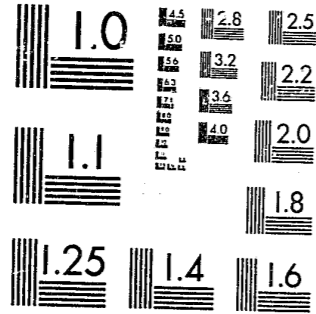


National Criminal Justice Reference Service

ncjrs

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

12/11/85

FBI LAW ENFORCEMENT BULLETIN

NOVEMBER 1984



U.S. Department of Justice
National Institute of Justice

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.

96317 -
96320

Employee A...ogram

FBI LAW ENFORCEMENT BULLETIN

NOVEMBER 1984, VOLUME 53, NUMBER 11

NCJRS

DEC 18 1984

ACQUISITIONS

ETMA

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.

Published by the Office of Congressional and Public Affairs,
William M. Baker, Assistant Director

Editor—Thomas J. Deakin
Assistant Editor—Kathryn E. Sulewski
Art Director—Kevin J. Mulholland
Writer/Editor—Karen McCarron
Production Manager—Jeffrey L. Summers
Reprints—Marlethia S. Black



ISSN 0014-5688

USPS 383-310

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

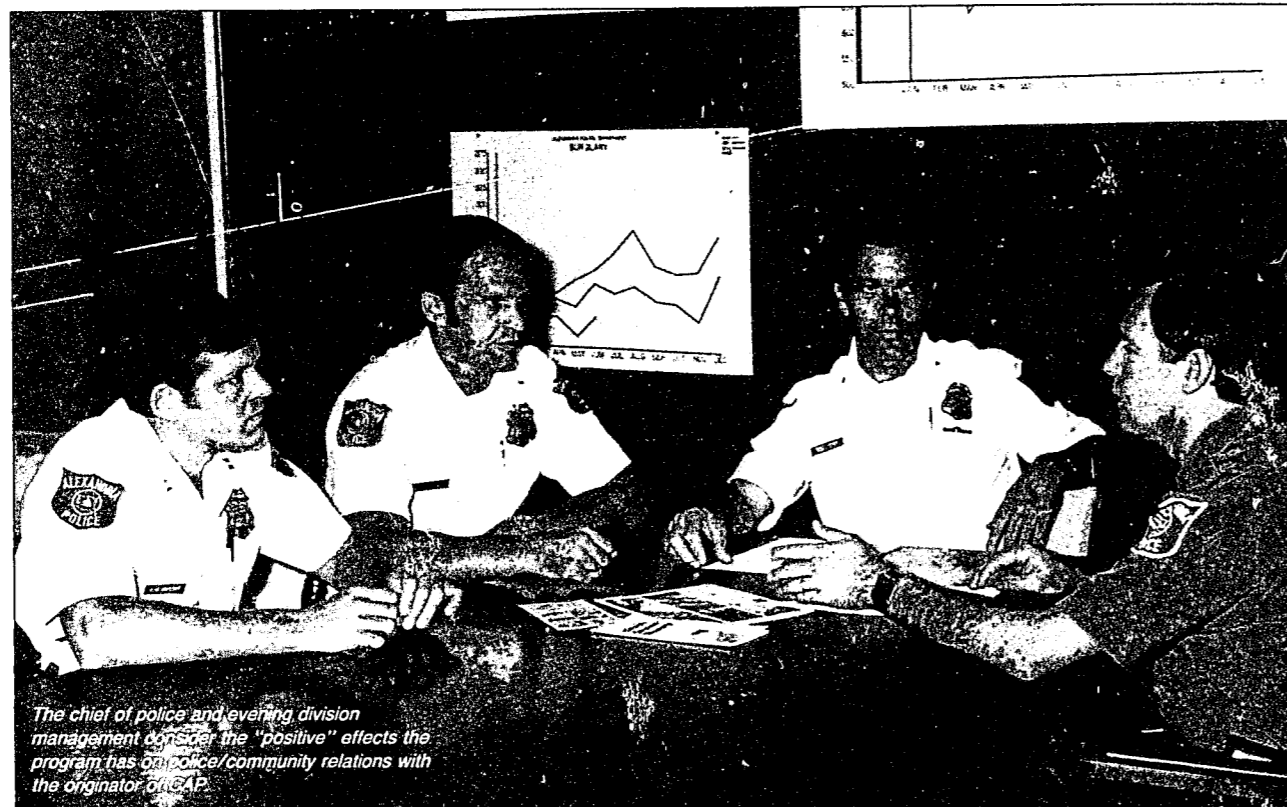
issues in law enforcement management, first amendment freedom of speech and press, constitutionally based employment rights, and race, sex, and age discrimination matters. The institute will feature well-known guest lecturers and will include a trip to the U.S. Supreme Court for a tour, explanation of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

"The Alexandria Citizen Awareness Program affords the patrol officer the opportunity to make a few positive contacts . . . which counter the negative perceptions he or she must deal with daily in their order maintenance and crime fighting role encounters."



The chief of police and evening division management consider the "positive" effects the program has on police/community relations with the originator of CAP.

approximately 68 information packets per month have been distributed with 83 percent of the residents being contacted personally by an officer. Twelve percent of the packets are left in mailboxes if the officer finds no one home after three attempts. Five percent of the homes were found to be vacant.

All of the residents sampled by a 10-percent monthly management audit have appreciated the department's efforts to inform them of the neighborhood crime problems and the city in general. Although some officers were described by residents as being "less than enthusiastic" about the program, most have been praised for being very informative and interested

in the safety of the citizens. A very positive impression of the department has been formulated in the minds of these new residents. Crime Resistance Section officers also report receiving many favorable comments at civic association meetings from the new residents and from neighbors of the new residents.

The Alexandria Citizen Awareness Program affords the patrol officer the opportunity to make a few positive contacts during the month, which counter the negative perceptions he or she must deal with daily in their order maintenance and crime fighting role encounters. **FBI**

Footnotes

¹ Larry L. Tilt, "The 'Cop Personality' Reconsidered," *Journal of Police Science and Administration*, vol. 2, No. 3, September 1974, pp. 266-278.

² Alexandria has a population of 106,700 with over 48,000 households, of which 16,547 are single family detached, semidetached, or rowhouses. The large number of apartments and condominiums in Alexandria preclude their inclusion due to volume and no existing method to determine when new tenants move in.

³ The coordinator is a volunteer patrol officer and performs the CAP duties in addition to regular patrol assignments.

MOBILE COMPUTER TERMINALS

By
SGT. JAMES CALDWELL
Police Department
Arlington County, VA



Police officers in Arlington County, VA, a suburban community across the Potomac River from the Nation's capital, have added a new weapon to their arsenal. This new weapon is not a gun, a new type of ammunition, or tear gas, but a computer terminal.

When they leave rollcall, the officers go to their squad cars and turn on a compact computer terminal. By

typing in a few codes on the terminal, they tell the dispatcher that they are ready for service and what radio designation they will be using. During the course of the day, they will use these terminals to keep the dispatcher informed of their status; to make wanted checks on subjects, vehicles, and tags they encounter during their tour; to determine operator permit status of motorists, both in-state and



Sergeant Caldwell



William K. Stover
Chief of Police

out-of-state; and to determine the registered owner of vehicles involved in crimes, accidents, and other incidents. They can also use the terminals to review calls that they have been dispatched on and to send messages to or receive messages from the dispatcher and other police officers.

These computer terminals, known as mobile digital terminals, mobile data terminals, keyboard data terminals, or multiline terminals, are part of a major, if not radical, restructuring of Arlington County's public safety communications.

Some of the other changes include the combining of police, fire, and emergency medical service (EMS) dispatching; implementation of the 911 universal emergency number telephone system; and the procurement and installation of a computer-aided dispatch (CAD) system. The mobile terminals are an integral, if not essential, aspect of the overall restructuring.

Background

While the history of the merger of Arlington police, fire, and EMS communications goes back many years, the first concrete step occurred in 1975 when fire/EMS communications was moved into a room adjacent to the police communications center.

Between 1975 and mid-1980, all sworn police and fire personnel other than the commanding officer and operations supervisor had been removed from communications. The merged center, now known as the Emergency Communications Center (ECC), was required to perform all public safety communications for the county with a staff of 38 nonsworn personnel, down 4 positions from the premerger strength. A review of the historical

workload, including data from call counters, dispatched calls for service reports, and law enforcement data bank inquiry statistics, led the planning task force to the conclusion that the existing system would not support an efficient merged center. The task force recommended that a new system be developed according to the following criteria.

- 1) It would be a system that would assist call takers in determining the correct jurisdiction. Because of overlaps between telephone exchanges and political boundaries, many of the 911 calls received in Arlington would be originating from neighboring jurisdictions.
- 2) Calls that require the immediate dispatch of Arlington police, fire, and EMS units would be rapidly switched to the dispatch and control positions and recorded in a manner that would permit future use for management information.
- 3) Each action taken with respect to a call, up to and including final disposition, would be identified with the correct time and date.
- 4) Each call would have its own unique identifying and/or incident number.
- 5) Each call would be identifiable with one of the 428 police subcensus areas and/or up to 200 fire/EMS zones.
- 6) The means by which such calls are processed would minimize the physical handling of paper, the need for verbal communications between call takers and dispatchers, and the need for call takers to leave their positions.

"These computer terminals . . . are part of a major . . . restructuring of Arlington County's public safety communications."

- 7) The response time to inquiries from officers on the street who might be in contact with wanted persons or persons in possession of stolen property would be maintained or improved.

These essentials and other performance specifications were incorporated into a request for proposal (RFP) from vendors of communications equipment. The successful bidder included in the proposal a number of mobile computer terminals. Since the purpose of the merger was to reduce manpower costs while providing an efficient emergency communications operation, these mobile terminals were seen as a means of providing a rapid turnaround time on inquiries from officers on the street without adding more dispatchers. If these units could handle an appreciable percentage of the data base inquiries, the police administrative dispatcher would be able to provide a quicker response to other officers who did not have terminals and could also assist in handling the increased volume of telephone calls anticipated with the implementation of 911.

The mobile terminals were also seen as a means of improving individual officer productivity, reducing the time that a motorist had to be detained, and as a way of restoring some privacy to police communications.

System Description

The mobile terminals acquired by Arlington County provide the officer on the street with the means to: Directly access computer data files such as local, State, and national crime information files and State motor vehicle registries; send messages to the

dispatcher or other mobile terminals; receive assignment and case-related data and text messages; and transmit status, emergency, and unit identification information to the dispatcher without the use of voice communications.

The terminals are mounted on an adjustable bracket in the front of the police car within easy reach of the officer. They feature a 6-line, 240 character, solid state (plasma) display with variable brightness, an alphanumeric keyboard similar to a typewriter, an array of status keys programed to correspond to the most frequently used status changes (inservice, enroute call, at scene of call, traffic stop, out-of-service, etc.), and a group of function keys that are used to prepare the terminal to send a message, make an inquiry, or acknowledge the receipt of a message. The terminals also include a protected emergency button which, when pressed, tells the dispatcher that an officer has an emergency and identifies which officer has sent the message.

The terminals are wired into a 35-watt, single channel, mobile transceiver that operates on a frequency with no voice usage. Several years' experience with fire department "status only" terminals operating on the primary voice channel led to an immediate decision to not have mobile terminal traffic on the primary channels. All vehicles are equipped with roof-mounted gain antennas. Messages, inquiries, or status changes from the officer are translated by the terminal into a signal that can modulate the radio frequency carrier provided by the transceiver. The signal is then picked up at the receiver sites, compared for quality, and the best signal is routed to a processor which retranslates the signal into in-

formation that can be processed by the central computer. The processor also sends back an acknowledgement to the officer. Information going to the officer follows the reverse of this path. "Canned" messages, including unit identification, emergency messages, status changes, and requests for inquiry formats, are typically transmitted in less than 1/4 second. Text is transmitted at a rate of 1700 words per minute.

Officers do not have to monitor for a clear channel in order to send their message. The system determines when the air is clear and transmits the message. Internal electronics insure that no two waiting terminals transmit at the same instant to eliminate the possibility of garbled messages. Unacknowledged messages are retransmitted up to four times (2 to 6 seconds apart). The terminals automatically acknowledge received messages to the base processor to avoid tying up the system, but the officer can also acknowledge to the dispatcher to let the dispatcher know that he has received his message or assignment.

Messages from the officer to the dispatcher are stored in a message-waiting queue at the dispatcher's position. A simple keyboard command allows the dispatcher to display the officer's message on a CRT screen. Emergency messages are automatically displayed.

Inquiries into computer data base files are sorted and routed at the central computer. Local CAD files are accessed directly. All other inquiries are routed, along with an identifier, via a high-speed telephone line (2400 baud) to the Virginia Criminal Information Network (VCIN) computer in Richmond, VA. The inquiry is then an-

"The mobile terminal program has lived up to its promise."

swered by VCIN or routed further to the National Crime Information Center (NCIC) or the National Law Enforcement Telecommunications System (NLETS), depending on the nature of the inquiry. The central computer in Arlington receives responses to the inquiries, determines which unit made the inquiry, and routes the reply to the unit, all in a matter of seconds, then prints the response on an associated printer at the ECC.

Implementation

An initial shipment of 15 mobile terminals was included as part of the CAD system. The mobile terminal program required the dedication of a radio channel, procurement and installation of backbone radio frequency equipment (base station, satellite receivers, and signal quality comparator systems), and the procurement and installation of a separate mobile transceiver for each mobile terminal.

Since Arlington uses mid-sized vehicles and the driver's compartment must provide space for more than just the officer and terminal, a task force approach to the physical installation problem was employed. The task force consisted of three police officers, plus representatives from the vehicle maintenance shop and the private radio service that installs and maintains the department's radios.

One of the prime considerations was that the terminal not interfere with the quick removal of the floor-mounted shotguns that are carried in all patrol vehicles. The task force also had to consider the location of control heads for existing voice radios and the new data radios, plus siren controls from four different manufacturers.

The final installation ended up

cantilevering the terminals, via a specially fabricated bracket, over a portion of the front right seat rather than following the vendor-recommended transmission hump mounting. Bringing the system up was surprisingly easy due, in no small measure, to the expertise of the vendor and Virginia's VCIN staff, as well as the enthusiastic and innovative approach of the installation task force.

Installation of the mobile terminals in 15 pool vehicles (police cars used around the clock in patrol) was begun simultaneously with the training of personnel in using the terminals. A hard-wired terminal was installed at the police headquarters building, and a vendor-supplied trainer provided terminal training to patrol supervisors and other key personnel. Patrol supervisors followed up with in-car training of patrol officers.

The system was fully operational about 3 months after installation was completed. The delay was intentional. It permitted the supervisors to complete their training, gave the department time to develop and publish an agency-oriented users manual, and gave the officers time to become familiar with the terminals by running inquiries and sending messages.

Conclusion

The mobile terminal program has lived up to its promise. Monthly reports on data base inquiries indicate that mobile terminals are used for about one-third of all departmental inquiries. Overall volume is up, yet the ECC has also absorbed an approximate 12- to 15-percent increase in

dispatched calls for service. Arrest rates for criminal offenses and for revoked permits and suspended permits are up (the kind of hits one would expect to receive on mobile terminals, but the increased arrests are also due in part to a vigorous driving while intoxicated enforcement program which leads to more revoked and suspended permits). A 6-month evaluation of hits in these categories, plus stolen vehicles and tags, showed that 41.2 percent of all hits were from mobile terminal inquiries. After recovering stolen vehicles on two consecutive nights of terminal training, one of the supervisors inquired as to when his terminal would be installed. An unanticipated benefit of the program is that officers are using less air time requesting repeats on addresses, look-outs, and other case-related information.

Perhaps more indicative of the success of the program is the fact that Arlington now has 35 terminals in operation, is working with the vendor to add inquiry capabilities for the NCIC gun and article files, and has undertaken some pilot tests that may lead to the dispatch of low priority, low hazard calls by terminal only, further conserving valuable air time. The police department is also exploring potential mobile terminal access into the files of a local criminal information system which is scheduled for late spring 1984. **FBI**

Freedom of Speech and Law Enforcement

An Analysis of *Connick v. Myers*

(Part I)

"... an employee's privately expressed speech is not necessarily entitled to the same degree of constitutional protection as employee speech more closely tied to a matter of public interest."

Prior to the 1960's, public employment was viewed as a privilege, and public employees were afforded little constitutional protection in their jobs. The origin of this right/privilege approach is frequently traced to the following statement by Justice Holmes in an 1892 decision rejecting the constitutional argument of a policeman who had been fired for engaging in political activities:

"[T]he petitioner may have a constitutional right to talk politics, but he has no constitutional right to be a policeman. There are few employments for hire in which the servant does not agree to suspend his constitutional right of free speech, as well as of idleness, by the implied terms of his contract. The servant cannot complain, as he takes the employment on the terms which are offered him."¹

During the 1960's, the rationale underlying the right/privilege distinction was clearly repudiated by the U.S. Supreme Court.² Despite repeated acknowledgments of governmental power to insure the fitness and loyalty of employees, the Supreme Court ruled that public employees were no longer "... relegated to a watered-down version of constitutional rights."³

The demise of the right/privilege distinction gave rise to new and difficult questions regarding the speech rights of public employees. For example, should a law enforcement employee be afforded the same first amendment protection as private citizens to engage in expressive activity? If not, what factors should the courts consider in determining the extent of protection to afford in a particular situation? In its 1968 decision in *Pickering v. Board of Education*,⁴ the Supreme Court provided important answers to those questions by establishing a balancing standard which weighs the competing interests of the governmental employer, employee, and public. In 1983, the Court decided *Connick v. Myers*,⁵ which established an important exception to the traditional balancing standard.

This article begins with a discussion of several Supreme Court decisions establishing a balancing standard to protect the nonpartisan speech activity of public employees. The *Connick* decision creating an exception to the balancing test for personal employee grievances is then analyzed. The second part of this article examines the interpretation and impact of *Connick* in the lower courts. Specific cases involving speech-related claims

By
DANIEL L. SCHOFIELD
*Special Agent
FBI Academy
Legal Counsel Division
Federal Bureau of Investigation
Quantico, VA*

Law enforcement officers of other than Federal jurisdiction who are interested in any legal issue discussed in this article should consult their legal advisor. Some police procedures ruled permissible under Federal constitutional law are of questionable legality under State law or are not permitted at all.

END