



TV 111

D
D

TEST FOR DISTANT VISION

E E



L P E D
P E C F D

E D F C

E F P O
P E Z O L C F

AN AMSLER GRID/SNELLEN CHART TO MONITOR

LEAVE COVERS IN PLACE

E
2



June 1993
Volume 62
Number 6

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

William S. Sessions,
Director

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

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

The *FBI Law Enforcement Bulletin* (ISSN-0014-5688) is published monthly by the Federal Bureau of Investigation, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535. Second-Class postage paid at Washington, D.C., and additional mailing offices. Postmaster: Send address changes to *FBI Law Enforcement Bulletin*, Federal Bureau of Investigation, Washington, D.C. 20535.

Editor

Dr. Stephen D. Gladis

Managing Editor

Kathryn E. Sulewski

Art Director

John E. Ott

Associate Editors

Andrew DiRosa

Karen F. McCarron

Kimberly J. Waggoner

Assistant Art Director

Amelia J. Brooks

Production Manager

T.L. Wilson

Staff Assistant

Darlene J. Butler

Cover photo by
K.L. Morrison

FBI Law Enforcement

B ♦ U ♦ L ♦ L ♦ E ♦ T ♦ I ♦ N



Features

Eyesight Standards: Correcting Myths

By Richard N. Holden

1

Passage of the ADA, court rulings, and a recent survey of police officers call into question the use of uncorrected vision standards.

The Computer: High-Tech Instrument of Crime

By Michael G. Noblett

7

Law enforcement personnel should know how to examine computer evidence and records.

Elevator Vandalism Squad

By Ronald Welsh and Peter Cestare

10

Elevators create special problems for agencies that provide security to highrise buildings.

Police Violence: Addressing the Issue

By Daniel B. Boyle

17

The complexities of policing require a broad-based approach to reduce charges of police brutality.

Computer Searches and Seizures: 3 Challenges for Investigators

By John Gales Sauls

24

Knowing the legal restraints on searches for computers and computerized information helps to ensure the admissibility of evidence.

Departments

6 Crime Data

1992 Crime Trends

16 Book Review

Police Administration

9 Unusual Weapon

21 Bulletin Reports

14 Police Practices

Drug Education

22 Focus on Training

The Americans with
Disabilities Act

**U.S. Department of Justice
National Institute of Justice**

143660-
143663

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

FBI Law Enforcement Bulletin

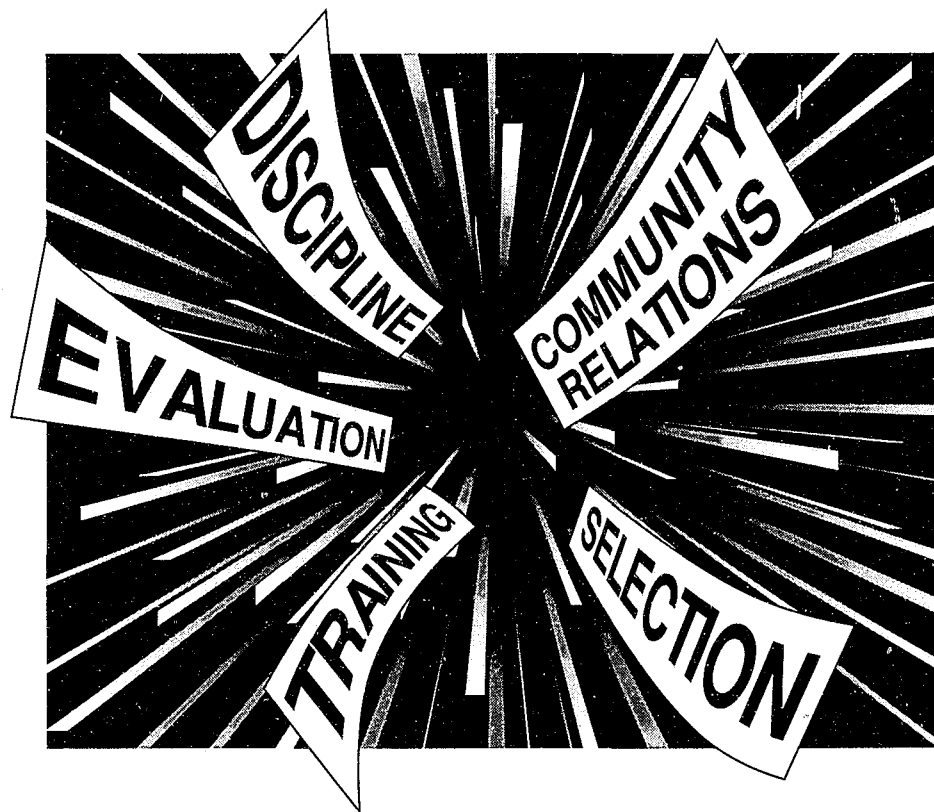
to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Police Violence

Addressing The Issue

By
DANIEL B. BOYLE



A young man lies dead in the street. Kneeling next to him, a woman holds his head and screams "police brutality!" A crowd begins to gather as the woman continues her outcry. The subtle whispers of "brutality" overcome the onlookers, who believe the woman but have no idea what actually took place.

The police officer who shot the man stands alone, visibly shaken, as he awaits medical and supervisory assistance. No one notices that he, too, has been wounded—the cries of

brutality overshadow his injuries. Coming upon this scene, an uninformed individual might perceive police brutality. However, in reality, the police officer interrupted the man committing an armed robbery. When the young man shot at the officer, the officer returned fire, killing him.

Oftentimes, citizens believe an incident constitutes police brutality even though they did not witness the incident or learn all the facts regarding the case. In addition, media reports, eyewitness accounts, and

even film coverage may be biased in their depictions of the event. Indeed, they may tell just one side of a complicated story.

Recent events highlighting alleged excessive force by police have heightened public awareness of the police brutality issue. Consequently, many people believe that the police often use excessive force. In reality, police brutality occurs less often than the public perceives. The discrepancy arises, in part, because brutality means different things to different people. To some,

it means the unjustified use of an officer's firearm, while to others, it means verbal harassment by an officer.

Indeed, no clear definition of brutality exists. One researcher who conducted a study on the use of force by police stated that the use of force is "...a product of interacting variables that can be traced to the individual, the situation, or the organization."¹ Consequently, since no two arrests are exactly alike, what may constitute excessive force in one situation might not in another.

The police stand as barriers between the good and the bad with no clear direction on how to combat the violent criminal. However, if police officers learn effective ways to handle specific situations, and they apply these methods consistently, cases alleging police brutality should decrease.

This article discusses several methods that police administrators can use to address police violence. These include the preselection and selection processes; police academy, field officer, and inservice training; evaluations; community relations; and discipline procedures.

Preselection and Selection Processes

An effective program to eliminate excessive use of force begins before a candidate is even selected. First, the department must provide the foundation for the program by establishing and enforcing clearly defined procedures, policies, and rules of conduct for all behavior, including the use of force. The top administrator must commit to the department's programs and instill the same attitude in all the department's officers, including the selection officer. In turn, the

selection officer should attempt to recruit applicants who best exemplify the philosophy and goals of the department.

The selection process should involve several comprehensive stages, including a written examination; an interview; psychological, polygraph, and physical examinations; and an extensive background investigation. When reviewing an applicant's file, the selection officer should pay particular attention to any area that might indicate overly aggressive tendencies. For example, the background investigation might reveal that an applicant constantly instigates fistfights. Or, psychological testing might indicate a volatile temper. Obviously, candidates who exhibit such behaviors may not be suited to serve as law enforcement officers because of their predispositions to either overreact or underreact to given situations.

Police Academy

The police academy provides crucial training and education on the use of force. This formal training serves as the foundation for recruits to step into the organization's culture. Instructors can mold new recruits to fit the agency. They advise the recruits of the rules, regulations, policies, and procedures of the department and the consequences for breaking the rules. No one in the department should bend with regard to the use of excessive force so that recruits do not get a false image of the organization's policies.

Like selection officers, academy instructors must believe in the department's goals, objectives, and ethical policies in order to instill



Lieutenant Boyle serves with the Syracuse, New York, Police Department.

“
Educating the public as to the complexities of policing can align the community with the police instead of against them....
”

them in recruits. Once established, instructors can move on to formal training in the law, firearms, philosophy, cultural awareness, etc. In other words, instructors set the tone prior to the learning process.

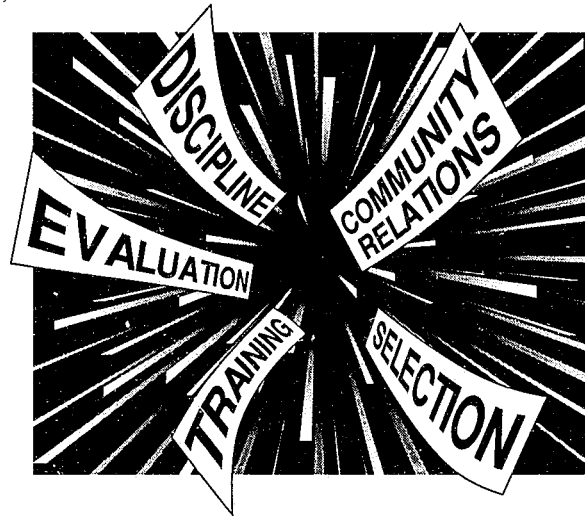
In the past, training dealt with such mandatory requirements as criminal procedures, basic law, defensive driving, and firearms training, just to name a few. Today, administrators must ensure that contemporary training in ethics, human behavior, stress management, cultural awareness, and sensitivity does not take a back seat to traditional training.

One important area of police training that could stand revision is conflict management. Most police departments currently teach their new officers to deescalate, or defuse, tense situations by using physical defense tactics. A more appealing option would be to help officers avoid physical confrontation entirely. In fact, one clinical psychologist suggests that "law enforcement academy training courses, specifically those that utilize primarily tactical or physical techniques, should regularly debrief students from both a psychological and physical standpoint."² In other words, officers should be taught to use diplomacy instead of aggression, their brains instead of their brawn.

Field Officer Training

Once in the field, new police officers start to apply what they learned in training. However, through experience, they begin to

realize that the realities of the street do not always compare to life at the academy. For the first time, they see where the thin blue line of excessive force lies, and they will learn to stay within its boundaries if coached in a positive manner.



Now comes the job of the field training officer (FTO), which is probably one of the most important positions to hold. FTOs can have either a positive or negative effect on new officers. If FTOs abuse their power, new officers will probably follow along, because they desperately want to fit in and be accepted as team players. However, FTOs who adhere to the philosophies, ethics, and professional demeanor of an organization set an example that will last new officers throughout their careers.

FTOs must also evaluate the new officer's ability to do the job. Even with a good preselection process, an unsuitable candidate can still slip through. A private coun-

selor for officers suffering from stress warns that police officers, as well as supervisors, must weed out those with the inclination to use excessive force. He states, "Police are out there looking for troubled people, they ought to be able to spot troubled cops."³

Troubled police officers may be easy to spot, but would their fellow officers turn them in? Officers rarely inform on one another for fear of being accused of "whistle blowing," "breaking the blue code," or "breaking the code of silence." Consequently, training and education must change officers' attitudes regarding the reporting of undesirable behavior by their peers.

Inservice Training

Even experienced officers can benefit from additional training. Therefore, police administrators should schedule inservices that reinforce the department's policies, procedures, and directives, especially in the area of excessive force. These inservices allow officers to brush up on deescalating and technical techniques, as well as any areas in which they demonstrate deficiencies. Quality of training should take precedence over quantity, and as always, the most qualified instructors should teach.

Teaching officers about human behavior can also lessen claims of police brutality. Officers who learn what makes people aggressive can possibly defuse potentially volatile situations without creating conflict. If a confrontation appears to be

inevitable, however, police officers can still help to resolve the situation by thinking before they react. This, too, can be covered in inservice training.

Training sessions should also include stress management. Officers suffering from personal or job-related stress may overreact in certain situations, becoming aggressive and using excessive force. Supervisors should watch out for those who exhibit this type of behavior. Teaching officers how to recognize and relieve stress can reduce the number of such incidents.

Stress can be mental, as mentioned above, or physical, as in the case of the rush of adrenalin that officers experience during a heated confrontation or a pursuit. Officers who are surprised by their bodies' reactions to such situations may be unprepared to handle these reactions. Effective training increases officers' awareness of these responses and provides practical means to deal with them.

Evaluations

An effective evaluation program can enlighten administrators as to officers' performance and can serve to combat officers' tendencies to use force. If officers demonstrate deficiencies in their work performance, their evaluations should reflect these inadequacies. Supervisors should address and correct problem areas through either training or discipline. If all else fails, the department might consider terminating the officer.

Community Relations— Educating the Public

In many regards, a police department is only as productive as the

community perceives it to be. Sometimes, however, the public's perception of a police department is prejudiced by a lack of knowledge. For example, because citizens do not normally face violent, aggressive criminals, they might not realize the force required to subdue such individuals. Therefore, police administrators need to educate the public as to the nature of the police

“

...officers should be taught to use diplomacy instead of aggression, their brains instead of their brawn.

”

officer's job, as well as the department's policy, procedures, and the law regarding the use of force. The police and the community should have the same understanding of what the overall job requires, and residents should know that force is sometimes necessary to end a violent confrontation.

When officers must use force, they should document the entire incident to avoid misunderstandings by the public or the press. The department should also maintain and make the public aware of statistics regarding situations resolved without force, as well as the number of officers injured by force against them. Police managers should investigate all police brutality cases,

keeping the public abreast of the process and the outcome. Withholding information from the public only clouds the issue by creating the perception of a coverup.

Open communication with the public also counteracts the false perceptions that the public might hold regarding a case. To many people, a videotape presents undeniable proof that an act of brutality has occurred. However, in many instances, the person filming might not have presented all the facts. The dead man in the street, the officer with the gun, the woman screaming police brutality—what the camera recorded and what actually occurred may be two different things.

Discipline Procedures

All of the issues discussed so far—the preselection and selection processes; police academy, field, and inservice training; evaluations; and community relations—are all attempts to keep citizen complaints of brutality to a minimum. A police department that administers these areas effectively and efficiently, using qualified personnel, should accomplish this goal. Ideally, administrators, field officers, citizens, and the media would all be working toward the same goals—education and understanding.

However, should a citizen file a complaint that proves valid, management should discipline the officer(s) involved. The department can maintain integrity with the public and its officers by dispensing fair and consistent punishments. In turn, officers will conform to the established policies and procedures to avoid suffering the consequences, while the public will trust the department to protect its interests. As

Bulletin Reports

noted above, the department should advise the public of the outcome of the case and the disciplinary action taken.

Conclusion

Police violence is a complicated and controversial issue. Most people do not even agree on what constitutes excessive force, let alone how to combat it. Educating the public as to the complexities of policing can align the community *with* the police instead of *against* them, thus decreasing brutality charges.

In addition, police administrators must select the best possible officer candidates and provide them thorough training, not only at the police academy but also throughout the officers' careers. Furthermore, management must continually evaluate the policies, procedures, and statistical data on their department's use of force, revising policy when necessary and disciplining violators. Police managers should accept no less than full compliance from their employees.

Law enforcement, as a profession, continues to make headway, even when confronted with difficult issues like police violence. Indeed, if dealt with effectively, the issue of police violence may be reduced to a mere mention in the annals of law enforcement. ♦

Endnotes

¹ Robert J. Friedrich, "Police Use of Force: Individuals, Situations and Organizations," *The Annals*, November 1980, 82-92.

² John Nicoletti, Ph.D., "Training for De-Escalation of Force," *The Police Chief*, July 1990, 37-39.

³ Lance Morrow, "Rough Justice," *Time*, April 1, 1991, 15.

Test for Drug Use

A *Research in Brief* published by the National Institute of Justice summarizes the results of a study conducted on hair testing for drug use. The study compared tests of hair for signs of drug abuse with urinalysis tests and with self-reports of drug use.

The published report covers the scientific basis for hair testing and provides an overview of the research project's findings. It also tells of the unique advantages that hair analysis has over other currently used drug testing methods.

Copies of this report, NCJ 138539, can be obtained from the National Institute of Justice, P.O. Box 6000, Rockville, Md. 20850.

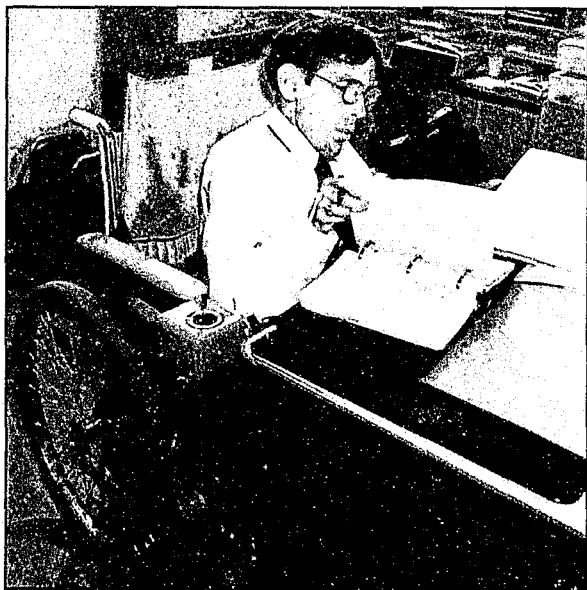
Juvenile Justice Standards

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) offers, through its clearinghouse, all 24 volumes of *Juvenile Justice Standards* prepared by the American Bar Association and the Institute of Judicial Administration. These standards can help jurisdictions adapt their practices to emerging law pertaining to juveniles.

Each volume deals with a different topic, including rights of minors, prosecutions, police handling of juvenile problems, and juvenile records and information systems. The standards analyze issues, provide case citations, and suggest additional readings.

To obtain a listing of the standards or to place an order, call the Juvenile Justice Clearinghouse at 1-800-638-8736 or 301-251-5500 in the Washington, DC, metropolitan area. Prices for the individual standards vary. The above 800 number can also be used to obtain the training video on Juveniles in Custody, which was summarized in the April 1993, issue.

Focus on Training



The Americans with Disabilities Act

By John A. Leonard

In July 1990, President George Bush signed into law the Americans with Disabilities Act (ADA). This milestone legislation, which is intended to end discrimination based upon physical or mental disabilities, presents new challenges to law enforcement administrators. These administrators must now ensure that their agencies comply with the provisions of the new law.

In order to meet this challenge successfully, police executives must first implement training that focuses on the ADA and how this law may affect hiring practices. The legislation explicitly defines what is expected of employers; however, before employers can meet these expectations, they must develop training programs that focus on educating *all* employees within their agencies. This education process should accomplish two goals: It should educate employees on the specifics of the law, and it should allay their fears that the law may have a negative impact on the agency or its current employees.

Early Training

Agency leaders should begin the education process by targeting selected personnel to receive early training in the particulars of the ADA. The initial training sessions should include those employees who will direct the implementation of the law. This encompasses the agency heads themselves, as well as their administrative staffs.

Administrators should then target for training those involved in the hiring process. In order to ensure that hiring procedures adhere to the new regulations, background investigators, polygraph examiners, and oral interviewers must know what information they should obtain, how they can *legitimately* obtain this information, and what types of inquiries are inappropriate. Early training of these employees may avoid problems for the agency at a later date.

Broadening the Scope of Training

After key personnel receive training on the specific provisions of the ADA that directly affect their job responsibilities, all other personnel within law enforcement agencies should receive training to broaden their understanding of the law. Taking this critical step may help to minimize many of the misconceptions that occur when agencies lack training of this nature.

For example, any modification of hiring criteria by police agencies, either real or imagined, will likely be greeted with skepticism by some officers and outright hostility by others. Some officers will immediately begin to speculate on how the new legislation may affect them and whether it will lower the standards of the agency—a source of great pride to most officers.

Early intervention by administrators in the form of training can do much toward allaying any unfounded fears that employees may have. Clearly, if employees view the implementation of the ADA as a reduction in hiring standards, concern—and even resentment—can build. This may, in turn, cause the employees' sense of pride, which is built on traditional practices within the department, to be challenged, lowering employees' morale. In addition, new recruits who do not meet the expectations of the existing personnel may never be fully assimilated into the organization.

However, with effective training programs in place, employees learn not only what the ADA *is* but also what it is *not*. They will then understand that the employment provisions of the ADA do not reduce or eliminate selection criteria—the law simply attempts to offer equal employment opportunities to qualified individuals with certain disabilities.

Through effective training programs, employees also learn that persons with disabilities must demonstrate that they can perform the essential functions of the position they seek. The essential functions of a job may be determined by a variety of factors, including written job descriptions, collective bargaining agreements, the amount of time spent performing the task, the consequences that may occur if the task is not performed, and the employer's judgment.¹

Finally, effective training programs underscore the fact that the ADA expressly excludes certain individuals, including current drug users, transvestites, kleptomaniacs, and pyromaniacs, among others. In addition, the law allows certain employers, such as law enforcement agencies, to exclude applicants with a history of illegal drug use if it is established that such an exclusionary standard is job-related and consistent with business necessity.²

Providing employees with this critical information reduces employee stress and the opposition that frequently accompanies change. Through education, employees gain both an understanding and an acceptance of the law.

Conclusion

Law enforcement administrators who develop instructional programs that prepare employees for the changes the ADA brings to their agencies create an atmosphere where well-informed employees both understand and support the law. This, in turn, creates an atmosphere that fosters the successful fulfillment of this legislative mandate. ♦

Endnotes

¹ Jeffrey Higginbotham, "The Americans with Disabilities Act and the Federal Rehabilitation Act of 1973: An Overview," (unpublished manuscript, 1992).

² Ibid.

Captain Leonard serves at the Connecticut State Police Training Academy in Hartford, Connecticut.

Dial-the-Bulletin



The *Bulletin* is now available via three computer dial-up services. Authorized law enforcement practitioners and related professionals who have a personal computer and a modem can access, download, or print current issues of the *Bulletin* in their homes or offices by contacting these services. Those interested in obtaining information regarding the services should dial the following numbers directly:

- SEARCH Group, Inc.
(916) 392-4640
- IACP NET
1-800-227-9640
- CompuServe
1-800-848-8199 (Ask for Representative 346. The *Bulletin* is available only through their restricted law enforcement library.)