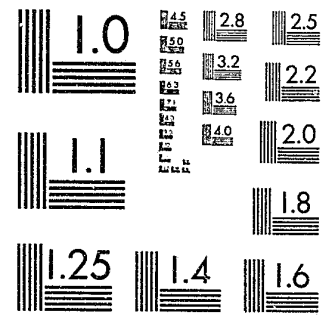


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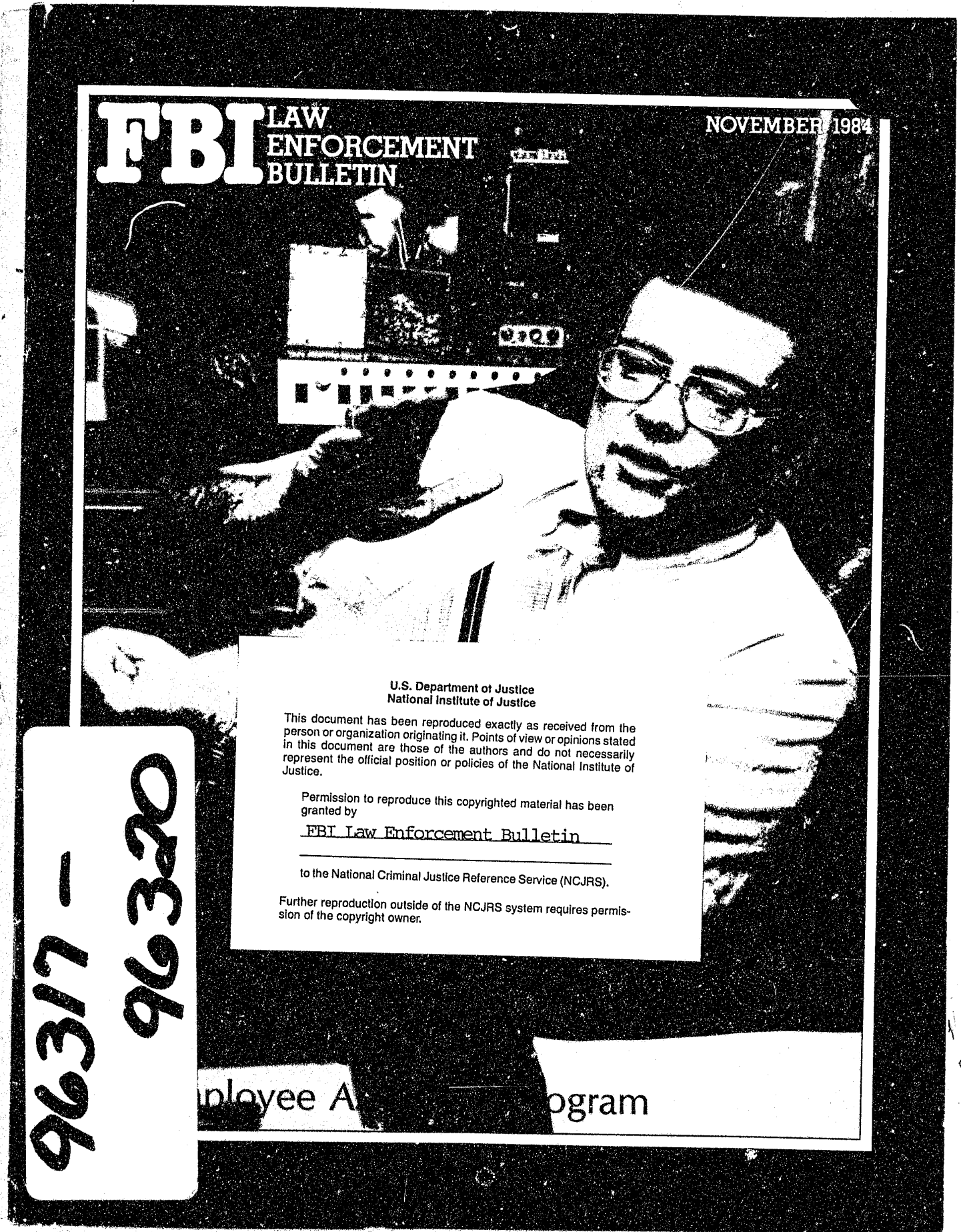
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FBI LAW ENFORCEMENT BULLETIN

NOVEMBER 1984

U.S. Department of Justice
National Institute of Justice

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Contents

- Personnel** 2 **Peer Counseling: An Employee Assistance Program**
By F. L. Capps
- Management** 9 **Management/Labor Cooperation Performance-based Compensation**
By Jerald R. Vaughn
- Narcotics** 13 **Exploiting the Financial Aspects of Major Drug Investigations**
By Richard J. Mangan
- Police-Community Relations** 16 **Alexandria's Citizen Awareness Program**
By Joseph M. Seiffert
- Communications** 21 **Mobile Computer Terminals**
By James Caldwell
- The Legal Digest** 25 **Freedom of Speech and Law Enforcement Employment—An Analysis of *Connick v. Myers* (Part I)**
By Daniel L. Schofield
- 32 **Wanted by the FBI**



The Cover: Peer counselors are proving to be effective in helping employees through stressful periods in their lives. See article page 2.

Federal Bureau of Investigation
United States Department of Justice
Washington, D.C. 20535

William H. Webster, Director

The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget through June 6, 1988.

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Director's Message

The FBI has historically regarded legal training as a necessary and important facet of the law enforcement profession. In addition to the legal training afforded our own Special Agents, since 1935 we have furnished legal training to law enforcement agencies of all jurisdictions through the FBI National Academy, as well as through guest appearances of FBI legal instructors.

Such training of sworn officers continues to be an important part of our ongoing programs; however, the complexity of legal issues encountered by law enforcement officers, managers, and administrators in recent years highlights the need for each law enforcement agency to have ready and continuous access to a qualified legal advisor.

Efforts to meet this need have been made in a variety of ways. For example, some agencies rely on city attorneys or retained counsel from the private sector for legal advice and assistance. Others now have full- or part-time legal advisors, and many more are actively seeking such help. In order to foster the growth of this concept and to assist those who already serve in this capacity, this Bureau has established the FBI National Law Institute.

The institute, which will be held at the FBI Academy in Quantico, VA, will consist of an intensive 1-week program addressing such topics as the role of the law enforcement legal advisor, organization and management of the legal advisor's office, current legal problems facing law enforcement agencies, recent developments in constitutional criminal procedure, labor relations

issues in law enforcement management, first amendment freedom of speech and press, constitutionally based employment rights, and race, sex, and age discrimination matters. The institute will feature well-known guest lecturers and will include a trip to the U.S. Supreme Court for a tour, explanation of the history and function of the Court, and attendance at oral arguments scheduled for that day.

Two 1-week institutes have already been scheduled. The first is being held this month at Quantico, and the second has been scheduled for March 1985. It is anticipated that succeeding programs will be scheduled at 6-month intervals. Each session will accommodate 50 attorneys with the FBI funding all cost for travel, room, and board. Further information concerning the institute and applications for attendance can be obtained from the Principal Legal Advisor assigned to the FBI field office in your area.

Apart from the direct benefits of the institute, our hope is that the program will foster a spirit of cooperation among legal advisors from different agencies so that information and problems will be shared on a continuing basis. As evidenced by the FBI National Academy and other multi-agency programs, continuing cooperation and assistance can only serve to enhance the overall professionalism of the law enforcement community.

William H. Webster
Director
November 1, 1984

"Employees who experience short term crises need to be heard, need to have the opportunity to feel understood, and need to receive peer recognition of the extent of the problems they face."

ulations. This limited confidentiality is considered central to the effectiveness of the program.¹⁸

Conclusion

The time between when an employee begins to experience the minor problems caused by the daily stresses of life and those problems developing to the point where the employee must seek help from a mental health professional is vast. During this period, the employee experiences pain and may make many bad decisions. It is also during this period that a network of peer counselors, acting as paraprofessionals, can step in to give early aid in assisting the employee in resolving his problem, or in severe cases, refer the employee to appropriate professional assistance.

Many acts committed by employees that require a disciplinary response from management are "crises for help." These acts may include shoplifting, drug abuse, alcoholism, or other equally undesirable activities. While peer counselors would be expected to refer these more complicated problems to full-time professionals, they are in a position to detect them early. Early detection and referral has the obvious benefit of preventing major problems later on.

Alcoholism programs involving peer counseling focus on one major issue—alcoholism. With a peer counseling program of the type the LAPD instituted, the focus is expanded to include a wider range of employee problems. These programs can increase productivity, reduce absenteeism, reduce grievances and the need of the disciplinary action, and improve employee morale. Improved employee morale is considered by many to be the most important benefit derived

from such programs. A peer counseling program gives concrete evidence to employees that management does care.

Informal peer counseling is common among employees in law enforcement as well as other professions. Employees discuss their problems with their peers, from the most insignificant daily issues to the major life traumas. A study of officers involved in shootings indicates that "a significant phenomenon is that every police officer interviewed was, within 48 hours, back at the station to speak with his fellow officers."¹⁹ Without proper training, however, the results of these peer contacts can be less than desirable. A Salt Lake City study showed that officers involved in shootings talk with their fellows 85 percent of the time.²⁰ Results show that fellow officers without proper training were reported to be of assistance in 59 percent of the cases, and in 41 percent of the cases surveyed, other officers were reported to be major source of aggravation.²¹

Employees who experience short term crises need to be heard, need to have the opportunity to feel understood, and need to receive peer recognition of the extent of the problems they face. Peer counseling offers a means of effectively providing this support to employees who are under stress. With careful planning and implementation, an organization can provide a workable support network of peer counselors at a low cost to support fellow employees and the organization as a whole in resolving significant problems with a resulting increase in organizational efficiency and employee well-being.

FBI

Footnotes

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Management/Labor Cooperation Performance-based Compensation

"The Largo Police Department is actively working toward improving the level and quality of police service, while becoming more accountable to the public for our performance."

By
CHIEF JERALD R. VAUGHN
*Police Department
Largo, FL*

As economic conditions have placed financial restraints of varying degrees on governmental entities, public sector managers have been faced with a pressing challenge. That challenge, to ensure citizens that they are receiving full value for tax dollars expended, is at the forefront of the pursuit for an improved level of productivity by public employees. The Largo Police Department is actively working toward improving the level and quality of police service, while becoming more accountable to the public for our performance. Evidence of that effort is in the development and implementation of a performance-based compensation system.

The idea of compensating people in direct relationship to their performance is certainly not new. Many employees bring special skills, abilities, and ideas to the department and make significant contributions through their job performance. Those employees should be compensated in accordance with those efforts and contributions.

Of the nearly \$5 million allocated for police operations in the city of Largo, 83 percent is used to cover the cost of personnel. It is imperative that methods of gaining a maximum return on such a sizable investment be aggressively pursued. By adopting a performance-based compensation sys-

tem, the opportunity has been created to manage our human resources more fairly and effectively. We can now financially reward those employees who make the greatest contributions or penalize inferior performance. It requires that personnel develop appropriate knowledge, skills, and abilities while demonstrating their initiative through their job performance.

Background

The city of Largo police department consists of 154 sworn and civilian employees. Sworn personnel are represented in collective bargaining by a countywide Police Benevolent Association (PBA), and civilian personnel are represented by a local unit of the Communications Workers of America (CWA). Management, supervisory, and confidential employees are under a separate executive pay classification plan that is not subject to the collective bargaining process. The city negotiation team for collective bargaining is coordinated by a labor relations officer who serves as chief negotiator.



Chief Vaughn

Negotiations with both bargaining units commenced in mid-1983 for contracts that expired in September 1983. At the conclusion of negotiations, a ratified 3-year sealed agreement provided for performance-based compensation. From the outset of negotiations, the primary objective was to allocate limited financial resources in the most productive manner possible. Consistent with that objective was the need to examine traditional approaches of compensating public employees, vis-a-vis granting across-the-board pay increases with automatic step increases within prescribed time periods after entry into employment.

The Problem

The practice of granting across-the-board and automatic step increases essentially provides the same economic rewards to the marginal producer as it does to the high achiever. A very valid question with respect to what the true incentives are to work hard when such a situation exists begs for an answer.

While across-the-board and automatic step increases may have been initiated for legitimate reasons, experience would strongly suggest that the net result of the system has been to promote mediocrity in government. Additionally, this practice has played a major role in the spiraling cost of government. Granting across-the-board increases as a means of adjusting for inflation rarely accomplishes its purpose and rarely satisfies employees. Without question, the certainty of guar-

anteed raises in pay not tied to performance allows public employees a margin of comfort envied by many in the private sector. Additionally, experienced employees who have advanced to the maximum level of the step system have only the across-the-board increase to look forward to without regard to the level of their performance. It is often these employees who are making significant contributions to the organization and who are, in effect, penalized economically by the system.

Performance-based Compensation as an Alternative

The performance-based compensation system totally eliminates across-the-board and automatic step increases. Each position continues to have a salary range that is determined in the collective bargaining process and is subsequently approved by the city commission. In the labor contract, the upper limit of the salary range was increased by 10 percent to allow the necessary room for future salary growth and to maintain the department's competitive position within the metropolitan area. The salary paid to the employee within the established range is based upon performance only and is no longer automatic. The employee's salary adjustment occurs on their employment anniversary date within the parameters of 0 to 10 percent, depending upon the level of performance achieved.

Perhaps the most difficult aspect of any performance-based compensation system is establishing the criteria by which judgments will be made with respect to how much or how little the salary increase will be. Whatever the criteria, it must be as fair and objective and as devoid of personality con-

"It is critical to not only develop accurate measurement devices . . . but also to develop a method by which they could be administered properly."

siderations as possible. In police service, these criteria are inherently more difficult to establish by the very nature of the job. While difficult, this is not impossible. The alternative would be to continue promoting mediocrity by maintaining a system that fails to recognize and reward good performance without penalizing inferior performance.

The Method

A committee was formed to develop a system of determining performance levels that would meet the needs of the city, the department, and the individual employee. The seven-member committee consists of three members appointed by the chief of police and three members appointed by the bargaining unit. The chief serves in an advisory capacity and maintains final authority for approval and implementation of the end product. Representatives of the Professional Standards Bureau of the police department participated in the committee meetings as observers to ensure that subsequent training to departmental employees was consistent with the intent of the methods being developed to measure performance levels.

The committee identified three major areas that seemingly have the most relevance in determining the level of an employee's performance, including:

- 1) Overall job knowledge;
- 2) *Quantity* of work produced; and
- 3) *Quality* of work produced.

It is critical to not only develop accurate measurement devices for each of the identified areas but also

to develop a method by which they could be administered properly. It was decided that each part of the evaluation system should be independent of the other to ensure as fair and objective evaluation of the employee's performance as possible. The cumulative totals of the independent evaluation devices would determine a performance level and subsequent salary increase. The following merit criteria for performance raises were agreed upon:

- 1) Level I—3 to 4 percent;
- 2) Level II—5 to 6 percent;
- 3) Level III—7 to 8 percent; and
- 4) Level IV—9 to 10 percent.

Employees who do not meet the minimum criteria for Level I performance do not receive a performance raise. An employee who has received an evaluation resulting in a denial of a performance raise will be reevaluated every 60 days for a maximum of 6 months until performance improves. An improved level of performance must be achieved by the final 6-month evaluation or management may terminate or demote the employee according to the provisions of the ratified labor contract.

Evaluation Devices

Overall Job Knowledge—Competency Examination

A comprehensive examination is administered annually to allow the officer to demonstrate working knowledge of relevant statutes, ordinances, departmental policies, procedures, and rules. The examination consists of 100 straightforward situational questions that focus on critical issues such as powers of arrest, search and seizure, use of force, and many other operational issues required in the proper performance of duties. The

constantly changing legal system within which an officer works demands continual monitoring to ensure that the officer's knowledge of his job is contemporary and sufficient. To neglect this very vital area would expose the officer, the department, and the city to liability arising from improper acts, and more importantly, would potentially expose citizens to police activity that is not consistent with current legal requirements or recognized professional practice.

The competency examination is administered by the Professional Standards Bureau, and the results are maintained there until they are incorporated into the final evaluation document to determine overall performance levels. A period of time is provided to prepare for the examination, and a competitive atmosphere is encouraged with awards to be presented for best individual score and best overall team scores. By encouraging individual and group study for the competency examination, the department experiences a significant benefit in terms of a reduction of operational problems that result from people simply knowing their job better.

Quantity of Work Produced

The police officer productivity assessment system is a rational, systematic approach to directing the activities of officers toward the achievement of specific performance objectives. It evaluates employee performance over a sustained period of time and assists in directing the employee's efforts toward improvement when

“ . . . the time has come to move government toward more sound business practices found typically in the private sector. . . .”

necessary, while recognizing good and desirable performance. The assessment of productivity involves not only the quantity of the work produced but the quality and balance of overall activity as well. The system is not a quota system. It compares the performance of employees to other employees who are doing similar work under similar conditions. It is the officers in the field who collectively set the level of performance for a particular work team as opposed to numbers being dictated by the department. Experience with this program has clearly demonstrated that police officers possess the fundamental integrity and dedication to not compromise themselves by lowering performance standards en masse. The other two evaluation steps provide a system of checks and balances to offset the potential for abuse. Finally, the productivity assessment system is not oriented to any one specific activity, such as traffic enforcement. Emphasis is proportionate to established performance objectives that are current with identified public safety problems and trends.

Because a number of employees work different assignments within the department, such as investigations and community services, evaluation systems that are job specific and are performance objective based have been developed in order to ensure maximum results for time and effort expended.

Quality of Work Produced

The performance quality assessment system identifies factors associated with the most and least desirable outcomes of an officer's activities. By clearly identifying traits, characteristics, and actions consistent with high-quality performance and using a system that monitors the officer's performance throughout the rating period, an accurate assessment of the quality of the officer's work can be achieved. The performance quality appraisal system contains over 58 individual items evaluated by two supervisory officers. In order to achieve a higher quality of work performed through developing employees on an individualized basis, a quality assurance officer was appointed to work in the Professional Standards Bureau. This officer's function is to review officer activities from beginning to end against standards identified as highly desirable and appropriate. This random review encompasses the entire range of activities employees are involved with and identifies specific training needs, as well as the most effective and economical means of achieving them. It is not the role of the quality assurance officer to do the supervisor's job, but rather to provide staff support to the supervisor.

Summary

The performance-based compensation program is a departure from traditional police and government pay methods. Certainly, in today's difficult economic conditions, the examination of traditional methods and evaluation of their impact on service delivery is

appropriate. Like any change that occurs, it will be met with a certain amount of natural resistance. There are those who will stand to gain because of their high levels of job performance, and there are those who stand to lose for the opposite reasons. Perhaps the time has come to move government toward more sound business practices found typically in the private sector and insert realistic incentives into the work place for those employees who choose to do more and do it well.

FBI

Exploiting the Financial Aspects of Major Drug Investigations

By

RICHARD J. MANGAN

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Currency, vehicles, vessels, aircraft, houses, bank accounts, stocks, businesses, art, jewelry, and livestock—these are all examples of assets which have been acquired through illicit drug trafficking and seized by the Drug Enforcement Administration (DEA). During the first 10 months of FY-83, DEA seized over \$65 million in such assets, and DEA cooperative investigations in the same period resulted in the seizure of another \$132 million in trafficker assets.

The seizures/forfeitures were made pursuant to the provisions of the following statutes: 18 U.S.C. sec. 1961 et seq. The Racketeer Influenced and Corrupt Organizations Act, commonly referred to as RICO; 21 U.S.C. sec. 843, which proscribes continuing criminal enterprises; and 21 U.S.C. sec. 881, the civil forfeiture authority of the Controlled Substances Act of 1970. These are the tools through which DEA is vigorously identifying, tracing, seizing, and forfeiting the proceeds generated by the multibillion dollar illicit U.S. drug trade.

Investigations aimed at locating and seizing the illicit profits of criminal enterprises have not always been pursued as vigorously as they are today. Historically, law enforcement's approach to the problem of drug trafficking was to arrest the violators and seize the drugs. The money, property, and other assets of these illegal organizations went largely untouched.

As long as traffickers are not deprived of "the glue that holds the whole thing together," as one U.S. Senator recently remarked, replacing arrested confederates and seized contraband can be easily accomplished. The potential for acquiring the vast profits associated with the illicit drug trade makes prison an acceptable risk to criminals as long as they know that those assets will be waiting for them upon completion of their sentences.

Today, the DEA uses an *integrated enforcement program* to combat illicit drug trafficking. This effort places emphasis on arresting the traffickers, seizing the drugs, and seizing and forfeiting the assets. The Financial and Special Intelligence Section was established in DEA headquarters to support efforts to track the profits of drug

dealers, frequently through a maze of international banks and corporations. This section not only interacts with other law enforcement and regulatory agencies but also provides guidance to field divisions on major money laundering operations and actively provides analytical support to domestic and foreign drug investigations with substantial financial aspects.

In addition to the impact that asset seizures/forfeitures have on major drug organizations, such seizures/forfeitures also have the potential of producing revenues. However, not all asset seizures produce revenue. Many seizures not only fail to produce revenue but also may incur substantial costs to the seizing agency. The various expenses associated with hiring a manager to maintain an ongoing business which has been seized, providing security for seized property, and docking, storage, and tiedown costs for seized conveyances may all be significant. When the cost of deterioration, which frequently occurs when litigation lasts for 13 to 18 months or more, is added to the

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