposed to screen the call, generally by calling the home or business and asking for a code from the homeowner, to determine if there is actually a burglary in progress. In most places, if the owner isn't home, the alarm company then notifies the police department. Under physical verification policies, however, an absent alarm owner is not reason enough to dispatch a police unit. The company is required to send its own guards out to the scene before summoning the law enforcement officers.

Las Vegas adopted its verification policy in 1992, when 99.9 percent of its 27,000 alarms turned out to be false. Now, an alarm company guard or homeowner must confirm a break-in before the department will respond. The policy has worked so well that the department no longer even tracks alarm calls. "It completely eliminated the problem," says Sheriff Jerry Keller.

While "guard response" may seem like a sensible solution, the NBFAA thinks otherwise. The way its members see things, private response is less efficient than police response, and puts citizens in danger because police aren't notified of the crime until after private guards make it to the scene. "If there were ever an instance where an alarm went off and someone was raped or murdered, that would be a huge black eye for them," says Matt Wald, NBFAA's director of government relations.

## Alarm Aggravation (continued)

To determine the exact results of the policy, the association has commissioned an independent firm to study changes in the crime rate, alarm company prices and police patrol patterns since verification went into effect in Las Vegas.

When officials in Los Angeles released their proposed policy this past February, they faced immediate opposition. George P. Gunning, president of the California Alarm Association, issued a strongly worded press release. "The policy of physical verification first, before response, would place the property owner at risk of encountering the perpetrator, or make the cost of response exorbitant and leave the property owner unprotected altogether."

The board of supervisors in Riverside, California, has already learned the hard way that the CAA is a force to be reckoned with. In

1996, when the county passed a law charging alarm companies \$5 per call, the CAA sued on the grounds that the ordinance denied the alarm companies due process by assuming them guilty and violated their right to equal police protection. A judge then granted a temporary restraining order on enforcing the law, and the board of supervisors eventually repealed it. (The NBFAA has not taken any legal action in Las Vegas because Nevada is not one of its 38 member states.)

The only concession the NBFAA will make is that in cases of alarm owners who amass a particularly high number of false alarms, police may be justified

in adopting a no-response policy. The NBFAA's vision of the ideal police policy looks a lot like the one in Phoenix, where tactics such as the false alarm school have reduced alarms significantly. In 1990, officials there recorded an average of two activations per alarm per year. Now, the rate is down to .66 activations per alarm. In the two years the school has been open, officials have had to double the number of classes, and 93 percent of attendees have not had a false alarm since.

Portland's proposed policy is something of a compromise between the Las Vegas ordinance, which mandates a guard response, and Phoenix's more user-friendly approach. Instead of requiring a guard to verify all alarms, the Portland plan would

send out the police if the alarm company provides two other types of verification such as video, audio, motion sensor or telephone. "It's sort of a Chinese menu approach," says Wald. "You pick a couple from column A, a couple from column B, and that's

how you get your verification. I wouldn't say we're OK with the ordinance, but we're a lot more comfortable with it than Las Vegas'."

Portland police would continue to insist on a guard response in situations where two verification sources are not available. Guard response remains controversial, however, because it goes to the heart of how much service police departments ought to provide. By declining to respond to a call for help, police can appear to be abandoning their responsibility to protect against the threat of crime. Especially in small towns, the concept of a police department refusing a call

for service is practically unheard of. "If somebody falls out of bed, we'll go pick them up and put them back in," says Lieutenant John Hellebush of the police department in Upper Merion, Pennsylvania. "If an old lady finds a spider in her sink, we'll go take it out. It's something that our citizens expect, and we're still able to do it."

The verification policy is based on the belief that false alarms do not pose a legitimate danger. "A false alarm should not be considered a call for help," says Lieutenant Ronald E. Marbrey of the Los Angeles police department. "False alarms should be considered similar to yelling 'fire' in a crowded theater, or making a false police report." Not surprisingly, police departments reason that alarm companies are profiting at their expense. "The alarm company sells a product," Butzer says. "Their product is an alarm system that elicits a police response."

And alarm companies are not unilaterally opposed to verification policies. Many high-end alarm companies support such policies, hoping that they will drive the market toward more sophisticated alarm systems. In the proposed Los Angeles and Las Vegas policies, videotaping is one way to achieve verification without having to dispatch a private security company. Video cameras can be installed in homes or businesses, and when the alarm is activated, alarm companies can look into the house to check immediately for an intruder. Current technology even enables homeowners to watch their houses through the Internet and turn lights on and off via their computer keyboard. "Alarm companies can't afford to go and put more security patrolmen out," says Nick Wolkonsky of Baraka Intracom, a video telecommunications company. "Video verification is where the future is. There's no other alternative."

**The more than 7 million electronic security systems installed in the U.S. average about two alarms each per year—and most of them turn out to be false. It's a costly problem for police departments.**

Clearly, cities such as Phoenix and Las Vegas have found ways to lower the incidence of false alarms. What Portland, Los Angeles and others have to decide upon is a strategy that is both effective and politically acceptable. For despite indications of falling crime rates around the country, the \$14 billion alarm industry shows no signs of slowing down. In such a booming market, the benefits of verification are obvious, but the cities must decide if they are worth the risk.

*Reprinted from Governing Magazine, October 1998. Copyright 1998 Congressional Quarterly, Inc.*

## COUNTY OF SACRAMENTO V. LEWIS

### A Look at Its Impact and Unanswered Questions

by Geoffrey P. Alpert and Andrew Clarke

On May 26, 1998, the U.S. Supreme Court rendered its decision in *County of Sacramento v. Lewis*, 118 S.Ct. 1708 (1998). The case involved two Sacramento County deputies who responded to a fight on May 22, 1990, at approximately 8:30 p.m. At the scene, Deputy Stapp saw a motorcycle approaching his police cruiser at high speed. Brian Willard was driving the motorcycle, and Philip Lewis, the bike's owner, was a passenger on the back. Neither boy had anything to do with the fight that prompted the original call to police.

Noticing the motorcycle's approach, Deputy Stapp turned on his rotating lights, yelled for the driver to stop and pulled his car closer to Deputy Smith's to block the path of the motorcycle. Willard maneuvered the bike between the two police cars and increased his speed to elude the police officers.

Deputy Smith immediately switched on his own emergency lights and siren and began chasing the motorcycle.

The chase reached speeds of more than 100 miles per hour, continued for approximately 75 seconds, covered a distance of 1.3 miles, and ended when Willard attempted to make a sharp left turn, lost control of the motorcycle and crashed. Deputy Smith, who was 100 feet behind the motorcycle at the time the bike crashed, slammed on his brakes, but his car skidded into Lewis at 40 miles per hour and propelled Lewis approximately 70 feet down the road, causing massive injuries that resulted in his death.

As a result of Lewis' death, his family brought suit against Sacramento County. The plaintiffs alleged the high-speed pursuit of Lewis violated his substantive due process rights under the Fourteenth Amendment. The District Court granted the officer's motion for summary judgment based on qualified immunity. The Ninth Circuit Court of Appeals reversed, holding that "the appropriate degree of fault to be applied to high-speed pursuits is deliberate indifference to, or reckless disregard for, a person's right to life and personal security" and concluding "the law regarding police liability for death or injury caused by an officer during the course of a high-speed chase was clearly established" at the time of Lewis' death. *Id.* at 1712.

The U.S. Supreme Court granted certiorari "to resolve the conflict among the circuits over the standard of culpability of a law enforcement officer for violating substantive due process in a pursuit case." *Id.* At 1713. The Supreme Court framed the question presented for resolution as follows:

The issue in this case is whether a police officer violates the Fourteenth Amendment's guarantee of substantive due process by causing death through deliberate or reckless indifference to life in a high-speed automobile chase aimed at apprehending a suspected offender. *Id.* at 1711.

The Supreme Court reversed the Ninth Circuit's holding and held that the proper standard to be employed in these cases is whether the officer's conduct during the pursuit was conscience-shocking. The precise holding of *Lewis* is as follows:

Accordingly, we hold that high-speed chases with no intent to harm suspects physically or to worsen their legal plight do not give rise to liability under the Fourteenth Amendment, redressible by an action under 1983. *Id.* at 1720.

The Court closed the door on the constitutional liability for officers involved in pursuits that do not "shock the conscience." However, the Court did not answer many important issues concerning liability for pursuit-related injuries. Specifically, the Court has yet to decide

whether it will allow an innocent third party to file a claim against the police for damages resulting from a pursuit that does not rise to the level of the *Lewis* "shock-the-conscience" standard. Additionally, the Court has not yet decided whether a municipality can be held constitutionally responsible for its failure to train officers with respect to pursuit-related issues. Finally, the Court will have to decide whether there is municipal liability without an underlying constitutional deprivation (i.e., a conscience-shocking chase).

**LEWIS** (continued)**Suspect Versus Innocent Third Party**

It is clear *Lewis* stands for the proposition that a suspect injured as a result of a police pursuit cannot claim violation of his substantive due process rights unless the officers engaged in the pursuit either “intended to harm the suspect” or “worsen the legal plight of the suspect.” While an intention to harm is easily understood, it is not clear what the Court meant by the language “to worsen the plight of the suspect.” One could argue the Court was warning officers not to take part in an effort to increase the level of offense the suspect is committing. That language is rife for discussion and litigation. The concerns raised by the Court’s ruling may best be understood by the concurring opinion written by Justice Kennedy, with whom Justice O’Connor joined:

There is real danger in announcing a rule, or suggesting a principle, that in some cases a suspect is free to ignore a lawful police command to stop. No matter how narrow its foundation, any suggestion that suspects may ignore a lawful command to stop and then sue for damages sustained in an ensuing chase might cause suspects to flee more often, increasing accidents of the kind which occurred here. *Id.* at 1722.

However, if an **innocent third party**, not a suspect fleeing from police officers, were injured in a pursuit, *Lewis* should not preclude a constitutional claim because neither Willard nor *Lewis* was an innocent third party in the case before the Court. Brian Willard was driving the motorcycle that belonged to Philip *Lewis*. Further, it was obvious to the court the boys were acting together. In future pursuit litigation, the Court may have to determine if the rights of a

suspect fleeing the police are the same as an innocent person whose sole fault is being at the wrong place at the wrong time.

**Municipal Liability for Failure to Train**

*Lewis* did not deal with municipal liability for the conduct of officers during pursuits based on failure to train its officers properly. In fact, in footnote 2, at page 1712, the Court notes “...the issue of municipal liability is not before us.” As each citizen’s right to life is constitutionally protected, a municipality may be exposed to liability for its failure to train officers with respect to high-speed pursuits because the risk of injury and death to the public is substantial.

In a “failure-to-train” case against a municipality, an injured party seeking recourse bears the burden of proving the municipality was deliberately indifferent to the risk of constitutional injury stemming from a failure to train. In discussing the methods by which a plaintiff may hold a defendant liable in a failure-to-train case, the Supreme Court in *City of Canton v. Harris*, 489 U.S. 378 (1989) stated,

[I]t may happen that in light of the duties assigned to specific officers or employees the need for more or different training is so obvious, and the inadequacy so likely to result in the violation of constitutional rights, that the policymakers of the city can reasonably be said to have been deliberately indifferent to the need.<sup>1</sup> In that event, the failure to provide proper training may fairly be said to represent a policy for which the city is responsible, and for which the city may be held liable if it actually causes injury. *Id.* at 390.

Pursuant to *Canton*, a plaintiff may prove municipal liability in a failure-to-train case by showing that 1) the need

for training in a particular area is obvious, or 2) while the need for training in a particular area may not have been obvious at first, a pattern of conduct by its officers was so pervasive as to imply actual or constructive knowledge by policymakers, whose deliberate indifference, evidenced by a failure to correct or train once the need for training became obvious, would be attributable to the municipality. Based on research findings, a police agency must know there is an obvious need for training on pursuits. If policymakers made a **conscious** decision to allow untrained or uncertified officers to drive police vehicles and engage in high-speed pursuits, the decision would demonstrate deliberate indifference under the first prong of *Canton*.

The *Canton* holding was recently reaffirmed by the U.S. Supreme Court in *Board of the County Commissioners of Bryan County, Oklahoma v. Brown*, 117 S.Ct. 1382 (1997). In *Brown*, the U.S. Supreme Court clearly reaffirmed the holding in *Canton* that a failure to train an officer in an area in which there is an “obvious” need for training reflects deliberate indifference in and of itself. The failure to train officers regarding high-speed pursuits reflects a “deliberate indifference” to the tragic consequences of such pursuits.

A good explanation of the interrelation of the standards of culpability for individual officers and municipalities under a Fourteenth Amendment substantive due process analysis is contained in the *Fagan* decisions.<sup>2</sup>

In *Fagan I*, the Third Circuit held that in a substantive due process case arising out of a police pursuit, an underlying constitutional tort can still exist even if no individual police officer violated the Constitution...**A finding of municipal liability does not depend automatically or**

**necessarily on the liability of any police officer. Even if an officer's actions caused death or injury, he can only be liable under section 1983 and the Fourteenth Amendment if his conduct "shocks the conscience." Id. The fact that the officer's conduct may not meet that standard does not negate the injury suffered by the plaintiff as a result. If it can be shown that the plaintiff suffered that injury, which amounts to deprivation of life or liberty, because the officer was following a city policy reflecting the city policymakers' deliberate indifference to constitutional rights, then the City is directly liable under section 1983 for causing a violation of the plaintiff's Fourteenth Amendment rights. The pursuing police officer is merely the causal conduit for the constitutional violation committed by the City. Id. at 1292. (Emphasis added).**

Accordingly, in *Fagan I*, the Third Circuit clearly states the standard of culpability for a municipality under a "failure-to-train" theory is "deliberate indifference" regardless of the standard of proof necessary to hold an individual officer liable for violating a third party's substantive due process rights. In addition, *Fagan I* clearly states a municipality may be held liable under a failure-to-train theory if the municipality is "deliberately indifferent" to the right to life and personal security of the injured victim, even if the individual officer's conduct does not rise to the level of a constitutional violation. Accordingly, even though the Third Circuit held that an individual officer

violates an injured party's substantive due process rights only if his actions "shock the conscience," the standard of liability of a municipality under a "failure-to-train" theory remains "deliberate indifference." While the standard of a failure-to-train case may be established, there remains a question as to whether there is municipal liability when there is no underlying constitutional violation.

### **Municipal Liability Without Underlying Constitutional Liability**

As previously discussed in *Fagan I*, many courts have held that a municipality may be liable even if the police officer does not violate the individual's constitutional right. Other circuits have reached similar results. [*Chew v. Gates*, 27 F.3d 1432 (9th Cir. 1994) and *Hopkins v. Andaya*, 958 F.3d 881 (9th Cir. 1991), *Parrish v. Luckie*, 963 F.3d 201 (8th Cir. 1992) and *Cannon v. Taylor*, 782 F. 947, 951 (11<sup>th</sup> Cir. 1986).] The Eleventh Circuit opined that an underlying constitutional violation is not necessary in order to hold a municipality liable for the actions of a police officer involved in a high-speed pursuit regardless of whether the officer's conduct during the course of the chase amounted to a constitutional violation.

### **Conclusion**

While *Lewis* has answered some questions concerning the liability surrounding pursuit driving, its unanimous opinion left many questions open for debate and future litigation. As the *Lewis* Court suggested, pursuit litigation must balance the ever-present danger of pursuit driving against its potential crime-fighting benefits. Decisions involving pursuit driving and other police activities likely to result in property damage or personal injury must consider moral or ethical dimensions as well as the legal standards. Fortunately, some police agencies are recognizing their moral responsibility to their officers and the public. For example, the Virginia Beach, Virginia, Department of Police modified its pursuit policy shortly after the *Lewis* decision was announced. Rather than taking advantage of the apparent open-ended license to chase that apparently was granted by *Lewis*, Virginia Beach opted to take a more responsible approach to its pursuit operations and protection of the public. The memorandum from Chief Wall, dated May 28, 1998, included the following:

"As you are aware, General Order 8.04 - Vehicular Pursuit Policy - has been under revision for some time. I am concerned, as you should be, about the dangers inherent in police pursuits of vehicles. The conflict between our efforts to protect the lives of citizens to the best of our ability as we enforce the law and perform our other daily responsibilities, and engaging in high-speed pursuits on the congested streets of our City should be obvious. While none of us likes the thought of letting someone go who has committed a violation and compounded that by fleeing when we signal them to stop, the overriding factor guiding all of our actions must be our concern for the safety of the officers involved and the citizens of our community,

*Continued on Page 22*

<sup>1</sup> For example, city policymakers know to a moral certainty that their police officers will be required to arrest fleeing felons. The city has armed its officers with firearms, in part to allow them to accomplish this task. Thus, the need to train officers in the constitutional limitations on the use of deadly force, see *Tennessee v. Garner*, 471 U.S. 1, 105 S. Ct. 1694, 85 L.Ed.2d.1 (1985), can be said to be "so obvious" that failure to do so could properly be characterized as "deliberate indifference" to constitutional rights. It could also be that the police, in exercising their discretion, so often violate constitutional rights that the need for further training must have been plainly obvious to the city policymakers, who, nevertheless, are "deliberately indifferent" to the need.

<sup>2</sup> It is important to note that there are two *Fagan* decisions. *Fagan I*, 22F.3d 1283 (3rd Cir. 1994) and *Fagan II*, 22F3d. 1292 (3rd Cir. 1994) (en banc). *Fagan II* was an en banc opinion in which the Court solely considered the applicability of the "shocks the conscience" standard to an officer's individual liability.

## IALEP ANNUAL PLANNER OF THE YEAR & PROJECT OF THE YEAR AWARDS

IALEP is now reviewing nominations for the annual awards, Planner of the Year and Project of the Year.

The nomination deadline for these awards is June 30, 1999.

Winners of these awards will be recognized at the 1999 Annual Membership Conference in San Antonio, Texas. Limited funds are available to assist any winner who is unable to attend the conference because of fiscal restraints.

To receive a copy of the Nomination Form or for more information about the Awards Program, contact:  
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[www.wichitapolice.com](http://www.wichitapolice.com)  
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**LEWIS (continued)**

as well as the violator themselves. While the recent Supreme Court decision in the case of *County of Sacramento et al. v. Lewis*, No. 96-1337, decided May 26, 1998, clearly lessens the liability of police involved in pursuits in most instances, the issue of liability is not the only factor to consider. More importantly, our actions must be guided by our mission, purpose and the principle of doing what is right. Given those concerns, effective immediately and until such time as the revisions to General Order 8.04 are finalized and adopted, vehicle pursuits shall only be initiated when an officer can articulate a reasonable belief that the occupant(s) of the fleeing vehicle have committed or attempted to commit a violent felony or offense involving the unlawful use, discharge, threatened use, display or possession of a firearm or destructive/explosive device or bomb. All other pursuits are prohibited."

This message - about the police "mission, purpose and the principle of doing what is right" - sets forth a standard that goes beyond liability concerns. It introduces the moral and ethical basis for policing.

It is difficult to justify to an injured party a continued, dangerous pursuit for a traffic violation or minor offense. Police officers have to ask themselves what is considered moral and ethical behavior in the case of a dangerous pursuit, and how they would respond if a family member were injured or killed by a fleeing suspect being chased for a minor crime by a fellow officer. While the United States Supreme Court has answered some questions concerning constitutional liability, it is now incumbent upon American police administrators to decide the proper

way to manage pursuits.

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## **BALANCING LIBERTY AND SECURITY**

### **Supreme Court Case Recognizes Communities and Police Departments Have to Weigh Risks**

by Chief Robert K. Olson

Finally! The Supreme Court has recognized that professionally trained police officers do not have the luxury of judicial review before they make law enforcement field decisions. America's police profession has significantly enhanced its selection processes and educational and training requirements for new officers during the past decade. They have also established structured in-service programs and retraining sessions to keep them abreast of not only legal, but technological and philosophical changes in this most important public business of policing.

There are, of course, a lot of unanswered questions - as many questions as there are different scenarios during which pursuits begin and terminate. In spite of all these enhancements to our

professional operations and recent favorable court rulings affirming those enhancements, police executives still must be on guard for the inevitable litigation that will occur when tragedy strikes, particularly when innocent victims are involved.

The perpetrators of these tragedies rarely have assets, but plaintiffs' attorneys know state and local governments have the deep pockets to not only compensate their clients for the wrongs of another, but pay their fees as well. Many attorneys across the nation have almost made a specialty of trying cases against government agencies. As long as that remains profitable, there is no reason to believe there will be a shortage of lawyers looking for weaknesses, loopholes or fresh approaches to the law to gain access to those deep pockets for their clients. For every door closed by an enlightened judiciary, legal entrepreneurs will find new doors to open, even if no door was there before.

*Sacramento v. Lewis* has strengthened most progressive chase policies across the country, but police administrators cannot relax. They must proactively identify those new doors and adjust their policies, procedures and training to effectively minimize that ever-present liability exposure.

Law enforcement can not and should not abdicate responsibility for preserving order in our communities. Recent law enforcement initiatives in New York, New Orleans, Minneapolis and many other cities across the nation have shown a clear and convincing correlation between the level of order maintenance enforcement and the numbers of serious crimes perpetrated against our citizens.

Americans want to feel they and their families are safe. They agree liability and compensation is appropriate when

anyone, including government, conducts business in a way that “shocks the conscience” and injures innocent people.

We must all understand that there are risks to living in a free society – the balancing point between liberty and security is not always clear. Each community must decide where that balance is as they make constitutionally appropriate policy decisions about their law enforcement strategy for keeping their citizens safe.

Quality personnel, training and supervision are keys to affecting well-thought-out and balanced pursuit policies that maximize the ability of a community to maintain peace and order and, at the same time, minimize the risks to innocent people associated with that enforcement.

*Chief Olson is chief of police in Minneapolis, Minn., and a PERF member.*

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## ABOUT PERF

The Police Executive Research Forum (PERF) is a national professional association of chief executives of large city, county and state law enforcement agencies. PERF’s objective is to improve the delivery of police services and the effectiveness of crime control through several means:

1. the exercise of strong national leadership,
2. the public debate of police and criminal justice issues,
3. the development of research and policy, and
4. the provision of vital management and leadership services to police

agencies.

PERF members are selected on the basis of their commitment to PERF’s objectives and principles. PERF operates under the following tenets:

1. Research, experimentation and exchange of ideas through public discussion and debate are paths for the development of a comprehensive body of knowledge about policing.
2. Substantial and purposeful academic study is a prerequisite for acquiring, understanding and adding to that body of knowledge.
3. Maintenance of the highest standards of ethics and integrity is imperative in the improvement of policing.
4. The police must, within the limits of the law, be responsible and accountable to citizens as the ultimate source of police authority.
5. The principles embodied in the Constitution are the foundation of policing.

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