

The PoliceChief

THE PROFESSIONAL VOICE OF LAW ENFORCEMENT

JULY 2013



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**Preventing Carnage
on U.S. Roadways**

**High-Visibility Traffic
Enforcement**

**Drugged Driving:
The Need for DREs**

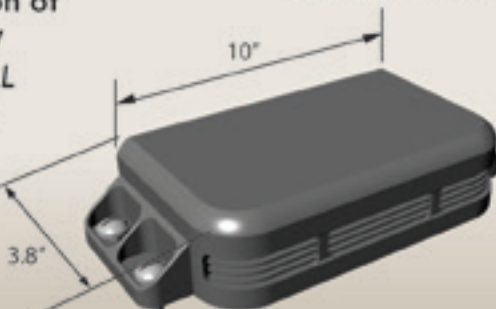


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The cover photograph shows Ohio State Highway Patrol Trooper Shawn Cook, a Drug Recognition Expert, conducting an evaluation of a suspected drug-impaired driver. Trooper Cook was the 2012 State Trooper of the Year and, in 2012, earned the Highway Patrol's Criminal Patrol ribbon with 16 felony arrests, as well as its Ace Award for excellence in auto larceny enforcement—recovering five stolen vehicles and making arrests in each case.

Cover image courtesy of Tommy Stiver, Ohio Department of Public Safety.

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IACP: Breaking the Silence on Law Enforcement Suicides

By Craig T. Steckler, Chief of Police (Retired), Fremont, California, Police Department

Law enforcement agencies are like families. A special camaraderie forms in a department where men and women work side by side in service to their communities. Not unlike more traditional family units, police departments are shaken to the core with the death of one of their own whether an officer or a professional employee. The response, organizational and individual, is even more complex when that death comes at the employee's own hand. In a profession where strength, bravery, and resilience are revered, mental health issues and the threat of officer suicide are "dirty little secrets"—topics very few want to address or acknowledge.

But our collective silence only compounds the problem. By ignoring the issue we implicitly promote the unqualified expectation that cops must, without question, be brave, steadfast, and resilient. Our refusal to speak openly about the issue perpetuates the stigma many officers hold about mental health issues—the stigma that depression, anxiety, and thoughts of suicide are signs of weakness and failure, not cries for help.

The truth is our police officers, and professional employees, are not immune to the stresses of the job. Arguably, they are more susceptible given the nature of police work. But continuing to ignore police suicide—to act like it doesn't happen, or that it won't happen in our department—is doing our officers, and professional employees, a grave disservice.

In reality, officer mental health is an issue of officer safety, and we should treat it as such. From body armor and seatbelt use policies, to self-defense and verbal judo training, we can all list a variety of measures available to ensure our officers' physical safety. But what are we doing to actively protect and promote their mental and

emotional health? Sadly, in many cases, it is not enough. If one of your officers is in crisis, would he or she know where to turn? Would he or she feel comfortable seeking help, or fear career ramifications? Are you, as chief, or your officers, as peers, prepared to intervene? What if one of your officers took his or her own life? How would you react and respond? How would the department react and respond? These are all hard questions.

The IACP has long recognized that there is an urgent need in the field for leadership on the issues of law enforcement officer, and professional employee, suicide and mental health. In 2008, the IACP's Police Psychological Services Section, the Bureau of Justice Assistance, and EEI Communications, partnered to produce *Preventing Law Enforcement Officer Suicide*, a CD compilation of resources and best practices. Copies of this CD are available today.



Craig T. Steckler, Chief of Police (Retired), Fremont, California, Police Department

Three years ago, then-IACP President Michael Carroll declared 2010 the Year of Officer Safety. Immediate Past President Walter McNeil renewed that pledge in 2011 further stating that suicide prevention would be a major initiative of his presidency. I am proud to carry on this noble and vital effort.

Officer suicide was covered extensively at the 119th Annual IACP Conference in San Diego in 2012, with several related workshops and a plenary session. Attendance at all these events exceeded expectations, offering a clear indication of the level of interest and need. The IACP's Center for Officer Safety and Wellness section of the IACP website (<http://www.theiacp.org/About/CenterforOfficerSafetyandWellness>) also highlights existing suicide prevention resources with more resources to come.

Our next steps are to provide the field with meaningful leadership and guidance. With assistance from the U.S. Department of Justice's Office of Community Oriented Policing Services, the IACP will host *Breaking the Silence: A National Symposium on Law Enforcement Officer Suicide and Mental Health* this summer. Our goals for this symposium follow:

- **Raise awareness** regarding suicide and mental health issues in law enforcement and move toward a culture of support and understanding.
- **Identify and evaluate existing resources**, best practices, and training related to suicide prevention, intervention, and response programs.
- **Create a strategic plan** to guide police chiefs in taking proactive measures to mitigate the risk of suicide and openly address officer mental health as a core element of officer safety.

The IACP is committed to raising awareness among our members of approaches to preventing suicide and providing resources to guide them in developing prevention, intervention, and response programs that will save lives. ♦

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Supreme Court Upholds Post-Arrest DNA Collection: High Court Sides with IACP Amicus Brief

By Gene Voegtlin, Director,
SACOP, IACP

In early June, in a case that has significant implications for the law enforcement community, the U.S. Supreme Court upheld the use of post-arrest DNA testing. Currently, 28 states and the federal government have laws that provide for automatic DNA testing of arrestees.

In its 5-4 ruling the Court held that

*When officers make an arrest supported by probable cause to hold for a serious offense and bring the suspect to the station to be detained in custody, taking and analyzing a cheek swab of the arrestee's DNA is, like fingerprinting and photographing, a legitimate police booking procedure that is reasonable under the Fourth Amendment.*¹

The IACP has long been a proponent of post-arrest DNA sampling. The ability of law enforcement agencies to obtain DNA samples is essential to their ability to accurately identify individuals under arrest, provides essential linkages to unsolved crimes, and assists in the exoneration of innocent individuals.

The case decided by the Court, *Maryland v. King*, centered on the 2009 arrest of Alonzo King. Mr. King was charged with first- and second-degree assault. Pursuant to Maryland's DNA Collection Act, law enforcement authorities required Mr. King to submit to a buccal swab of his inner cheek to obtain a DNA sample. In accordance with the state's regulations, the sample was submitted to the Combined DNA Index System (CODIS) for a comparison to other unknown samples on file.

The analysis showed a match between Mr. King's DNA sample and a sample retrieved from the investigation of an unsolved rape that had occurred in 2003. Based on this match, King was charged with the rape.

After failing to have the DNA evidence suppressed before trial, King agreed to waive his right to a jury trial and agreed to be tried on an undisputed statement of facts. He was convicted

of first-degree rape, and appealed his conviction. The conviction was overturned by Maryland's Court of Appeals, the state's highest court, which held that the taking of Mr. King's DNA evidence was unreasonable under the Fourth Amendment, and should have been suppressed by the trial court.

The State of Maryland appealed the decision to the U.S. Supreme Court. Earlier this year, the IACP along with the Maryland Chiefs of Police Association, Maryland Sheriffs Association, and other law enforcement and municipal organizations, filed an amicus brief with the U.S. Supreme Court outlining law enforcement's view on this critical issue.

In its brief, the IACP argued that

Each law enforcement officer in this country takes an oath to uphold the United States Constitution and the constitution and laws of the various states. In support of this oath and to serve the public safety needs of their communities, officers are tasked with conducting investigations that have a dual goal: to exonerate the innocent and to arrest and lay the investigative groundwork that will ensure conviction of the guilty. DNA evidence makes a substantial contribution toward achieving this dual goal because it provides an accurate means of suspect identification.

*The prompt identification of arrestees allows law enforcement to narrow the focus of criminal investigations and effectively solve cases, new and old, more quickly. DNA collection and testing supports the efficiency of this process, while protecting innocent persons, and shields officers from potential civil liability for wrongful detentions. Contrarily, an arrestee has minimal privacy interests in either protecting against discovery of his true identity or of his past crimes.*²

Senate Judiciary Committee Holds Confirmation Hearing for ATF Nominee B. Todd Jones

On June 12, the Senate Judiciary Committee held a confirmation hearing for B. Todd Jones to be the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Mr. Jones is

currently serving as the Acting Director of the ATF as well as the U.S. Attorney for the District of Minnesota. If confirmed, Mr. Jones will be the first permanent director the ATF has had since the position became subject to Senate confirmation in 2006.

Earlier this year, after the president formally nominated Mr. Jones, the IACP announced its support for the nomination in a letter to Senator Patrick Leahy (D-VT), Chair of the Senate Judiciary Committee. In his letter, IACP President Craig Steckler stated,

Throughout his career, Mr. Jones has demonstrated an unyielding commitment to protecting public safety. His years of experience as a U.S. Attorney have provided him the opportunity to work with law enforcement agencies and he has gained a unique understanding of the challenges and the complexities agencies face in combating firearms violence, gang crime, and other threats to our communities.

*The IACP believes that Mr. Jones' years of experience, his expertise, and his record of success are evidence of his outstanding qualifications to serve as the next ATF Director.*³

A vote on Mr. Jones nomination has not yet been scheduled. ♦

Notes:

¹*Maryland v. King*, 569 U. S. ____ (2013).

²Brief for the Maryland Chiefs of Police Association et al. as Amicus Curiae, *Maryland v. King*, 569 U. S. ____ (2013), http://www.americanbar.org/content/dam/aba/publications/supreme_court_preview/briefs-v2/12-207_pet_amcu_c-of-p.authcheckdam.pdf (accessed June 19, 2013).

³Craig Steckler, letter to Patrick Leahy, January 29, 2013, <http://www.judiciary.senate.gov/nominations/113thCongressExecutiveNominations/upload/012913IACP-re-Jones.pdf> (accessed June 19, 2013).

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Week 2: November 4 – 8, 2013
Week 3: December 2 – 6, 2013

St. Louis County Police Department, Chesterfield
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Week 1: August 5 – 9, 2013
Week 2: August 26 – 30, 2013
Week 3: September 30 – October 4, 2013

New Mexico

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Week 2: September 16 – 20, 2013
Week 3: October 7 – 11, 2013

Eddy County Sheriff's Office, Artesia
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Week 1: September 23 – 27, 2013
Week 2: October 21 – 25, 2013
Week 3: November 18 – 22, 2013

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*Planning, Designing & Constructing
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September 30 – October 2, 2013

Virginia

Norfolk Police Department
Leadership in Police OrganizationsSM (LPO)
Week 1: September 16 – 20, 2013
Week 2: October 14 – 18, 2013
Week 3: November 18 – 22, 2013

Washington

Spokane Police Department
Leadership in Police OrganizationsSM (LPO)
Week 1: September 16 – 20, 2013
Week 2: October 14 – 18, 2013
Week 3: November 11 – 15, 2013

Has the Supreme Court Cleared the Air on K-9 Drug Sniffs?

Two U.S. Supreme Court Cases on K-9 Drug Sniffs

David J. Spotts, Esq., Chief, Mechanicsburg, Pennsylvania, Police Department

Two recent U.S. Supreme Court decisions involved the use of trained dogs to sniff for drugs in an effort to develop probable cause to conduct a search. In the first case, *Harris*, the Court decided that the use of the K-9 was acceptable.¹ In the second case, *Jardines*, the Court decided that use of the K-9 was not acceptable.² Each case has an important lesson for police operations. *Harris* reinforces the U.S. Supreme Court's "totality of circumstances" rule,³ and *Jardines* requires respecting home privacy.

The factual relevancy of *Harris* includes the following points:

- Harris was driving when he was stopped on a public street for an expired license plate.
- He was "visibly nervous," shaking, and breathing rapidly and there was an open beer can in the cup holder.
- There was no other information of any nature indicating drugs were present.
- Harris refused to give consent for a search.
- After the consensual search request was refused, a drug dog was walked around the outside of Harris's truck.
- The dog alerted on the driver's side exterior door handle.
- Based on the dog's alert, a search was conducted and materials used to produce methamphetamine, but no actual drugs the K-9 was trained to detect, were found in the vehicle.⁴

In *Harris*, the U.S. Supreme Court focused on the Florida Supreme Court's determination that a specific "checklist" showing not only a drug dog's training and use, but also a record of positive and negative field performance was required. The Florida Supreme Court stated that because the state could not show records of actual field performance of the dog in question, the K-9 sniff could never be used to establish probable cause for a search.⁵ The U.S. Supreme Court overturned and ruled that a strict formula for determining a K-9's ability to sniff drugs is not required and a totality of the circumstances analysis is to be used.⁶

Harris is signaling that the courts may consider the manner and adequacy of a particular dog's training and record of positive and negative field performance in the future. While the *Harris* defense did not raise these concerns at trial and thus lost the opportunity to do so on appeal, future defense attorneys are alerted to this tactic.⁷

The Court stated in *Harris*

The decision to treat records of a dog's field performance as the gold standard in evidence, when in most cases they have relatively limited import. Errors may abound in such records. If a dog on patrol fails to alert to a car containing drugs, the mistake usually will go undetected because the officer will not initiate a search. Field data thus may not capture a dog's false negatives. Conversely (and more relevant here), if the dog alerts to a car in which the officer finds no narcotics, the dogs may not have made a mistake at all. The dog may have detected substances that were too well hidden or present in quantities too small for the officer to locate. Or the dog may have smelled the residual odor of drugs previously in the vehicle or on the driver's person. Field data thus may markedly overstate a dog's real false positives. By contrast, those inaccuracies — in either direction — do not taint records of a dog's performance in standard training and certification settings. There, the designers of an assessment know where drugs are hidden and where they are not — and so where a dog should alert and where he should not. The better measure of a dog's reliability thus comes away from the field, in controlled testing environments.⁸

As a best practice, departments should keep detailed training records of each individual K-9. The records should show proficiency in finding drugs during training conditions. The controlled testing should include diverse search environments and blind searches in which the handler does not know the location of the drugs.

In addition, the K-9 officer must be prepared to explain a K-9 alert for residual odors where actual drugs were not found. It is even advisable to have training records for residual odor alerts. A training example would be to place drugs in a common location for a period of time, but remove them before the K-9 actually searches to see if the dog will alert.

Jardines, involves a privacy issue. The relevant facts in the case include the following:

- Police received an unverified tip that Jardines was growing marijuana in his home.
- Surveillance was conducted but yielded no results.
- Police with a leashed drug dog walked up to the house using the walkway to the front porch.
- The K-9 alerted at the base of the front door and departed approximately a minute after alerting.
- Based on the K-9 alert, a search warrant was obtained and marijuana was found growing inside the home.⁹

In *Jardines*, the decision hinged on where the K-9 was used. The use of a drug dog to sniff in a public area was not an issue, having been previ-

ously decided as a permissible police action.¹⁰ The *Jardines* Court ruled that because the K-9 was walked to the front porch to conduct a sniff search, police exceeded their authority and the search was improper.

The *Jardines* decision differentiates between a police officer and a trained K-9. The U.S. Supreme Court has ruled repeatedly that police officers, like private citizens, have a limited right to come onto private property using the common, socially accepted method of coming to the front door and knocking for any reason.¹¹ And, when police officers conduct a “knock and talk” they are permitted to see, hear, and smell whatever can be detected from a lawful vantage point in an attempt to gather evidence.¹²

The Court determined this was a search due to the location. When the government obtains information by physically intruding on houses, a search within the original meaning of the Fourth Amendment has occurred.¹³ The area immediately surrounding and associated with the home (the curtilage, which includes the porch) is considered part of the home itself for Fourth Amendment protection.¹⁴ Finally, the Court has long held that the highest expectation of privacy a person has is in his or her home.¹⁵

Against this backdrop, it becomes apparent that the dog was actually conducting a search. While police officers are free to approach a home in the manner another citizen would, even with the hope that perhaps they may acquire evidence, that type of contact is consensual. The person in the house does not have to talk with the police, admit the police inside, or even acknowledge their presence. While the person inside may not prefer the police to approach, this is not a search. However, if the police intentionally enter the curtilage of a home with the goal of conducting a search, that conduct is not permitted without a search warrant or an exigent circumstance.

The Court treated the use of a trained drug dog as a device—and the purpose as a search. This is consistent with an earlier decision of the U.S. Supreme Court where an infrared heat detection device was used from a public street to find unique heat signatures indicating a marijuana growing operation inside a house.¹⁶ Like *Jardines*, the Court ruled this was an impermissible search violating a reasonable expectation of privacy inside a home.

In essence, the use of a trained drug dog to sniff the exterior of a vehicle, item, or area comes down to the location of the search. If it is a public area, it is allowed.¹⁷ If it is not a public area, it would not be allowed absent exigent circumstances or a search warrant. “A sniff is up to sniff when it meets that test.”¹⁸ ♦

Notes:

¹*Florida v. Harris*, No. 11-817, US Supreme Court, decided Feb. 19, 2013.

²*Florida v. Jardines*, No. 11-564, US Supreme Court, decided March 26, 2013.

³*Harris*, No. 11-817; See, e.g., *Maryland v. Pringle*, 540 U.S. 366, 371; *Illinois v. Gates*, 462 U.S. 213, 232; *Brinegar*

v. United States, 338 U.S. 160, 176 (1949).

⁴*Harris*, No. 11-817.

⁵*Id.*

⁶*Harris*, No. 11-817, quoting *Gates*, 462 U.S. at 235 (1983).

⁷*Id.*

⁸*Harris*, No. 11-817, citing U.S. Department of Army, *Military Working Dog Program* 30 (1993), 30, http://www.apd.army.mil/pdffiles/p190_12.pdf (accessed May 16, 2013).

⁹*Jardines*, No. 11-564.

¹⁰*Illinois v. Caballes*, 543 U.S. 405 (2005).

¹¹ See, e.g., *Kentucky v. King*, 563 U.S. __ (2011).

¹²*California v. Ciraolo*, 476 U.S. 207 (1986).

¹³*United States v. Jones*, 565 U.S. __ (2012).

¹⁴*Oliver v. United States*, 466 U.S. 170 (1984).

¹⁵ See, e.g., *Ciraolo*, 476 U.S. 207.

¹⁶*Kyllo v. United States*, 533 U.S. 27 (2001).

¹⁷*Caballes*, 543 U.S. 405.

¹⁸*Harris*, No. 11-817.

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RESEARCH IN BRIEF

The IACP Research Advisory Committee is proud to offer the monthly "Research in Brief" column. This column features evidence-based research summaries that highlight actionable recommendations for *Police Chief* magazine readers to consider within their own agencies. The goal of the column is to feature research that is innovative, credible, and relevant to a diverse law enforcement audience.

The National Police Research Platform: Improving the Science of Police Administration

By Dennis Rosenbaum, Director, Center for Research in Law and Justice, University of Illinois at Chicago; Megan Alderden, Assistant Professor, Saint Xavier University; Gary Cordner, Professor, Kutztown University; Lorie Fridell, Associate Professor and Graduate Director, University of South Florida; Susan Hartnett, Associate Director, Center for Research in Law and Justice, University of Illinois at Chicago; Stephen Mastrofski, Professor, George Mason University; William McCarty, Assistant Professor, University of Illinois at Chicago; Jack McDevitt, Associate Dean, Research, College of Social Sciences and Humanities, Northeastern University; and Wesley Skogan, Professor, Northwestern University

The typical national study of a policing topic entails sending a survey to police departments to be filled out by chiefs, sheriffs, or their designees—one official respondent per agency.¹ This method works well for determining the prevalence of structural characteristics (for example, the number of departments that have gang units); formal programs; and official policies. However, there are many important characteristics of police organizations that cannot be measured this way, such as leadership, supervision, discipline, integrity, job satisfaction, commitment, stress, and so forth. Moreover, it can be argued that it is these very organizational conditions that have the greatest impact on the quality of service that police officers and agencies deliver to their communities.

In 2008, the National Institute of Justice funded the National Police Research Platform (hereinafter Platform) to demonstrate the feasibility of conducting in-depth research across multiple police organizations.² It is the purpose of the platform to expand on information gained from internal law enforcement surveys by taking a multi-pronged approach that collects information from external stakeholders, longitudinally over a period of time, and qualitatively to better our understanding of the characteristics of police organizations. During Phase 1, two key research initiatives were (1) online surveys administered to over 15,000 sworn and civilian personnel in 29 law enforcement agencies (LEO surveys), and (2) police-community interaction surveys (either online or by automated telephone calls) with individuals in three jurisdictions who had recent contact with police (PCI surveys).

Phase 2 is beginning in 2013. A representative sample of 100 law enforcement agencies has been invited to participate. Both employee surveys and police-community interaction surveys will be completed in all 100 jurisdictions.

Agency-Specific Benefits

One major product of the Platform is direct and timely feedback to participating agencies. From the employee surveys, for example, an agency

can learn the level of job satisfaction reported by its employees (sworn and civilian) and how that compares to other agencies of similar size. From the public-contact surveys, an agency receives feedback on whether crime victims and persons stopped for traffic violations feel they were treated fairly and respectfully. Here are a few specific examples of how the research helped Phase 1 agencies:

- In Oak Park, Illinois, the employee surveys identified issues associated with stress and burnout. Chief Rick Tanksley then engaged the whole department in an extended conversation that led to a revised shift schedule and increased emphasis on employee wellness.³
- In another city, employee surveys revealed dissatisfaction with in-service training. This helped the department's command staff recognize a core management function that had slipped out of focus in the midst of other major initiatives, one that was immediately addressed through reassignment of personnel.
- In a third city, the chief had received anecdotal input that complainants who came to police stations were not getting good service. Public-contact surveys in that city revealed that the anecdotal information was not accurate and the public reported being served well at local police district stations. The surveys also revealed that overall public satisfaction was substantially higher than either the chief or other members of the agency realized.

Findings

We are cautious about generalizing from Phase 1 data since the 29 participating law enforcement agencies were not randomly selected and may not be representative of U.S. policing in general.⁴ But two interesting findings with potential implications follow.

- Employee perceptions of discipline vary greatly across different police agencies. In smaller agencies, 58 percent of employees felt the disciplinary process was fair, while only 21 percent of employees from larger agencies saw the system as fair. The negative views of discipline

in larger agencies may be due to a perceived lack of alternative informal mechanisms to address problem behaviors. In larger agencies, for example, only 31 percent felt that "For minor mistakes, the department helps officers with coaching and counseling," while 73 percent felt this was true in smaller agencies.

- There is a dramatic difference among agencies in officers' attitudes toward first-line supervisors. In one agency, 89 percent of officers rated their supervisors as "good to excellent." In another, only 44 percent of officers gave their sergeants a high rating. According to their subordinates, supervisors with high ratings are significantly more likely to express a clear vision, closely monitor performance, use effective face-to-face communication, and show fairness when evaluating performance.

Phase 2

The Platform will have two major advantages in Phase 2: (1) a larger and nationally representative sample of agencies and (2) enhanced ability to link characteristics of the police organization and community (such as department size and jurisdiction demographics) with outcomes (such as public satisfaction). These advantages will permit more confident generalizations about police organizations and will provide more actionable evidence about how to improve police agency performance. The Platform represents a significant paradigm shift in the way organizational performance in policing is measured. By providing timely, accurate, and comparable information about the functioning of an agency from both internal (employees) and external (community) perspectives, police leaders will be able to more effectively identify and address issues and concerns and improve the overall quality and level of police services.

The Research in Brief column in the *Police Chief* magazine will continue to highlight results and outcomes of the National Police Research Platform in the future. To receive additional information or contact the principal investigators of this study, please visit <http://www.nationalpoliceresearch.org>. ♦

Notes:

¹The periodic Bureau of Justice Statistics, Law Enforcement Management and Administrative Statistics surveys exemplify this approach. See <http://www.bjs.gov/index.cfm?ty=dcdetail&iid=248> (accessed June 11, 2013).

²See Dennis P. Rosenbaum et al., *National Police Research Platform: Phase I Summary Report*, Grant Number 2008-DN-BX-0005, (2012). The research reported here was conducted with the support of National Institute of Justice, Office of Justice Programs. Findings and conclusions of the research reported here are those of the authors and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

³Dennis Rosenbaum et al., "Translating Research into Practice: Oak Park, IL, and the National Police Research Platform," *Translational Criminology* (Spring 2013): 11-13, <http://gunston.gmu.edu/cebcp/TranslationalCrimSpring2013.pdf> (accessed June 11, 2013).

⁴More complete results from the National Police Research Platform are available at <http://www.nationalpoliceresearch.org>. Direct enquiries should be made to uicnprp@gmail.com.

Interested in submitting a research summary for Research in Brief?
Email researchinbrief@theiacp.org.



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Planning for a Critical Incident Involving an Officer

By Leon Lott, Sheriff, Richland County, Columbia, South Carolina

The worst nightmare for a chief or sheriff is to receive a call that one of his or her own has been shot. That nightmare is magnified when that call is in the middle of the night and the chief or sheriff is half-way around the world when the shooting happens.

On February 26, 2013, while I was in Israel, such a call came. A suspect had fled from a domestic violence incident, and the responding deputy searched the area for the assailant (the male suspect had beaten his pregnant girlfriend and was armed). The deputy did her job and pursued the suspect who engaged her three separate times in fast-developing shooting incidents. The assailant shot the deputy, but she continued the firefight—ultimately killing him. The deputy placed herself in extreme danger and her actions protected herself, her fellow officers, and the citizens of the area.

Most agencies respond to officer-involved shootings by taking the deputy's gun and placing him or her on administrative leave—making a public comment that “the shooting is under investigation.” In Richland County, we believe these steps, along with not having policies and procedures in place, are huge mistakes. Those actions or lack of action are seen as counterproductive for both the deputy and the agency.

The primary responsibility of law enforcement executives is to make sure that personnel are trained and equipped to protect and serve. Yet, what about protecting and serving them—so that they can also protect and serve themselves and their families.

Preparing for the Critical Incident

There are approaches agencies must take in the event of a critical incident: (1) providing proper training and proper equipment before an incident ever occurs; (2) preparing to handle the incident while it occurs; (3) providing incident support after it happens—(preventing and dealing

One week after being shot responding to a domestic violence call, Richland County Sheriff's Deputy Sheila Aull was shown the vest that saved her life on a WLTX News interview, Columbia, South Carolina.

“I called out a 10-3, which is basically when you feel uncomfortable in a situation,” said Aull when describing her arrival on the scene.

“I just so happened to be at the right place at the right time. A female came out of her apartment and said, ‘I think the person you’re looking for is in my apartment.’”

The person turned out to be the suspect who later shot Aull in the chest. After being shot, Aull continued the pursuit of the assailant. The assailant was killed in the shootout.

Sheriff Leon Lott says the bulletproof vest saved her life. Lott says he requires all deputies to wear

the vests. The vests are custom fit to each deputy and replaced every five years.

“I heard a number of deputies saying ‘Sheila, are you hit? Are you hit?’ I said ‘I don’t know. It feels like a bee sting,’” said Aull. “A swarm of law enforcement surrounded me, almost like angels.”

Aull says the shot that hit her was fired from one and a half car lengths away.

“I think about the family of the victim and I pray for them,” said Aull. “I am sorry, but it had to be done.”

Excerpt from WLTX Interview, Columbia, South Carolina, March 6, 2013, 6:40 p.m., <http://www.digtriad.com/news/article/273011/0/Richland-SC-Deputy-Who-Was-Shot-Said-It-Felt-Like-A-Bee-Sting> (accessed June 6, 2013).

with possible PTSD); and (4) getting your message out quickly—build morale, reduce rumors, and stand up for an individual's actions under pressure.

Training and equipment: More often than not budgets and resource limitations restrict the amount of training and equipment provided to deputies. This is unacceptable in this day and age. The criminals train inside and outside correctional facilities every day to commit criminal activities, and often have the upper hand over those who are actually in the crime-fighting business. We have to make sure we find and obtain the best training and equipment possible to stay ahead of the criminals. Prior to the events of February 26, 2013, the deputy attended a weeklong active shooter training. Following this incident, all she talks about is the training that kicked in to help her handle being shot at, being shot, and maintaining the ability to return fire, which ultimately saved her life.

Prepare personnel: The old adage that an ounce of prevention is worth a pound of cure is more true now than it was 100 years ago. Public safety leaders must practice and prepare to handle all of the intricate details of a critical incident. This involves having specific policies and procedures in place for everything from crime scene preservation and investigation to how the officer's family is notified of a critical incident to a policy that identifies who is responsible for each and every intricate detail of a funeral.

More important, it means having the right people in place to do the right jobs. On February 26, 2013, while I was 3,000 miles from the incident location, the preparation of personnel worked. The deputy's vest stopped the bullet, her training kicked in, and the threat to her and the community was eliminated. The community was notified immediately of what actually happened, and the procedures in place allowed everyone to do their jobs, which they did exceptionally well.

What Deputies Need

Ask any peace officer and you will be told that he or she does not need peer or critical incident support. Yet, the low return to work rate after critical incidents proves it is necessary. Executives must have personnel and resources in place to provide peer support, grief counseling, and short- and long-term support. This can involve immediately replacing the deputy's gun (needed for evidence) with another and not placing the deputy on administrative leave. Both of these actions maintain the deputy's dignity and sense of belonging. Keep employees who are involved in shootings connected in order to deal with possible PTSD that can result from such critical incidents.

Just as important is the preparation prior to a critical incident taking place. In order for personnel to successfully return to work long-term and for the agency to weather a critical event (whether in the media or public perception), agencies must plan, prepare, and prevent cata-

strophic failure before, during, and after a critical incident. Executives can provide the resources, training, and support to make sure public safety professionals return home to their families after each tour and pull through a crisis. ♦

Sheriff Lott can be reached at by mail at Richland County Sheriff's Department, 5623 Two Notch Road, Columbia South Carolina 29223; by telephone at 803-576-3021; and by email at sheriff@rcsd.net.

If you are interested in writing for Officer Safety Corner, please visit <http://www.theiacp.org/OSC> or email officersafety@theiacp.org for more information.

Resources

The IACP Center for Officer Safety and Wellness takes a proactive approach to safety and wellness by providing guidance on preventing harmful situations and creating a healthy lifestyle. Through strong engagement with IACP membership, the Center for Officer Safety and Wellness identifies the most pressing wellness issues and safety challenges facing officers. It addresses these needs and provides tools for leaders to prepare their officers, serving as an agent for positive change in the law enforcement community. For more information on the Center for Officer Safety and Wellness, visit <http://www.theiacp.org/officersafety>.

The IACP National Law Enforcement Policy Center offers a policy and accompanying paper on the following related subjects: critical incident stress management; officer-involved shootings, in-custody deaths, and serious uses of force; and line-of-duty deaths and serious injury. For more information on IACP National Law Enforcement Policy Center model policies, please visit <http://www.theiacp.org/PublicationsGuides/ModelPolicy/tabid/135/Default.aspx>.



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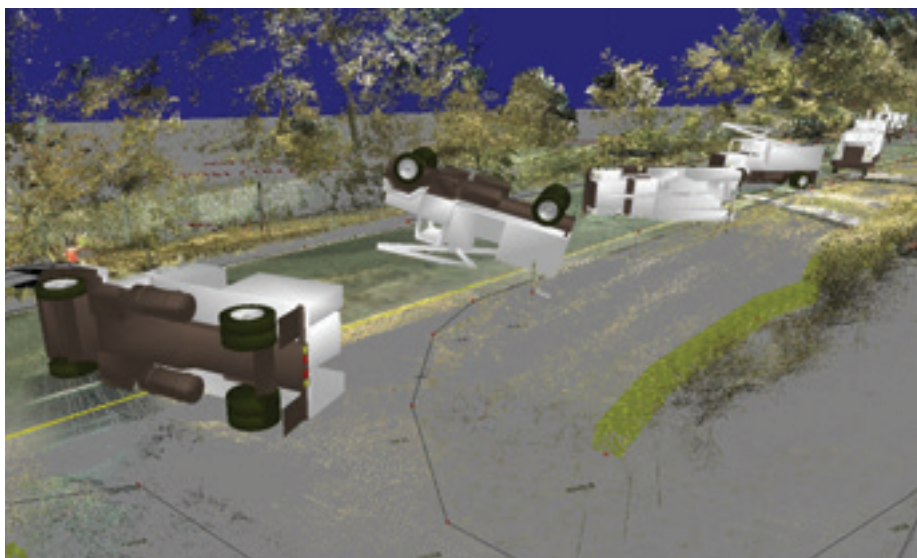
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ADVANCES & APPLICATIONS

Where do the good ideas come from?

In this column, we offer our readers the opportunity to learn about—and benefit from—some of the cutting-edge technologies being implemented by law enforcement colleagues around the world.



CAD Zone, Inc., Introduces CZ Point Cloud Software to Capture Full Crime/Crash Scene Details

The CZ Point Cloud solution from CAD Zone, Inc. enables investigators to produce courtroom-ready 2D/3D diagrams and animations from the “point cloud” of data produced by a 3D laser scanner. This innovative software is valuable for mapping crime and crash scenes in their entirety when used with high-quality laser scanners such as those available from FARO or Leica.

A laser scanner can produce a complete 3D model of a crash or crime scene, showing every detail of a scene as it looked once an event occurred. The scanner measures millions of points, then produces a point cloud of X, Y, Z coordinate points as a data file. The point cloud represents the set of points that the scanner has recorded.

According to Bobby Jones, senior reconstructionist and owner of Bobby Jones Accident Reconstruction and Investigation Services, Inc., Knoxville, Tennessee, by applying scanner and point cloud technology, “We are capturing more evidence because scanners can take a snapshot of everything they see from one position.” Likewise, Jones considers CZ Point Cloud the best software for producing drawings from a point cloud. Why? Because the software has many features that make it fast and easy to accurately identify the correct points and use them to create

a diagram. “In CZ Point Cloud, the user can bring in a point cloud and create a map within minutes that normally may have taken hours in other applications,” Jones said.

Jones used a scanner and CZ Point Cloud to map a single-vehicle crash in which the driver was ejected due to a high rate of speed. The scanned scene showed not only the body’s trajectory through a series of trees, but plotted points in the trees where it travelled. “We didn’t realize the information was there, but the scanner saw it,” Jones said. The evidence was easily extracted from the scene using CZ Point Cloud.

The diagram plus the point cloud can be displayed simultaneously so investigators can work in either window. The investigator can move through the 3D environment viewing any portion of the cloud in either a fast display mode or in high definition.

Using a laser scanner at a crash or crime scene allows capture of the complete scene from various vantage points, which means return visits are typically not required. The point cloud is also a completely accurate recording of the scene at the time of the incident. If a case is re-examined years later, the scanned scene and all of the evidence points can still be accessed and used just as on the day the measurements were taken.

Finally, CZ Point Cloud is a powerful tool for courtroom presentations. It allows for the simple creation of 2D and 3D diagrams as well

as a complete animated fly-through of a scene. This allows jurors to visit the scene and view evidence from virtually any angle, showing witness point of views, bullet trajectories, and other critical evidence.

For more information, visit <http://www.cadzone.com>.

RFID Improves Security and Saves Time for the Richardson PD

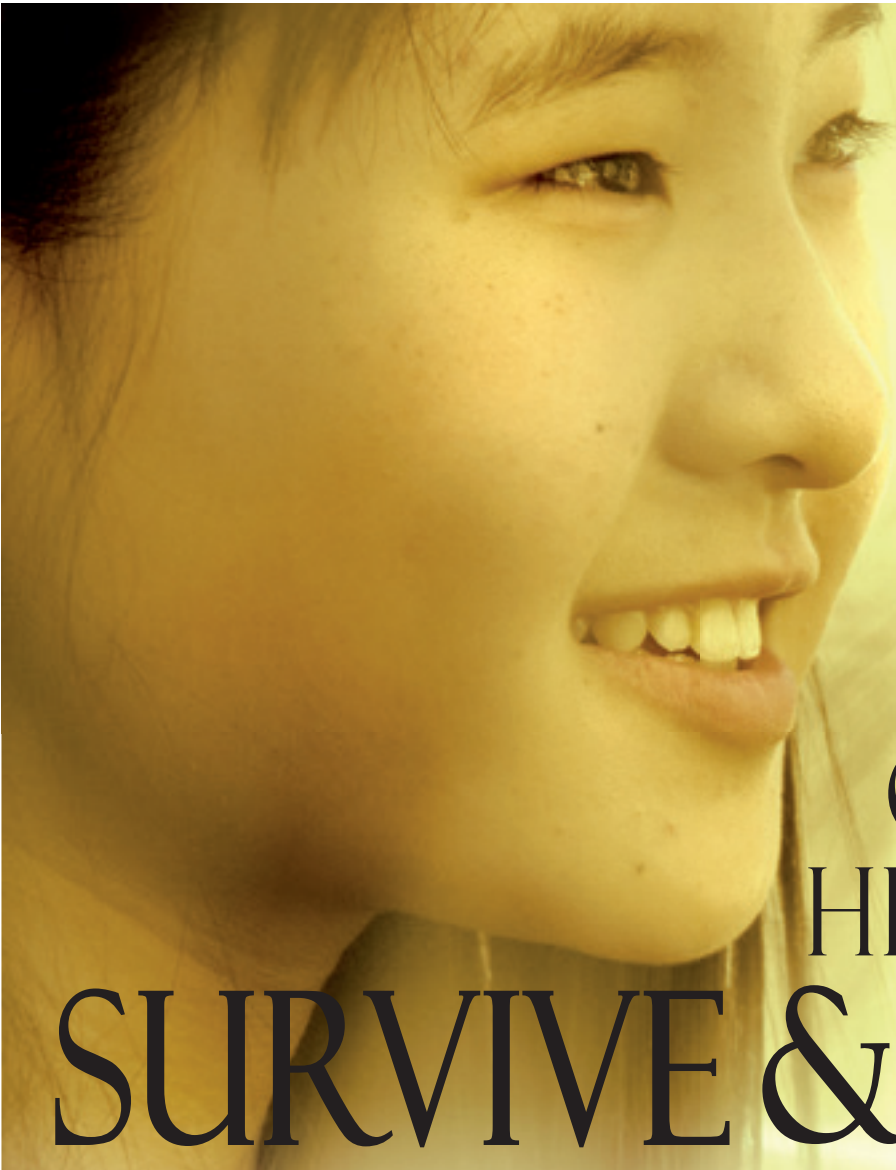
Before an officer of the Richardson, Texas, Police Department goes on patrol, he or she is responsible for verifying that everything that belongs in the squad car is there. Officers spent up to 15 minutes each shift recording the serial number from every radio, shotgun, citation printer, and other piece of equipment in the vehicle. Time that used to be spent looking for assets and recording serial numbers can now be spent on patrol. RFID’s system completes the pre-shift inventory process in seconds.

“In less than a minute the officer is ready to roll,” says Richardson Police Chief Jimmy Spivey. “You multiply 15 minutes a day saved by all the officers every day of the week, and the system is a massive time saver.”

A secure Xerafy RFID tag has been permanently affixed to each in-vehicle asset. The officer coming on shift uses a handheld computer with integrated RFID reader to do a quick sweep of the vehicle. Using a software application developed by GlobeRanger, the reader automatically identifies all the assets in the vehicle and records their serial numbers plus a time and date stamp of the transaction. The transaction updates the chain-of-custody record in real time so the department always has a record of which officer last had every specific piece of equipment. More importantly, the application issues an alert if any assets that are supposed to be in the vehicle are missing, so they can be located or replaced prior to the officer going on patrol.

There are typically between 10 and 16 patrol officers deployed on each of the three daily shifts of the Richardson Police Department. By saving approximately 15 minutes per shift per day, the Richardson Police Department is saving 7.5 to 12 hours a day – about the equivalent of a patrol shift. ♦

For more information, visit <http://www.xerafy.com>.



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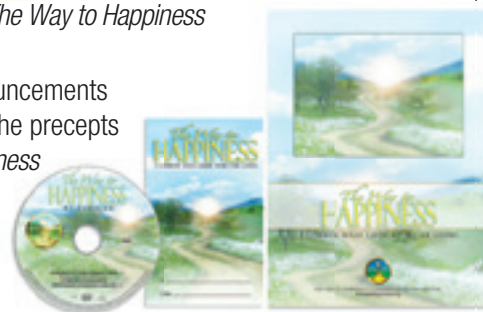
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Highly Visible Traffic Enforcement Drives Truck and Bus Safety

By Jack Van Steenburg, Chief Safety Officer and Assistant Administrator, Federal Motor Carrier Safety Administration; and Mike Edmonson, Colonel, Louisiana State Police, and General Chair, Division of State and Provisional Police, International Association of Chiefs of Police

The fundamental mission of the U.S. Department of Transportation (USDOT) is to ensure that U.S. citizens travel safely from one destination to another. The Federal Motor Carrier Safety Administration (FMCSA), an agency within the USDOT, holds the responsibility for ensuring only safe commercial vehicle drivers and commercial vehicles are on U.S. roadways.

Everything FMCSA does is focused on one goal—saving lives by reducing crashes. More than 70 percent of U.S. freight is transported using large trucks.¹ Intercity bus transportation is the fastest growing segment of public transportation—moving millions of passengers into and out of U.S. cities each year.

FMCSA's safety first mission focuses on three core principles or safety goals:

- **Raise** the bar to enter the motor carrier industry
- **Maintain** high safety standards to remain in the industry
- **Remove** high-risk carriers, drivers, and service providers from operation

FMCSA's Force Multiplier

FMCSA's success relies on a shared partnership with state and local law enforcement agencies throughout the United States.

FMCSA's 1,100 employees partner with nearly 12,000 state and local law enforcement officers who are dedicated, either part-time or full-time, to improving commercial motor vehicle (CMV) safety on U.S. roadways through the Motor Carrier Safety Assistance Program (MCSAP). Together, these federal, state, and local safety professionals annually conduct more than 3.5 million CMV roadside inspections; 38,000 new entrant safety audits; and 16,000 compliance reviews.

FMCSA recognizes that through the Comprehensive Safety Analysis (CSA) and MCSAP programs a large number of partners and stakeholders contribute to the efforts to reduce CMV crashes, injuries, and fatalities.

A crucial force multiplier needed to advance FMCSA's mission is state and local law enforcement officers engaging in highly visible traffic enforcement to deter unsafe driving behaviors of both commercial vehicle drivers and light vehicle operators. To accomplish this component of its mission, FMCSA is developing a strategy designed to direct available resources to those places where crashes are known to most likely occur and to target those unsafe driving behaviors that lead to crashes.

Highly visible traffic enforcement serves two purposes: (1) drivers either comply with traffic laws and regulations intended to promote safe driving or (2) they are removed from the driving system through the enforcement and adjudication process, which is crucial to accomplishing the third component of FMCSA's strategy.

Tackling the Problem

Data indicate that roadways are getting safer. Truck and motorcoach-related fatalities dropped 28 percent between 2005 and 2011. But more still needs to be done. Nearly 4,000 lives are lost in large truck and bus crashes each year. This means that, each and every day, 11 people are killed and 216 people are injured in large truck crashes.

These deaths and injuries are preventable. Of those fatal crashes involving large trucks and buses, 90 percent were caused by drivers of either CMVs or passenger vehicles. Behaviors, such as speeding, following too close, and failure to yield—all highly visible and detectable actions—are driver-related crash factors. During the past

two years, 34 percent of drivers of large trucks and buses involved in fatal crashes had at least one *driver-related* crash factor, and 4 percent of large trucks had at least one *vehicle-related* crash factor. The most frequent driver-related factors included: speeding, distracted driving, impairments (such as fatigue and illness), and failure to maintain proper lane control.

During the past year, 34 percent of large truck occupants killed in crashes were not wearing seatbelts. In 22 percent of large truck crashes with at least one occupant fatality, speeding was a factor, and 27 percent of fatal crashes in work zones involved a large truck.²

Even though the causes of most crashes are no mystery, preventing them is not an easy task—the commercial driver population is substantial. FMCSA oversees the drug and alcohol testing and driver fitness requirements for approximately 4 million active commercial drivers' license (CDL) holders. The commercial vehicle industry is sizable. FMCSA regulates more than 500,000 trucking companies and 12,000 interstate bus companies.

Commitment to Motorcoach Safety

In the past four years, FMCSA has carried out an unprecedented series of strategies and programs to improve bus safety and oversight. However, far too many bus crashes with devastating impacts still occur. One crash can result in multiple deaths or injuries. More must be done to prevent these crashes and make a lasting impact to improve the standard of bus safety.

In February 2013, Secretary LaHood announced a major nationwide safety crackdown on high-risk passenger carriers. To answer this call, FMCSA has dispatched 50 specially trained safety investigators to tar-

get high-risk motorcoach companies that risk the lives of the motoring public. FMCSA investigators underwent specialized training prior to the first wave of a national safety sweep in April.

FMCSA's safety personnel coordinate with state law enforcement partners to target bus companies and conduct vehicle inspections. During the first six months of 2013, FMCSA took action against 18 companies putting them out-of-service for violating basic safety standards and putting their passengers in jeopardy. During this same time period, FMCSA and its state enforcement partners conducted more than 13,500 roadside inspections resulting in nearly 1,500 driver and vehicle out-of-service violations being issued.

Secretary LaHood wrote to the governors of each state to urge their active participation in improving bus safety. The Secretary called for the active partnership of each state to safeguard the traveling public by stepping up traffic enforcement to address dangerous driving behaviors.

In addition to these focused activities, FMCSA is educating consumers and tour operators on the importance of researching the compliance and safety performance of motorcoach companies before hiring them.

Increasing Highly Visible Traffic Enforcement

To meet this challenge, honor its commitment to improving safety, and realize a sustainable strategy to reduce crashes, FMCSA asks law enforcement officers to *actively* enforce laws against unsafe, crash-causing traffic violations by operators of large trucks and buses.

The strategy is simple, and the tactic is clear: When an officer observes a large truck or bus operating unsafely, that officer should make the vehicle stop and issue the driver a citation in accordance with agency policy and the law. This level of traffic enforcement has already proven to be effective for all types of unsafe driving behaviors and as a crime prevention measure. For instance, there have been traffic stops for failing to display a license plate or failing to stop for a posted stop sign that have resulted in major drug arrests.

In one recent search in Missouri, patrol officers found a false compartment in the truck and trailer containing bundles of marijuana. Another traffic stop of a truck outside Las Vegas, Nevada, resulted in a drug trafficking arrest after officers found more than 450 pounds of cocaine. The driver was initially pulled over for driving erratically.

Interventions like these can save lives. With more U.S. citizens traveling on commercial buses than on commercial airlines, enforcement of traffic violations could yield many benefits. FMCSA's safety personnel have already begun coordinating

with state law enforcement partners to target high-risk bus companies and conduct vehicle inspections.

Passenger vans in particular are increasingly an area of concern. Investigators have found vans transporting passengers in for-hire transportation without any DOT markings or registrations. It has been discovered that some vans have been modified to accommodate additional passengers. There have been cases of extra seating being added without the required safety belts and even eliminating emergency exits from the vehicle, all of which are major safety concerns.

Unfortunately, many of these incidents go unnoticed until there is a tragedy. However, through effective traffic enforcement programs, unscrupulous operators such as these could get stopped and cited and catastrophic crashes and loss of life can be prevented.

Effective adjudication is also important. Engaging prosecutors and judges to properly adjudicate citations for a serious and major traffic offense when issued to commercial licensed drivers is crucial to improving large truck and bus safety. Serious traffic offenses for commercial licensed drivers include unsafe driving behaviors such as speeding more than 15 miles per hour above the posted speed limit, following too close, changing lanes improperly, texting and using a cell phone while

driving, and driving recklessly or while impaired. Major traffic offenses include felony use of a vehicle and leaving the scene of a crash.

FMCSA will work with its federal partners at the Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA) to include large truck and bus enforcement as part of each state's Highway Safety Plan.

New Partnerships and Collaborative Efforts

FMCSA and the International Association of Chiefs of Police (IACP) have partnered to bring the goal of increased highly visible traffic enforcement to life. Through this partnership, more law enforcement officers will have an opportunity to change driver behavior and prevent crashes.

It is always about safety. Everyone wants safe drivers and vehicles traveling the roadways. The trucking industry has the same priorities as law enforcement when it comes to safety and that is why it is important for federal, state, and local law enforcement to work with industry partners to bring about awareness and understanding.

To continue working toward the overall goal of preventing injuries and fatalities caused by operator error of large trucks and buses, the IACP has led the charge to develop and implement state-specific

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strategies to target “hot spot” corridors—areas where crashes cluster within states, such as rural highways, intersections, and work zones. IACP has begun developing an enforcement strategy to focus on these hot spot areas to conduct highly visible traffic enforcement.

The IACP recently developed a video series to improve an officer’s understanding of commercial driver’s licenses, allowing officers to confidently and safely interact with a large truck or bus driver. The video series covers topics such as how to examine the commercial driver’s license, including its security features, identifying fraudulent licenses, and officer safety considerations when conducting a vehicle stop for a large truck or bus.

This seven part video series, developed in partnership with the FMCSA, can be viewed in its entirety to gain a broad understanding of the commercial driver’s license or in individual sections within the series to learn about specific topic areas. This series can be used during roll call or for an officer who is interested in learning more about the commercial driver’s license.

The video series is available on the IACP website at <http://www.theiacp.org/PublicationsGuides/Projects/FraudulentCommercialDriversLicenses/tabid/1080/Default.aspx>.

Additional training videos include the following:

- *Pull ‘Em Over*, produced by the Community College of Baltimore County School of Business, Criminal Justice and Law
- *18-Wheels & Busted*, produced by the American Association of Motor Vehicle Administrators, www.aamva.org

These videos in addition to other training curricula and materials are also available via the International Association of Directors of Law Enforcement Standards and Training, National Law Enforcement Academy Resource Network at <http://www.iadlest.org/Projects/NLEARN.aspx>.

At the 120th IACP Annual Conference in Philadelphia, October 2013, IACP and FMCSA will hold a workshop to engage partners and stakeholders on highly visible traffic enforcement efforts. IACP and FMCSA have also developed materials to raise awareness and educate law enforcement officers on conducting safe large truck and bus vehicle stops. These materials cover topics like approaching a CMV, making driver contact, examining a CDL, and identifying fraudulent CDLs.

Call to Action

Highly visible traffic enforcement of unsafe large trucks, buses, and drivers will

prevent crashes, save lives, and make a positive change for highway safety.

Together, FMCSA and IACP, must continue to provide law enforcement officers the knowledge and skills appropriate to safely—and confidently—conduct vehicle stops of large trucks and buses. Effective traffic enforcement, and issuance of traffic citations when appropriate, will go a long way to improving traffic safety for everyone while protecting U.S. communities and families from needless tragedies.

Although the work is far from over, partnerships and collaborative efforts help to protect the safety of the U.S. people, preventing crashes and saving lives. IACP’s support is important to helping FMCSA in meeting the safety challenges on U.S. roadways. Working together, they can make U.S. highways safer for everyone. ♦

Notes:

¹*Commodity Flow Survey*, Research and Innovative Technology Administration, U.S. Department of Transportation, http://www.rita.dot.gov/bts/sites/rita.dot.gov.bts/files/publications/commodity_flow_survey/index.html (accessed June 4, 2013).

²*Fatality Analysis Reporting System (FARS)*, National Highway Traffic Safety Administration, <http://www-fars.nhtsa.dot.gov/Main/index.aspx> (accessed June 1, 2013).



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This project was supported by a grant awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice.

Preventing Carnage



By Richard J. Ashton, Chief of Police (Retired), Frederick, Maryland; and Grant/Technical Management Manager, IACP

ceptors that are being replaced. Colonel Born explains in "Safety First" the OSHP's comprehensive efforts, including its partnering with a private driver training facility, to obtain high-quality instruction for all of his troopers.

Colonel Born outlines in "Officer Safety: Every Shift, Every Day" the coordinated efforts of the State and Provincial Police Directorate's (S&P's) Traffic/Officer Safety Subcommittee to better ensure that officers safely complete each tour of duty. He describes the subcommittee's first foray into this realm: deploying tire deflation devices.

Captain Daniel W. Gerard, of the Cincinnati, Ohio, Police Department, in "Cincinnati HAZARD: A Place-Based Traffic Enforcement and Violent Crime Strategy," expands upon the success Cincinnati achieved through the implementation of its Crash Analysis Reduction Strategy (CARS), which yielded in 2010 a 47 percent reduction in fatal crashes over 2005. The new effort focused on both traffic crashes and criminal acts in four neighborhoods where street gangs operate in one of Cincinnati's five patrol districts and combined the tenets of CARS and those of Data-Driven Approaches to Crime and Traffic Safety (DDACTS) into High Activity Zones and Resource Deployment (HAZARD). During the first calendar quarter of 2013, significant reductions in violent crimes, property crimes, and traffic crashes occurred in three of the four neighborhoods, as well as in the entire patrol district. HAZARD demonstrates how a place-based strategy can simultaneously affect in a positive way the incidence of crimes and collisions.

In "Efforts Continue to Address Drugged Driving, But Is It Enough?," Oregon State Police Captain (Retired) Chuck Hayes—an IACP Drug Evaluation and Classification Program Regional Operations Coordinator—makes a strong case supporting the increased incidence of drug-impaired driving and the dangers that it presents, identifies loopholes—and suggests remedies—in drug-impaired driving statutes, describes DRE training and promotes the value of DREs, and proposes increasing officers' proficiency by adopting the two-day Advanced Roadside Impaired Driving Enforcement (ARIDE) training program.

Just as no single factor causes all highway fatalities, no silver bullet is available to stop the carnage. Effective solutions to prevent the deaths and serious injuries that traffic collisions cause exist, and it is hoped that those presented in this issue will motivate law enforcement leaders to explore strategies that appear to be reducing carnage. ♦

There is no single solution to prevent traffic crashes, the carnage they produce, and the lives that are forever changed because of them. However, law enforcement professionals across the United States constantly are crafting action plans to mitigate what they have determined to be the primary causes of collisions in their respective jurisdictions.

The 2013 highway safety issue of the *Police Chief* presents several approaches to reducing various types of collisions and the deaths and serious injuries they needlessly cause. Hopefully, these articles will result in readers' adopting or modifying existing programs or will motivate them to develop entirely different tactics warranted by the existing issues within their areas of responsibility. Regardless of the program selected, the bottom line is that law enforcement leaders are attempting to alleviate crashes and the accompanying carnage for the benefit of all highway users whom they have sworn to serve professionally.

Colonel John Born, Superintendent of the Ohio State Highway Patrol (OSHP), puts human faces on stark fatality statistics in "Safety Is Important when It Is Personal: Taking a Leadership Role in Highway Safety." He touts the value of the Federal Highway Administration's traffic incident management program and its multi-disciplinary training of first responders; and he supports National Transportation Safety Board Safety Recommendation H-12-37 relative to the value of collecting place of last drink (POLD) information in connection with each arrest or crash investigation involving an alcohol-impaired driver and has expanded POLD to the drug-impaired driver, promising to double the number of drug recognition experts (DREs) in Ohio by the end of next year. Colonel Born explains Ohio's implementation of Moving Ahead for Progress in the 21st Century (MAP-21) and provides a positive update of its time efficiency value program initiated in 2011.

The OSHP is transitioning to Dodge Chargers and recognized early on the need to train its troopers to safely drive a vehicle that is significantly different than the Ford Crown Victoria Police Inter-



Safety Is Important when It Is Personal: Taking a Leadership Role in Highway Safety

By Colonel John Born,
Superintendent, Ohio
State Highway Patrol

Nearly every state trooper, police officer, deputy sheriff, and constable has arrived on the scene of a tragic motor vehicle crash and been personally changed forever.

In 1987, not long after graduating from the Ohio State Highway Patrol academy, I arrived at my first horrific head-on crash that killed two young college students and critically injured seven others. Both of the young ladies killed, Kimberly and Deanna, weren't much younger than I was and had attended the same university from which I had graduated. No chance of graduation, no first job, no marriage, no children, and no future life-enriching experiences would be possible for them. My thoughts turned to the unfortunate families I would need to notify. It was at that moment in time, I knew I needed to do more to prevent crashes like that one from happening again. It is that personal experience of being on scene and more

importantly in the right place at the right time on the road before a crash occurs, that provides a unique ability for law enforcement agencies to take a greater leadership role in highway safety.

While effective highway safety efforts must blend enforcement, education, engineering, and emergency medical services, law enforcement officers are there when a crash occurs and more importantly can be there before it occurs. We know we can actually stop a tragedy because most crashes are a result of drivers' poor behavior. We do it when we stop a wrong-way impaired driver; when we change behavior through a safety belt citation; when we stop a recklessly texting teenager. We also know we can improve highway safety while interdicting drugs, criminals, and terrorists. We've seen the power of good we can do, and we have long measured our effort and effectiveness in crime and crash reduction.

Statistical measurements of effort and results, combined with law enforcement empowerment, are at the heart of MAP-21 (Moving Ahead for Progress in the 21st Century) that provides an *unparalleled opportunity for law enforcement to take a greater role in highway safety*.¹ It is an effort- and results-driven funding approach that fits hand and glove for law enforcement. MAP-21 also provides a strong basis for strengthening existing partnerships and establishing new traffic safety partnerships.

Law Enforcement Leadership in Highway Safety Partnerships

In today's challenging budgetary environment, results-driven approaches that utilize partnerships are key to maximizing available resources. In Ohio at the beginning of 2013, the Ohio Department of Public Safety integrated sister divisions of the Ohio Investigative Unit (which investigates



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September 9–20, 2013
March 10–21, 2014

Crash Investigation 2
September 23–October 4, 2013
March 24–April 4, 2014

Vehicle Dynamics
October 7–11, 2013
April 14–18, 2014

CDR Technician Level 1*
October 10, 2013
March 3, 2014

CDR Technician Level 2*
October 11, 2013
March 4, 2014

Traffic Crash Reconstruction 1
October 14–25, 2013
April 21–May 2, 2014

Traffic Crash Reconstruction 2
October 28–November 1, 2013
May 5–9, 2014

CDR Data Analyst
November 4–8, 2013
April 7–11, 2014

Traffic Crash Reconstruction 3
February 24–28, 2014

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April 7–11, 2014

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alcohol violations) and the Ohio Traffic Safety Office (which administers federal traffic safety funds) into more efficient consolidated operations within the Ohio State Highway Patrol (OSHP). As a result of the consolidation and streamlined administration, new traffic safety objectives are now possible.

First, it starts with protecting those who protect others through Traffic Incident Management (TIM).

Those committed to traffic safety are always looking for best practices and methods to make travel safer throughout the world. One program that was introduced in 2002 is called Ohio Quick-Clear and was an attempt to create a TIM program that reduces the duration of road closures for traffic incidents. Although the program generated interest, it became static over time.

The Federal Highway Administration's (FHWA's) TIM program was combined with our program last year. The FHWA provided train-the-trainer sessions for first responders in the fall of 2012. The combination of the FHWA TIM program and our Quick-Clear program provides the basis of our current program. The mission of our program is for the safe and effective flow of traffic during emergencies to prevent further damage, injury, or undue delay of the motoring public. TIM/Quick-Clear had

been shared with nearly 500 first responders of all disciplines by the end of 2012. The goal for 2013 is to train another 7,200 of Ohio's first responders.

Second, the implementation of "trace-back" investigations of *all* alcohol- and drug-involved fatalities (in which we work to find the source of the drugs or alcohol suspected of causing serious crashes) has established Ohio as a forerunner in the United States to examine the potential root causes to all serious crashes caused by impaired drivers. In addition to the crash investigation that holds the driver accountable, those responsible for enabling the impaired driver are being held accountable. The first criminal charges were filed less than a month after the effort began.

Traffic Safety Partnerships and Initiatives with Local Law Enforcement

It cannot be overstated that law enforcement needs to take a greater leadership role in highway safety efforts. Whether in crash investigation, drug trafficking and crime interdiction, or even in ensuring the maximum efficiency of officers in protecting citizens, it is essential we utilize our strengths in assuming leadership roles toward contributing to safer communities across the United States. We also must be responsible stewards of the funds allocated for carrying out those leadership responsibilities.

The Highway Safety Act of 1966 authorized the first federal highway safety program—the State and Community Highway Safety Grant Program (Section 402).² Since then, Congress has revised national highway safety grant programs many times through reauthorizing legislation, creating new incentive grants, penalties, and sanctions.

Law enforcement has an excellent opportunity through MAP-21 to take a greater leadership role. MAP-21 is the most recent surface transportation statute that authorizes the federal surface transportation programs—including highway safety programs—for federal fiscal years 2013 and 2014. Under MAP-21, states must agree to three new assurances (that is, certifications) in addition to the assurances required under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). These assurances focus on state participation in national mobilizations, establishment of a data-driven enforcement program, and coordination of the plan required under Section 402 with the state's Strategic Highway Safety Plan.³

As Ohio transitions under Map-21, our traffic safety partners will see a few small modifications in the administration of the grants program that is now aligned under the OSHP. This reorganization streamlines operations while continuing to provide the same high level of service to all grant recipients.

Map-21 requires that states be perfor-

mance driven and streamline their operations within the traffic safety grant program. Ohio has implemented a regional approach to achieve this goal and has organized the awarded grantees into eight geographic districts or regions. Each region will have a traffic safety committee chaired by the patrol's district commander. The committee's membership will include every agency that is awarded federal funds for the current fiscal year within that region. The members will include state and local law enforcement agencies and other non-profit government agencies located within the region. The committee will meet quarterly to review activity from recent blitzes, conduct problem identification, analyze current crash trends involving serious injury and death, create partnerships to improve enforcement efforts for the detection and apprehension of impaired drivers, and coordinate resources to improve seat belt usage and reduce vehicle speeds in problem areas.

This regional approach will not only build positive working relationships between traffic safety partners and all law enforcement agencies receiving federal grant dollars, but also improve communications among agencies and increase the effectiveness of all resources during the high-visibility enforcement efforts throughout the state.

Through this holistic approach to improving traffic safety and reducing traffic deaths throughout the state, many agencies will have access to resources and statistical data that may not have been available to them during their normal operations.

Along with providing a local investment into federal traffic safety funding decisions, sharing resources for traffic safety efforts now includes partnerships related to intelligence services. The OSHP's "Hub" is a 24-hour command center that serves as a central operating point during critical incidents. The Hub intelligence analysts provided guidance to over 80 agencies in the first year of the effort. Many of those requests came from police officers, deputy sheriffs, and troopers on active traffic stops. The demand for traffic safety and drug interdiction intelligence services has become so critical to Ohio's law enforcement agencies that a new OSHP intelligence center, staffed 24 hours a day and 7 days a week by seven intelligence analysts, has been expanded within the state Emergency Operations Center in Columbus, Ohio.

Creating and Measuring a Better Balanced Workforce Effort without Quotas

While accountability for the efficient use of federal traffic safety funds by agencies is critical, it is also important for agencies to hold their officers accountable for a balanced and fair effort. That is the basis for the success of the OSHP's Time Efficiency Value (TEV) initiative.⁴ The first two

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years of results, for 2011 and 2012, have been overwhelmingly impressive. With a smaller workforce on the road due to attrition, overall functional activity by troopers rose in 2012 by 111,422 enforcement stops, warnings increased by 80,730, and drug cases from traffic stops rose 3,260. Just as important, the number of impaired driving arrests rose while the overall proportion of alcohol-related fatalities declined. Also, preliminary data for 2012 indicate troopers seized 110 percent more heroin than in 2011. During 2011 and 2012 combined, troopers seized more than \$117 million in illegal drugs and contraband, significantly more than had ever been seized on Ohio roads in a two-year span.

When the TEV was first implemented, there were many more than 200 officers not within minimum efficiency standards. By the end of 2012, that number had decreased to 21. Since the OSHP's TEV program is based upon a trooper's time rather than the number of tickets written, the OSHP was able to improve its efficiency and productivity without concerns of a quota system, and the byproduct has been the success of the last two years. Troopers are more active and have a clear understanding of the goals and objectives of the OSHP. The discussion is no longer about how many stops or tickets are expected, but how efficiently the officer is using his or her time. By creating an efficient agency through the implementation of the TEV program, the OSHP has had results never before seen in its history. The citizens of Ohio and those visiting the state are safer as a result.

The critical role of traffic law enforcement includes improving the quality of life by interdicting degrading elements and apprehending those who prey on others. We cannot prevent every fatal crash. But we can and do prevent some and are getting better at preventing more.

Helping our efforts, roadway signs were posted at all interstate entry points and throughout Ohio to promote a method to report drug activity and impaired drivers. That number, #677, now averages nearly 5,000 tips from the public per month.

As a continued investment in this important area, the OSHP will reach its goal of doubling the Drug Recognition Expert (DRE) trained troopers, deputies, and police officers within a two-year period. Currently, there are 59 DREs in Ohio, with 24 DREs from the OSHP. By the end of 2014, we expect to have more than 125 DRE officers in Ohio dedicated to removing drug-impaired drivers from Ohio roadways. Additionally, nearly every sergeant and trooper in the OSHP has received Advanced Roadside Impaired Driving Enforcement (ARIDE) training, which provides officers with general knowledge related to drug impairment. ARIDE training is now being provided to all agencies throughout Ohio.

In January 2011, OSHP began asking every OSHP employee one question, "What will you do today to contribute to a safer Ohio?" That year, the fewest number of people, 1,015, were killed in traffic crashes on Ohio roads in its history. That's 1,015 too many. We owe it to the Kimberlys and Deanas in communities across the United States to lead greater progress. ♦

Notes:

¹"MAP-21: Moving Ahead for Progress in the 21st Century," Federal Highway Administration, U.S. Department of Transportation (PL 112-141), <http://www.fhwa.dot.gov/map21> (accessed June 10, 2013).

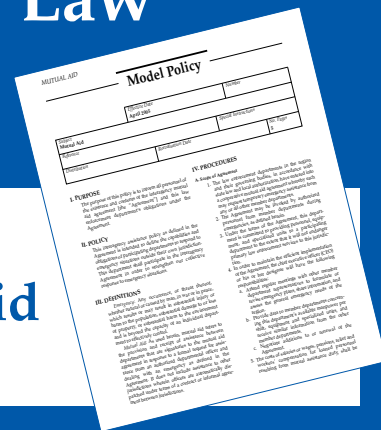
²"Section 402 State and Community Highway Safety Grant Program," Governors Highway Safety Association, <http://www.ghsa.org/html/stateinfo/programs/402.html> (accessed June 10, 2013).

³"Strategic Highway Safety Plan," Governors Highway Safety Association, <http://www.ghsa.org/html/resources/planning/shsp.html> (accessed June 10, 2013).

⁴John Born, "Time Efficiency over Quotas: Program Measures and Balances Public Safety Productivity," *The Police Chief* 79 (July 2012): 34-37.

IACP National Law Enforcement Policy Center

Spotlight on..... Mutual Aid



Historically, law enforcement mutual aid agreements have been employed most often on a limited basis for the sharing of personnel and resources to establish multi-agency investigative teams and task forces.

Typically, the enabling agreement between jurisdictions takes the form of memorandums of understanding. Such agreements are limited in scope and purpose to address specific crime problems that cut across jurisdictional boundaries. Most familiar to police agencies are automatic mutual aid agreements in which units from neighboring jurisdictions are automatically dispatched to incident scenes. These are interlocal agreements that are usually basic contracts or even informal agreements. The mutual aid agreements discussed in this document are more formalized than these types of agreements and are designed to provide a wide range of services and resources to afflicted jurisdictions over longer periods.

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Efforts Continue to Address **DRUGGED DRIVING,** *But Is It Enough?*

**By Chuck Hayes, Patrol
Operations Captain, Oregon
State Police (Retired), Salem,
Oregon; Drug Evaluation
and Classification Program
Regional Operations
Coordinator, IACP**

Agrowing body of research is confirming what law enforcement officers and traffic safety experts have suspected for years: that many licit, illicit, and over-the-counter drugs impair a driver's ability to operate a vehicle. Much of this research has involved laboratory or experimental studies using driving simulators, although some epidemiological studies have examined the effect of drugs on crash prevalence and risk. While data focusing on the danger of driving under the influence (DUI) caused by alcohol is readily available, and often cited, less is known or discussed about the dangers associated with DUI caused by drugs other than alcohol.

DUI is an issue that crosses all segments of society and endangers everyone using U.S. roadways. For many years traffic safety professionals throughout the United States have focused primarily on alcohol-impaired driving, which is responsible for an alarming percentage of traffic deaths each year. In recent years, great strides have been made to combat drunk driving and as a result, many lives have been saved. The National Highway Traffic Safety Administration (NHTSA) recently reported that U.S. alcohol-related fatalities once again declined 2.5 percent from 2010 to 2011;¹ however, at the same time, drugs other than alcohol or mixed in combination with alcohol, have become more prevalent in impaired driving fatal crashes. In a recent study, researchers looked at four types of fatal crashes from 14 states and determined that approximately 25 percent of the drivers in those crashes tested positive for drugs.² This study, which was one of the first to show the prevalence of drug use among fatally injured drivers, provides further evidence of a link between drug use and fatal crashes.

Many examples of the hazards of drugged driving illustrate this growing problem. In August 2011, a 54-year-old female driver struck and killed three women leaving a

church in New York.³ The driver claimed that her sandal wedged around the gas pedal causing her to accelerate uncontrollably prior to hitting the ladies. Toxicology tests, however, confirmed the presence of two prescription drugs in her system: Alprazolam (Xanax)—a medication that can cause drowsiness and dizziness, which is often prescribed for treating anxiety disorders—and Quetiapine (Seroquel), an antipsychotic drug that can also cause drowsiness and dizziness.

One month later in Salem, Oregon, a 29-year-old female driver hit three teenagers after they had exited a city bus, killing two and leaving a third in critical condition.⁴ Police suspected the driver was impaired although no alcohol was involved. A drug recognition expert (DRE) assisted with the investigation and determined that the driver was under the influence of drugs. Toxicology confirmed the presence of four prescription medications in her system: Lorazepam (Ativan); Cyclobenzaprine (Flexeril); Bupropion (Wellbutrin); and Hydroxybupropion, a metabolite of Bupropion, all Central Nervous System depressants with the potential of causing driving impairment.

On September 26, 2012, in Ventura, California, a school bus driver with 11 children on board her bus fatally struck a 75-year-old pedestrian.⁵ The investigating officers suspected she was under the influence of drugs at the time of the crash. The DRE who assisted in the investigation confirmed those suspicions, and the driver was charged with drugged driving.

On January 14, 2013, a 46-year-old man sped his vehicle recklessly through a Sayville, New York, business district hitting numerous vehicles until slamming head-on into another vehicle, killing the 82-year-old driver and seriously injuring his passenger. The driver was charged with driving under the influence of drugs (DUID).⁶

Incidents like these involving both legal and illegal drugs are occurring more frequently on U.S. roadways. In a November 2010 report on drug use by drivers involved in fatal crashes, NHTSA reported that post-mortem test results showed an increase in the level of drug involvement among fatally injured drivers from 2005 to 2009. The report shows drug use among fatally injured drivers increased from 13 percent in 2005, to 15 percent in 2006, to 16 percent in 2007, and 18 percent in 2008.⁷

The report prompted NHTSA Administrator David Strickland to release the following statement: "Every driver on the road has a personal responsibility to operate his or her vehicle with full and uncompromised attention on the driving task and this report provides a warning signal that too many Americans are driving after having taken drugs, not realizing the potential for putting themselves and others on the highway at risk."⁸

To help address the increasing incidents of drivers impaired by drugs, the International Association of Chiefs of Police (IACP), working together with NHTSA, continues to coordinate and manage the Drug Evaluation and Classification Program (DECP), also referred to as the DRE Program. As of December 2012, 49 states plus the District of Columbia were recognized by the IACP's Highway Safety Committee as officially approved DECP states.⁹

The DECP trains officers as DREs who use their specialized training to detect and identify drivers suspected of drug impairment and to identify the drug category (or categories) likely causing the impairment. In the early days of DRE, the primary emphasis of the comprehensive training focused on illegal drugs, such as cocaine, marijuana, heroin, and methamphetamine. In recent years with the concerns of prescription drug use and abuse and new "designer" drugs being used, there is an increasing awareness of many of the potentially impairing prescription drugs, as well as the new synthetic substances that can impair a driver's ability to operate a vehicle safely. As the drug culture changes, drugged-driving detection training must also change to keep up. The aim of DECP is to provide police officers with the most current training to detect both alcohol and drug impairment.

With the increases in drugged driving, the majority of states in the United States



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now include “any drug” or “any impairing substance” in their DUI statutes.¹⁰ However, a few states retain laws that only allow for certain drugs, that is, controlled substances. The DRE definition of a drug is, “Any substance that, when taken into the human body can impair the ability of the person to operate a vehicle safely.”¹¹ State DUI statutes that do not include any drug or any impairing substance undoubtedly have impaired drivers’ being arrested but avoiding prosecution. Seventeen states have strict drugged-driving *per se* laws that also help to address the drugged-driving problem.¹² However, efforts to establish more such laws have stalled. Drugged-driving *per se* laws can be effective when the impairing substance detected in the offending driver is an illegal substance; yet, if the impairing substance is determined to be a legal drug, the law may not always apply, and the impairment issue reverts to the arresting officer or a DRE involved in the investigation.

The drugged-driving problem appears unlikely to abate anytime soon and is drawing the attention of many groups and organizations. The U.S. Office of National Drug Control Policy (ONDCP) National Drug Control Strategy includes a goal of reducing drugged driving in the United States by 10 percent by the year 2015. Specifically, ONDCP aims to make preventing drugged driving a U.S. priority on par with preventing drunk driving. To work toward this goal, the strategy calls for states to adopt *per se* laws, collecting drugged-driving data, educating the communities and professionals of the hazards of drugged driving, and increasing the training to law enforcement on identifying drugged drivers.¹³

One ongoing issue that has helped fuel the drugged-driving problem is the rising use of illicit drugs in the United States. In 2012, 8.7 percent of U.S. citizens aged 12 and older—an estimated 21.8 million people—admitted using illicit drugs in the prior month—a 9 percent increase from previous years.¹⁴ The rise was driven largely by an increase in the use of marijuana, which has steadily increased through the years and continues to be the most commonly used illicit drug for persons 12 and older.¹⁵

Another factor is the growing number of elderly people using drugs, both legal and illegal. A recent report relates a dramatic increase in illicit drug use in adults age 50 and older, including an alarming rate of nonmedical use of prescription drugs among women age 60 to 64.¹⁶ The report also states that an estimated 4.7 percent of older adults (4.3 million) had used an illegal drug in the past year. The report also shows that men age 50 and older were almost twice as likely to use marijuana over the nonmedical use of prescription drugs. In those persons age 65 years or older, the use of nonmedical prescription drugs was found to be more common than marijuana use. These statistics, combined with the fact that the United States is expected to have over 92 million people above the age of 60 by 2030, is another cause for concern in the coming years.¹⁷

In a related study by LeRoy and Morse, researchers examine the association between multiple medication use and motor vehicle crashes among people age 50 and older. The study finds a large percentage of older people (64 percent) take medications that can potentially impair their driving, and those people taking three or more impairing medications were 87 percent more likely to be involved in a crash.¹⁸

As previously mentioned, DREs are now in 49 of the 50 states and the program has expanded to countries outside the United States. The IACP collects DRE-related data from each of the DECP states for the IACP’s DRE Section annual report. This report provides a state-by-state overview of the enforcement activities of the DREs for the previous calendar year. In 2011, more than 6,300 DREs nationwide conducted approximately 23,000 drug evaluations of suspected drug-impaired drivers—a figure that demonstrates the seriousness of U.S. drugged driving.¹⁹

In addition to the DRE data collected through the states’ annual reports, NHTSA has developed a national DRE database to collect and track DRE evaluations throughout the United States. As of March 1, 2013, over 245,000 drug evaluations of suspected drugged

drivers had been entered into the national tracking system by DREs from 4,639 law enforcement agencies.²⁰

Many states have strongly embraced the importance of drugged-driving recognition training for police officers, prosecutors, and toxicologists. Those efforts have resulted in increased DUID arrests. One example is in Arizona where DRE training is strongly emphasized and highly supported by the Governor’s Office of Highway Safety. In 2012, drugged-driving arrests increased by 11.9 percent from 2011 and by more than 40 percent from 2010.²¹ The same can be said for Pennsylvania, where DUID arrests have increased by 170 percent from 2004, the year they began training DREs, to 2011.²²

In addition, a number of DECP states have seen significant decreases in traffic fatalities, which can be partially attributed to a number of traffic safety initiatives, including the active use of DREs and increased drugged-driving enforcement efforts. A good example is Oregon with a 26 percent decrease in drug-related traffic deaths from 2007 to 2011 and a 31 percent increase in DUID arrests during the same period. The only year Oregon experienced a spike in drug-related fatalities was the same year in which there was a noticeable decline in drugged-driving arrests and a decline of DRE drug evaluations.²³

According to the IACP certification records through December 31, 2011, there were 6,837 DREs in 49 states and the District of Columbia. California leads the nation with 1,297 DREs and of those, 683 were within the highway patrol. The year-end national breakdown of DREs state-by-state and by law enforcement disciplines showed that 1,945 were state police or highway patrol officers, 3,659 were city police officers, 1,075 were employed by sheriff’s departments, and 158 were classified as “other” with affiliations with various state, county, and federal enforcement agencies.²⁴

Most state police or highway patrol agencies have embraced the DECP and the benefits of having DREs. The New Jersey State Police and the Texas Department of Public Safety follow California with 99 and 94 state police or highway patrol DREs, respectively. The national average is 36 state police or highway patrol DREs per state; yet a number of states that have been in the program for at least three years have fewer than 10 state police or highway patrol DREs (Alabama, Alaska, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, Mississippi, North Dakota, Rhode Island, Virginia, and Wisconsin).

DRE training consists of 72 hours of comprehensive classroom training and another 20–24 hours of hands-on certification training.²⁵ Not all police officers can be or want to be DRE-trained, and it is unlikely that all law enforcement agencies can actively participate in the DECP. To assist those law enforcement agencies, NHTSA, working in conjunction with the IACP, developed the 16-hour Advanced Roadside Impaired Driving Enforcement (ARIDE) training program. This training bridges the gap between the standardized field sobriety test (SFST) and DRE training. The training is conducted by certified and IACP-credentialed DRE instructors and includes SFST proficiency as well as training on the basic impairment indicators associated with the DRE drug categories. The course does not replace the DRE or qualify officers to be DREs.

It is estimated that more than 12,000 police officers received ARIDE training during the past two years. Several state police agencies have completely embraced the training with some making it mandatory for their officers. The Montana Highway Patrol was the first state highway patrol agency to make ARIDE mandatory and completed the training in 2012. Other state police or highway patrol agencies have made the training mandatory, including the Ohio State Highway Patrol and the Tennessee Highway Patrol with more to follow. In 2013, states will have the option of conducting live ARIDE classroom training or using a new online ARIDE training version, or both.

With the increases in prescription drug use and abuse, combined with the increases in marijuana use, it is likely drugged driving will increase thereby creating additional dangers on U.S. roadways. It makes good sense to expand drugged-driving enforcement training

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Strategies to Reduce Drugged Driving

The drugged-driving problem is arguably at its highest level in history. With the increasing usage of both legal and illegal drugs, effective strategies are needed. Law enforcement cannot stop the drugged-driving problem alone. The problem is much too large and demands collaborative efforts. Some strategies to combat drugged driving include, but are not limited to, the following:

- Expanding education and public awareness on the risks and hazards of potentially driver impairing (PDI) medications, particularly among high-risk groups.
- Expanding research of the most frequently implicated prescription drugs and over-the-counter substances involved in impaired-driving episodes and educating clinicians and health providers on their potential hazards.
- Expanding research on the adverse effects of new prescription drugs on driving performance.
- Encouraging all states to enact impaired-driving laws that include “any drug” or “any impairing substance” to help address issues caused by the increase in the creation of impairing substances.
- Increasing drugged-driving training and education for law enforcement, prosecutors, toxicologists, judges, and highway safety professionals.
- Expanding the DECP and mandating ARIDE training for all patrol officers.
- Implementing illegal *per se* drug laws nationally with a zero tolerance for illegal drugs.
- Expanding the research to better identify and understand the drugged-driving problem.
- Establishing uniform standards for laboratory drug toxicology testing throughout the United States.
- Expanding efforts to improve warning information regarding potential driving impairment for prescription and over-the-counter drugs that have impaired-driving risks. ♦

Notes:

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☐ C. 16-25
☐ D. 26-49
☐ E. 50-99
☐ F. 100-249
☐ G. 250-499
☐ H. 500-999
☐ I. 1,000 & above

2. What is the approximate population size of your city/jurisdiction?

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☐ B. 2,500-9,999
☐ C. 10,000-49,999
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☐ F. 250,000-499,999
☐ G. 500,000 & above

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☐ B. Field Operations

- ☐ C. Information Technology
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☐ E. Communications
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☐ K. Retired
☐ L. Other (specify) _____

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☐ B. State
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- ☐ P. Vehicles/Motorcycle/ATV
☐ Q. Vehicle Accessories
☐ R. Weapons/Firearms
☐ S. Uniforms
☐ T. Unmanned Vehicles/Robotics
☐ U. Not Applicable

7. Which best describes your organization's budget cycle?

- ☐ A. January 1-December 31
☐ B. July 1-June 30
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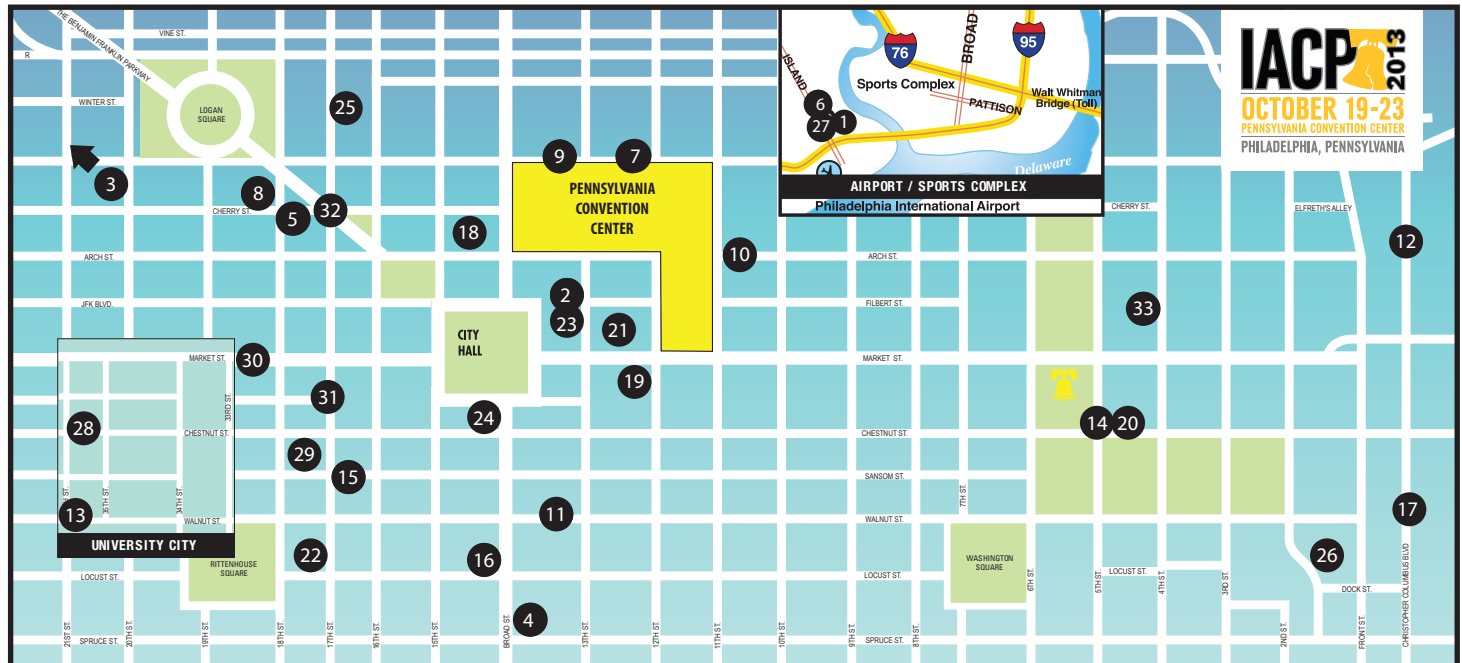
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Safety First

By Colonel John Born,
Superintendent, Ohio
State Highway Patrol



The life of a law enforcement vehicle is brutal. It takes a beating on many different levels, from the speeds at which it routinely is driven to the number of road miles it travels during a 24-hour period. The Ohio State Highway Patrol (OSHP) recognizes that the patrol vehicle is a vital resource that can ultimately make its troopers more efficient and create a safer driving environment. The OSHP is striving to provide its sworn officers with the safest vehicle available for the diverse duties they are expected to perform, along with the skills essential to operating that vehicle safely.

Over the past few years, there have been significant advances in automotive technology involving safety and overall vehicle dynamics. Advances in engine performance, control mechanisms, and braking systems were three key features that the OSHP considered priorities when selecting a new patrol vehicle. In order to meet the increased driving demands required to make Ohio safer, the OSHP sought a high-performance vehicle that could respond to a driver's input by controlling its output safely, that is, it was important to obtain a vehicle that had immediate response capabilities.

Transitioning to Dodge Chargers

In the spring of 2012, the OSHP began transitioning to the new Dodge Charger based upon its high performance and five-star safety rating by the National Highway Traffic Safety Administration (NHTSA).¹ When the transition is complete, the OSHP may have the largest Dodge Charger high-performance vehicle fleet in North America.

Managing Risk

When the OSHP considered the Charger, there was immediate concern over its high performance, its operational differences from the Ford Crown Victoria Police Inter-

ceptor (CVPI), its handling characteristics, and its impact on the safety of the officers and the public. This commitment to safety was the risk management team's chief concern, for the OSHP did not want to place its officers in harm's way by adopting a patrol vehicle that officers were not properly trained to operate in a safe manner.

There are essentially three stress-creating events that law enforcement officers face: being involved in a shooting; being involved in a physical altercation (fight); and operating a patrol vehicle. With each traffic stop made or call for service answered, the unknown always exists. It is the "unknown" for which each officer is trained and for which each officer prepares daily.

Historical data convey that driving a patrol vehicle creates the highest operational risk to officers and the agency. Officers typically do not deploy their service weapons every day, nor do they become involved in a physical altercation every day. However, driving a patrol vehicle generally is an everyday occurrence involving various non-emergency, emergency, and pursuit situations. Law enforcement managers and sworn officers have to manage this risk through a proper and regular emergency vehicle operator course (EVOC).

Increasing Training Standards

The OSHP's risk managers identified the need for increased EVOC training as it transitioned to the Dodge Charger; they did not want any officers operating a new patrol vehicle without proper familiarization and advanced training. Unfortunately, within the past two years, the OSHP experienced the death of one young officer and serious injuries to two other officers due to traffic-related crashes. Consequently, addressing the dangers of high-speed and pursuit driving became imperative with maintaining officer

safety and public safety as priorities in the operation of the new vehicle. Increased, periodic training has become the OSHP's key to ensuring officers maintain and increase their proficiency behind the wheel.

The OSHP's Academy staff created for all sworn officers an in-service EVOC, which focused on proficiency verification training and a "safety first" mentality in terms of the Chargers. Economic constraints prohibit Ohio from constructing a new driver training facility. However, in order to provide an improved EVOC, the OSHP has successfully partnered with the Mid-Ohio Sports Car Course (Mid-Ohio) in Lexington, Ohio. This quality training program has the basic objective of providing the finest Dodge Charger law enforcement training found anywhere. Officers who experience the training at Mid-Ohio will agree with world-class, professional drivers who have labeled this track one of the best technical driving tracks in the United States.

The partnership with Mid-Ohio affords the EVOC training staff a comprehensive motorsports facility where the Charger can be driven on a permanent road racing track and the capabilities of the vehicle can be experienced by sworn officers in a multi-dimensional driving environment. This four-hour block of instruction is broken into two distinct phases: vehicle performance operations and vehicle maneuverability operations. The first phase of the Mid-Ohio training allows sworn officers to work on higher speed driving concepts such as proper line of travel, roadway positioning, and steering inputs. This training incorporates both the performance track and the multi-skills paddock area. The track is a 2.4-mile course comprised of various turns, curves, grades, and straightaways. It allows officers to manage turns and curves and familiarize themselves with the



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Charger's handling capabilities. In addition, officers are trained using practical, scenario-based exercises. The second phase of the training requires officers to maneuver through several coned courses and events on the multi-skills paddock in order to familiarize themselves with the Charger's pivot points, line of sight, turning radius, and overall dynamics. This training affords officers the opportunity to recognize and assess their driving abilities and build upon that vital skill-set. Additionally, a tire deflation device deployment practical exercise is incorporated to further enhance each officer's ability to properly access, deploy, and retrieve the device.

There are many risk factors when driving at high speeds that must be considered by each officer, such as safety, the officer's personal abilities, and the capability and speed of the vehicle. As speeds increase, so does the operational risk to both the officer and the public. Therefore, it is important to know that sworn officers can safely operate a vehicle at high speeds and through various practical situations.

Creating the Charger Familiarization Course

The Dodge Charger training that was created by the EVOC training staff is four-fold: an explanation of the dimensional changes and comparisons between the Charger and the CVPI; explanation of Electronic Stability Control (ESC); general familiarization with the Charger; and practical driving events where the officers demonstrate proficiency with the Charger. Transition training is required when an officer is trading in a CVPI for a Charger and must be completed prior to utilizing the vehicle for daily patrol operations.

In creating the training, it was important to explain the terminology involved with the operation of the Charger. The classroom portion of the training includes discussions about the interior, exterior, engine, acceleration, and the ESC feature. The hands-on training with the instructors familiarizes the officers as to where features are

located on the interior and exterior of the vehicle. The practical portion encompasses both cone and line of travel events and is geared toward the officers' becoming comfortable with the dynamics of the vehicle, pivot points, tighter turning radius, line of sight, acceleration, and braking system.

At the conclusion of each EVOC, officers critique the training. There has been overwhelming, positive feedback that the training is necessary for every officer who is assigned a Charger.

Acquiring Decision-Making Skills and Operating a Performance Patrol Vehicle

Operating patrol vehicles requires officers to make many decisions throughout their shifts that could impact both themselves and the public. Law enforcement managers understand that levels of competency and decision making vary among officers. This variance, coupled with a performance-based patrol vehicle that initially is unfamiliar to most officers, could lead to an erroneous driving event. Additionally, many law enforcement managers still fail to provide officers training on a new patrol vehicle.

Relevant EVOCs need to be developed and implemented to train officers on the importance of making good, sound decisions while behind the wheel. When molding their decision-making skills, officers must understand that going fast is not the goal of driving the Charger. Ultimately, the safety of both the officer and the public is the primary goal.

For more information on the OSHP's EVOC, email Sergeant Carolyn Zeisler at czeisler@dps.state.oh.us. ♦

Note:

¹"2012 Dodge Charger Safety Overview," <http://autos.aol.com/cars-Dodge-Charger-2012/safety-features> (accessed March 7, 2013).

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Chief of Police East Carolina University



East Carolina University is seeking applications for the position of chief of police.

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The East Carolina University Police Department is a full-service police organization. The Department was CALEA accredited in 2007 and consists of 62 sworn employees and 18 professional staff. The chief of police has overall responsibility for the operations and administration of the department and for working with other campus officials to ensure a safe and welcoming environment. The chief of police reports to the Associate Vice Chancellor for Environmental Health and Campus Safety (AVC). The AVC reports to the Chancellor and serves on the Chancellor's Executive Council.

For a century, East Carolina University has served the people of North Carolina and the nation. From modest beginnings as a teacher training school, ECU has grown to become a national research university with an enrollment of more than 27,000. The university is located in Greenville, North Carolina (population 84,554), one of the fastest growing cities in the state. Greenville is the business, cultural, educational, and medical hub in eastern North Carolina. Within a two-hour drive of Atlantic coast beaches, Greenville offers an exceptional quality of life, with diverse cultural and recreational opportunities, and a mild climate with all four seasons.

REQUIREMENTS

Candidates must possess a bachelor's degree from an accredited college or university and have substantial law enforcement experience at the command level. Preferred qualifications include a master's degree from an accredited college or university and evidence of continuing training and self-development such as graduation from the FBI National Academy or other police leadership development program. Candidates must have the ability to build relationships with the university and local communities. The successful candidate must demonstrate the capacity for dealing effectively with university students, faculty, and staff representing many cultures, backgrounds, and experiences. The successful candidate must possess applicable certification from North Carolina Criminal Justice Education and Training Commission or obtain such certification within one year.

SALARY

The salary range for this position is commensurate with qualifications, with a competitive benefits package.

APPLICATION PROCESS

Replies must be received no later than **August 16, 2013**.

The International Association of Chiefs of Police is assisting in the search process. To apply, candidates should submit a candidate profile online at www.jobs.ecu.edu and submit a resume and a letter of interest to IACP, Attention: East Carolina University Chief Executive Search, 515 North Washington Street, Alexandria, VA 22314-2357. Replies may be e-mailed to search@theiacp.org or faxed to (703) 836-4544.



Cincinnati HAZARD: A Place-Based Traffic Enforcement and Violent Crime Strategy

By Daniel W. Gerard, M.S., Captain, Cincinnati, Ohio,
Police Department

In 2006, the Cincinnati, Ohio, Police Department developed and implemented its Crash Analysis Reduction Strategy (CARS), which reduced traffic crashes through a series of focused strategies that reduced crash opportunity, increased violator risk and effort, increased police guardianship on streets and highways, and ultimately saved lives. By the end of 2010, fatal traffic crashes within the city limits had been reduced by 47 percent compared to 2005.¹

The three primary action areas of CARS: high-visibility patrol, consistent enforcement, and analysis of hot spots paralleled those of the Data-Driven Approaches to Crime and Traffic Safety (DDACTS) model developed by the National Highway Traffic Safety Administration (NHTSA), which has been proven to both reduce crime and increase traffic safety in cities that have implemented it.² However, despite anecdotal evidence that CARS had a crime reduction effect, the Cincinnati Police Department had not formally measured CARS' impact on criminal activity.

In January 2013, District 4 of the Cincinnati Police Department merged the existing CARS and DDACTS strategies into one formal place-based traffic enforcement strategy that targeted both traffic crashes and violent crimes in identified street gang territories. The new strategy was named HAZARD as it focused on both traffic crashes and violent crimes in High Activity Zones and Resource Deployment in them.

HAZARD Theory Development

Cities are often identified by their neighborhoods. The citizens' behavior, good or bad, which regularly occurs in only a very small segment of the neighborhood, can define the perception of the entire neighborhood. An entire neighborhood may have a reputation as a high-violence or high-crime location, when in reality the majority of criminal activities are concentrated in a two-block area or in an apartment building, store, or parking lot while the rest of the neighborhood is relatively crime free.

Similar area typing occurs with traffic crashes and other traffic incidents. A roadway may acquire a reputation for traffic crashes or congestion, but a detailed analysis of the crashes and congestion will show the vast majority of the crashes occur at one intersection or traffic backups occur at particular times of the day, such as during morning or afternoon rush hours. The rest of the time, the roadway functions without problem.

Police agencies routinely deploy their officers in precincts, districts, zones, sectors, beats, or neighborhoods depending on the specific agency. All of these areas share the common trait of being geographically large and as such are more difficult to analyze in terms of crime causative factors or to evaluate for program effectiveness.

A place-based strategy, by contrast, focuses on a much smaller geographic unit such as an address, intersection, street segment, or street corner.³ When traffic crashes or crime regularly come together at these places, they become well-known as high activity zones or the more commonly termed hot spots.⁴ This smaller geographic focus allows for easier measurement of both criminal and traffic activity patterns, timely identification of the underlying causative factors of problems, immediate evaluation of action plans implemented to positively impact the identified cause, and quick modification of the plans if they are shown to be ineffective.

Numerous academic research studies establish that crime has been empirically proven to cluster in time and space and at particular locations, remain stable over time, and be committed by a relatively small number of offenders.⁵ Police officers who regularly patrol an area can readily point out locations they respond to almost daily on calls for service regarding traffic crashes or criminal activities. Analyses of Cincinnati crime show that it followed the same cluster and offender patterns, and analyses of Cincinnati traffic crashes show that collisions grouped in small geographic areas, which resulted in the original development of CARS.⁶

Using the principles of place-based theory; it was hypothesized that a highly visible traffic enforcement focus on small street segments in which traffic crashes and violent crime overlapped inside identified street gang territories would drive down both violent crime and traffic crashes throughout the entire District 4 patrol area. Street segments within gang territories were chosen for the targeted intervention because the Cincinnati Police Department regularly identified and updated both the identities of street gang members and their territories as part of an existing violence reduction program and city gang members were previously shown to be disproportionately involved in violent criminal activity.⁷

HAZARD Problem Analysis

The Cincinnati Police Department has five patrol districts that serve approximately 300,000 city residents. District 4 runs through the center of the city for 11.6 square miles, contains 10 distinct neighborhoods, and is the second busiest patrol district in terms of citizen calls for service and violent and overall crime. Two of the neighborhoods, Avondale and Walnut Hills, are annually two of the top three most violent neighborhoods in the city for gun-related violence and also contain major traffic arteries that generate regular calls for service for traffic crashes. The neighborhoods of Roselawn and Bond Hill are adjacent to Avondale, are situated along the same major traffic artery, and suffer from similar crime problems. Collectively in 2012, these four neighborhoods accounted for over 75 percent of District 4's violent crimes (homicides, felonious assaults, and robberies).⁸

Prior to the implementation of HAZARD, the District 4 crime analyst divided the entire district into street segments of one block each and identified a total of 2,352 individual street segments within its boundaries. Street segments that experienced two or more violent criminal offenses in 2012 were then identified and totaled 125, almost all of which were either within existing street gang territory or on the border of a street gang territory. Next, street segments that experienced three or more traffic crashes in 2012 were identified and totaled 302. Of the 302 high-traffic crash street segments, 102 overlapped with the previously identified high-violent crime street segments.

After the high-violent crime and traffic crash street segments were identified, traffic citation locations were analyzed. In 2012, District 4 officers issued 3,935 traffic citations for hazardous moving violations, excluding those citations that were issued during traffic crash investigations. Of these citations, 1,027 traffic citations (26.1 percent of all citations issued) were issued inside the street gang territories identified by District 4 officers; and 1,746 citations (44.4 percent of all citations issued) were issued in high-crash zones.

When the locations of traffic crashes, traffic citations, and violent crime were mapped across the district, some locations for targeted

deployment stood out: Avondale; Walnut Hills; Roselawn, and Bond Hill. (See figures 1 and 2.) Traffic crashes, violent crime, and street gang territory overlapped in these four neighborhoods; but a drill down into their street segments revealed that a more focused effort in both traffic enforcement and visibility was needed. Officers conducted regular traffic enforcement in some of the identified overlap areas, but, in other overlap areas, enforcement efforts lacked consistency.

The overlay maps clearly showed several areas in which officers focused their traffic enforcement activity on locations where they were able to easily write citations for violations but that had no correlation to either high activity traffic crashes or crime zones. To achieve maximum positive impact in traffic crash and crime reduction, daily traffic enforcement needed to be more centered on the overlap areas and shifted away from these non-high-activity areas in which officers were comfortable. They could get a point on their daily worksheet by writing an easy citation that had no overall impact on traffic crash or crime reduction.

HAZARD Implementation

After the traffic and crime data were analyzed, they were presented to all of the officers assigned to District 4. Officers were asked a series of detailed questions about both the traffic patterns and the crime that occurred in the targeted 102 overlap high activity street segments during their normal shift hours.

When the results of this questionnaire were calculated, precise, narrowly defined locations within each street segment were identified and chosen to receive increased traffic enforcement. The locations were specifically chosen to disrupt repeat locations for traffic crashes and criminal activities, and increased visibility in these locations would lead to an anticipated reduction in traffic crashes and crime throughout the entire District 4 patrol area.

The supervisors of each shift were provided comprehensive lists of the high activity street segments and of the known gang members who either resided in or conducted their illegal trade in those segments to share with their patrol officers and detectives. Officers assigned to patrol the selected street segments were then directed to emphasize traffic enforcement while on patrol and to conduct detailed field interrogation reports on those gang members they encountered during traffic stops. Each shift also assigned a daily discretionary traffic car not responsible for answering routine calls for service and solely focusing on traffic enforcement in the known high activity zones.

HAZARD Results for First Quarter of 2013

Through the first quarter of 2013, HAZARD had the desired impact on traffic safety and violent crime. The neighborhoods of Walnut Hills, Roselawn, and Bond Hill have shown significant reductions in violent crime, property crime, and traffic crashes. Avondale still presents challenges as violent crime levels there have remained stable. However, Avondale has shown small reductions in both property crime and traffic crashes since HAZARD was implemented.

Overall, violent crime, property crime, and traffic crashes have been reduced from 2012 levels throughout the entire patrol area of District 4.

- Violent crime is down 13 percent.
- Property crime is down 13 percent.
- Traffic crashes are down 11 percent.⁹

Conclusion

Academic research has clearly shown that a place-based approach to crime will result in reductions.¹⁰ Through the use of HAZARD, the Cincinnati Police Department sought to determine if a narrower place-based approach to traffic enforcement in high-crime areas would also be effective in crime prevention.

District 4 of the Cincinnati Police Department started its HAZARD project in January 2013 and placed officers on the specific street

Figure 1

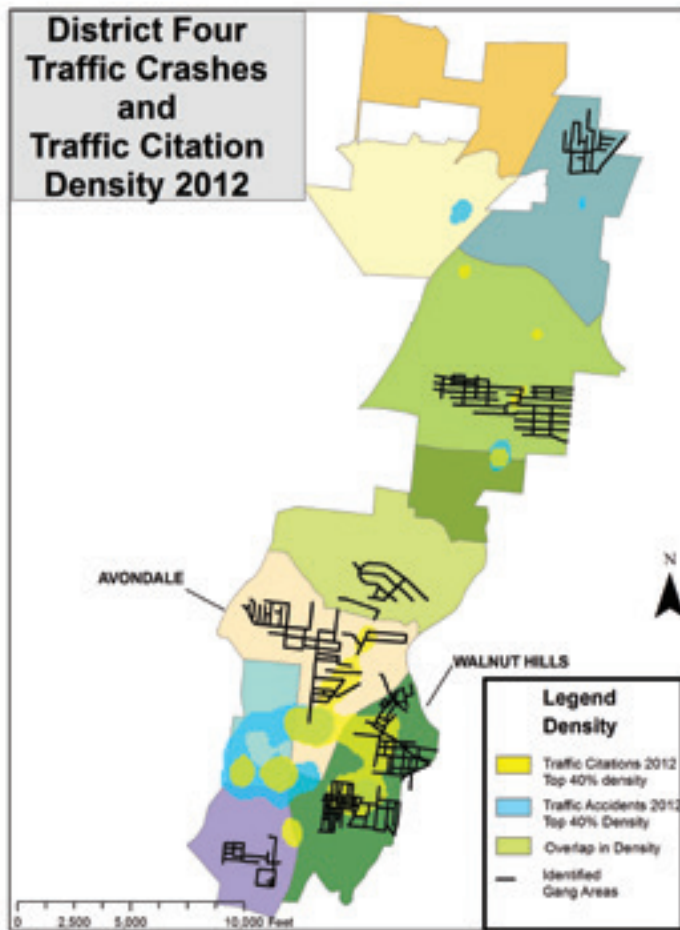
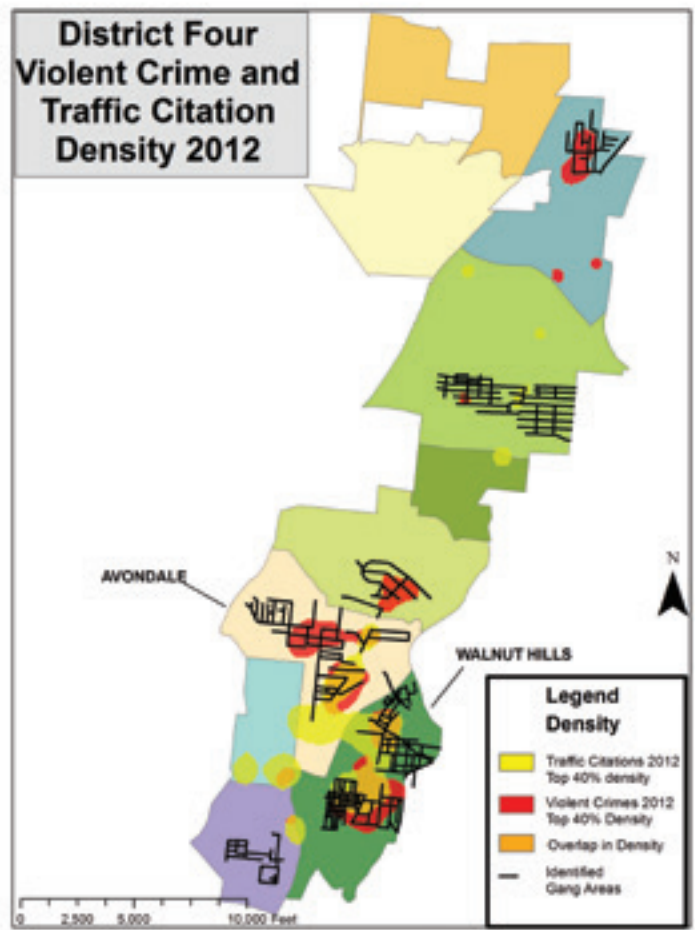


Figure 2



segments where criminal activity and traffic crashes overlapped within street gang territory. Those officers were then directed to use traffic enforcement both to increase visibility and to reduce traffic crashes and violent crime. District 4 has achieved that goal in three of the four targeted neighborhoods during the first three months of the initiative.

Both the officers and the supervisors assigned to District 4 now have an increased understanding of a place-based strategy and its ability to positively impact both traffic crashes and crime by focusing on smaller high activity street segments instead of larger geographic areas. All District 4 crime and traffic data are now analyzed in a manner that targets the precise locations where incidents occurred as well as who committed the offense or was victimized by it. Repeat locations, repeat offenders, and repeat victims are quickly identified and addressed. Traffic crashes and crime are down across the entire District 4 patrol area and not just in the targeted street segments. By implementing a place-based approach to traffic enforcement that narrowly focuses on high activity street segments, traffic crashes are reduced and benefits in crime prevention are achieved.

Notes:

¹Daniel W. Gerard et al., "Cincinnati CARS: A Crash Analysis Reduction Strategy," *The Police Chief* 79 (July 2012): 24-31, http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=2710&issue_id=72012 (accessed April 16, 2013).

²National Highway Traffic Safety Administration, *Data Driven Approaches to Crime and Traffic Safety (DDACTS) Operational Guidelines*, DOT HS 811 185, (August 2009) [http://www.nhtsa.gov/Driving+Safety/Enforcement+&+Justice+Services/Data-Driven+Approaches+to+Crime+and+Traffic+Safety+\(DDACTS\),811185.pdf](http://www.nhtsa.gov/Driving+Safety/Enforcement+&+Justice+Services/Data-Driven+Approaches+to+Crime+and+Traffic+Safety+(DDACTS),811185.pdf) (accessed March 1, 2013).

³John E. Eck and David Weisburd, "Crime Places in Crime Theory," in *Crime and Place*, Crime Prevention Studies 4, ed. John E. Eck and David

Weisburd (Monsey, N.Y.: Willow Tree Press, 1995), 1-33, http://www.popcenter.org/library/CrimePrevention/Volume_04/Crime_Places_in_Crime_Theory.pdf (accessed June 11, 2013).

⁴David Weisburd, "Place-Based Policing," *Ideas in American Policing* 9 (Washington, D.C.: Police Foundation, January 2008).

⁵Leslie Kennedy et al., "Risk Clusters, Hotspots, and Spatial Intelligence: Risk Terrain Modeling as an Algorithm for Police Resource Allocation Strategies," *Journal of Quantitative Criminology* 27, no. 3 (September 2010): 339-362.

⁶Lawrence W. Sherman et al., "Hot Spots of Predatory Crime: Routine Activities and the Criminology of Place," *Criminology* 27, no. 1 (February 1989): 27-56; David Weisburd, *Reorienting Crime Prevention Research and Policy: From the Causes of Criminality to the Context of Crime*, NCJ 165041 (Washington, D.C.: National Institute of Justice, 1997); David Weisburd et al., "Trajectories of Crime at Places: A Longitudinal Study of Street Segments in the City of Seattle," *Criminology* 42, no. 2 (May 2004) 283-322; Tamara D. Madensen and John E. Eck, "Crime Places and Place Management" in *The Oxford Handbook of Criminological Theory*, ed. Francis T. Cullen and Pamela Wilcox (Oxford: Oxford University Press, 2013) 554-578; and Nicholas Corsaro et al., "Not by Accident: An Analytical Approach to Traffic Crash Harm Reduction," *Journal of Criminal Justice* 40, no. 6 (November-December 2012): 502-514.

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Signature: _____ Date of Birth: (MM/DD/Year) ____/____/____

Send mail to my ☐ Business ☐ Residence Address | I am a sworn officer. ☐ Yes ☐ No

Number of sworn officers in your agency (if applicable) ☐ a. 1 - 5 ☐ b. 6 - 15 ☐ c. 16 - 25

☐ d. 26 - 49 ☐ e. 50 - 99 ☐ f. 100 - 249 ☐ g. 250 - 499 ☐ h. 500 - 999 ☐ i. 1000+

Approximate pop. served (if applicable) ☐ a. under 2,500 ☐ b. 2,500 - 9,999 ☐ c. 10,000 - 49,999

☐ d. 50,000 - 99,999 ☐ e. 100,000 - 249,999 ☐ f. 250,000 - 499,999 ☐ g. 500,000 +

Education (Highest Degree): _____

Date elected or appointed to present position: _____

Law enforcement experience (with approx. dates): _____

Have you previously been a member of IACP? ☐ Yes ☐ No

EACH APPLICANT MUST BE SPONSORED BY AN ACTIVE MEMBER OF IACP IN HIS/HER RESPECTIVE STATE/PROVINCE/COUNTRY.

Sponsor Name: _____ Membership number: _____

Membership Dues – \$120 (U.S. dollars only – includes subscription to *Police Chief* magazine valued at \$30.)

I have enclosed: ☐ Purchase order ☐ Personal check/money order ☐ Agency check

Charge to: ☐ MasterCard ☐ VISA ☐ American Express ☐ Discover

Cardholder's Name: _____

Card #: _____ Exp. Date: ____/____

Cardholder's Billing Address: _____

Signature: _____

All memberships expire December 31 of each calendar year.
Applications received after October 1 will be credited to the following year.

**For further information on membership benefits and eligibility,
visit the IACP website www.theiacp.org.**

Membership Requirements

Active Membership

Commissioners, superintendents, sheriffs, chiefs and directors of national, state, provincial, county, municipal police departments.

Assistant chiefs of police, deputy chiefs of police, executive heads and division, district or bureau commanding officers. Generally the rank of lieutenant and above is classed as active membership.

Police chiefs of private colleges and universities who are qualified as law enforcement officers within their respective states/provinces.

Officers who command a division, district or bureau within the department. Command must be specified on the application.

Chief executive officers of railroad police systems and railway express company police systems.

Associate Membership

Police officers employed by police agencies below the rank of lieutenant.

Superintendents and other executive officers of prisons.

Chief executives, departmental officers and technical assistants of city, county, state, provincial and national agencies with administrative or technical responsibility for police-related activities.

Prosecuting attorneys, their deputies and deputy sheriffs.

Professors and technical staffs of colleges and universities engaged in teaching or research in criminal law, police administration and other phases of criminal justice.

Staffs of crime institutes, research bureaus, coordinating councils, law enforcement associations.

Chief executive officers of industrial or commercial security police agencies and private police or detective agencies.

Employees of companies providing services to law enforcement agencies.

Associate members enjoy the same privileges as active members except those of holding office and voting.

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Michigan

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The IACP notes the passing of the following association members with deepest regret and extends its sympathy to the families and coworkers left to carry on without them.

Thomas A. Davidson, Chief of Police, Tipp City, Ohio (life member)

Louis A. Mayo, Executive Director, Police Association for College Education, Mineral, Virginia

Robert K. McGinley, Chief of Police (ret.), Shrewsbury, Massachusetts (life member)

Richard J. Sheirer, Executive Vice President, Giuliani Partners LLC, Staten Island, New York

Roger G. Wittrup, EdD, Psychologist/Consultant (ret.), Birmingham Psychological Services, Bloomfield Hills, Michigan

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www.activecontinuoustraining.com

All Traffic Solutions

American Military University
www.amuonline.com/public-safety

Appriss Inc.
www.appriss.com

AUVSI
www.auvsishow.org

Beyond Words Typing Service
www.bwtsi.com

Coplogic Inc.
www.coplogic.com

Chrysler Corp
www.fleet.chrysler.com

Creative Services of New England
www.policestickers.com

Enstrom Helicopter Corp.
www.enstromhelicopter.com

Golden Era Productions
www.scientology.org/david-miscavige/golden-era-productions.html

GraffitiTech Inc.
www.GraffitiTech.com

IACP Center for Police Leadership & Training
www.theiacp.org/training

IACP Alzheimer Initiatives
www.theiacp.org/alzheimers

IACP Annual Conference
www.theiacpconference.org

IACP Foundation Gala
www.theiacpfoundation.org

IACP S&P Trooper of the Year
www.theiacp.org

IACP Membership
www.theiacp.org

IACP Merchandise
www.shop.fullpond.com/iacp

IACP Net
www.iacpnet.com

IACP National Law Enforcement Policy Center
www.theiacp.org/PolicyCenter

IAPro by CI Technologies Inc.
www.IAPro.com

JAMAR Technologies Inc.
Laser Labs, Inc.
www.laser-labs.com

Logic Tree IT Solutions Inc.
www.logictreetit.com

Northwestern Univ. Center for Public Safety
http://nucps.northwestern.edu/policechief

Police Chief Subscriptions
www.policechiefmagazine.org

Redflex Traffic Systems Inc.
www.redflex.com

RoboTex Inc.
www.robotex.com

Southern Police Institute
www.louisville.edu/spi

Tactical-Officer.com
www.tactical-officer.com

University of Phoenix
www.phoenix.edu/cjs

WatchGuard Video
www.WatchGuardVideo.com



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ROBERTSONMARKETING



Product Feature:

Transportation

By Scott Harris,
Freelance Writer

Note: *Police Chief* magazine, from time-to-time, offers feature-length articles on products and services that are useful to law enforcement administrators. This article features transportation.

From simple tweaks to major reinventions, transportation is evolving. Transportation for the law enforcement and public safety communities is no exception. New vehicle designs and features are helping to keep officers safer on the road and in the field and addressing more universal needs like better fuel economy.

"There's a lot more technology," said Steve Contarino, vice president at Adamson Industries, a Massachusetts company dedicated to public safety vehicle installation and design. "As times change, the different missions of law enforcement change. We have vehicles now that can keep officers safer than we ever could before. There are safer structures in the vehicles themselves. We're working toward using those technologies."¹

Many transportation advancements focus first and foremost on improving the safety of an officer's day-to-day life. According to the National Law Enforcement Officers Memorial Fund, 40 officers lost their lives in 2012 as a result of auto crashes or being struck by a vehicle.² These two categories account for more officer deaths than any other, including shootings.

With this statistic in mind, it should come as no surprise that officers are concerned about their safety while on the roadside. According to a recent online survey of law enforcement officers conducted by MPH Industries, a Kentucky business providing radar, signage, and similar products for the public safety sector, approximately 80 percent of respondents indicated they were "very concerned" about safety on the road outside their vehicle.

"We constantly hear how officers are worried when they're out on the roadside doing traffic stops," said John Broxon, the international sales manager of MPH Industries. "Officers are getting injured or even dying on the roadside. They're being clipped by mirrors. It's astounding."³

Several products are available to help officers increase awareness of their surroundings in a traffic-stop situation. This allows officers to keep their focus on the subject of the stop, while worrying less about oncoming vehicles.

"They don't know what they're walking up on," Broxon said. "They have to not pay attention to the road, and this helps fill that gap."

To keep officers safe during traffic stops, MPH created SafetyZone, an officer safety alert mechanism that activates an audible warning to alert officers to high-speed vehicles approaching from

behind their patrol vehicle while the officer is standing on or near the roadway. SafetyZone is part of Ranger EZ, MPH's ranging directional traffic radar.

"With this we can help them set up a zone of protection," Broxon said. "We can set the alert distance to something that makes sense. It also doesn't get contaminated with false alarms."

Another example is a new light array system that travels the length of the vehicle. Masterminded by Adamson Industries, the array improves the visibility of the vehicle and serves as "a warning to the public that it needs to slow down," Contarino said. Lights around the license plate can also prevent rear-end collisions, Contarino added.

Companies like OnStar and Illinois-based MacNeil Automotive Products also offer products and services designed to make transportation safer.

Seemingly simple structural adjustments can make a big difference in the functionality of the vehicle.

"We're creating doors that open wider to help officers and any prisoners get in and out more easily," Contarino said. "We have seats that have weapons cut-outs. And new frames are better protected from side impact."

"New innovations for weapons storage is a much-desired feature for transportation these days," Contarino said. Adamson has created a weapons box for police vehicles, which can be opened remotely using a key fob.

"After the tragedy in Connecticut, many agencies are wanting to add extra weapons to their vehicles," Contarino said. "The key fob weapons box is a new way to secure weapons."

Of course, law enforcement and public safety agencies wrestle with the same challenges—if on a far larger scale—than any vehicle owner. With gas prices on the rise, fuel efficiency is becoming a larger concern. Some companies and law enforcement departments are employing a range of strategies to address the issue.

In New York City, the New York Police Department (NYPD) is phasing in hybrid vehicles. According to Robert S. Martinez, executive director of the NYPD Support Services Bureau, the NYPD now has 1,000 hybrid vehicles in its 8,300-vehicle fleet, with plans to increase that percentage in the coming months and years. The increase makes sense when considering the move saved the department \$1 million in fuel costs in 2011.

"The vehicles operate like any other. The driver can't even tell the difference," Martinez said. "They're happy to have a car that's reliable and runs well. It's quieter, there's less fatigue on the driver, and they're not breathing diesel fumes all day."⁴

Though Martinez indicated Ford and Chevy both have plans to release a full-fledged hybrid police cruiser in the future, for

the moment the hybrid fleet is confined to administrative vehicles, traffic enforcement cars, and electric scooters. Hybrid versions of the Ford Fusion, GMC Yukon, and Nissan Altima, as well as the hybrid Chevy Volt and Toyota Prius, all are included in the fleet, Martinez said.

In addition to the fuel savings, Martinez said the maintenance needs for a hybrid are about half that of their traditional counterparts. In some situations, the quieter electric engines can even provide officers with a strategic advantage.

"A cop on a scooter in Central Park can just come up on somebody breaking the law, and the person doesn't even know they're there," Martinez said.

There are other ways to improve fuel economy that are tailored to the unique circumstances and demands of law enforcement. Adamson Industries' solution is a tool that automatically turns the car on and off in idling situations.

"If a vehicle is sitting on the side of the road and gets too hot it would start on its own to keep the officer cool or warm," Contarino said. "And it will shut off in idle situations. It's surprising how much fuel is used sitting idle."

According to Contarino, police vehicles equipped with this tool save an average of six gallons of fuel during an eight-hour period.

"At \$4 a gallon," Contarino said. "That's pretty significant." ♦

Notes:

¹Steve Contarino, phone interview with the author, April 18, 2013.



²"Causes of Law Enforcement Deaths," National Law Enforcement Officers Memorial Fund, <http://www.nleomf.org/facts/officer-fatalities-data/causes.html> (accessed April 30, 2013).


³John Broxon, phone interview with the author, April 19, 2013.

⁴Robert S. Martinez, phone interview with the author, April 24, 2013.



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Membership is open to individuals currently serving as directors of state and provincial law enforcement training facilities. The section meets annually to exchange information and disseminate proven ideas, plans, and methodologies among members and other organizations interested in enhancing law enforcement training.

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Eyewitness Identification: An Update on What Chiefs Need to Know

By Sheri H. Mecklenburg, Assistant U. S. Attorney, Northern District of Illinois, Chicago, Illinois; Patricia J. Bailey, Assistant District Attorney, Chief of the Special Litigation Bureau, New York County District Attorney's Office—Manhattan, New York, New York; Mark R. Larson, Chief Deputy, Criminal Division, King County Prosecuting Attorney's Office, Seattle, Washington.

Sequential, Double-Blind Method

In September 2010, the IACP National Law Enforcement Policy Center released the *Model Policy on Eyewitness Identification*, which advocates the use of the sequential, double-blind method for all photo arrays and lineups. This policy, along with the accompanying Concepts & Issues Paper, can be purchased by visiting www.theiacp.org/policycenter or by contacting the Policy Center at policycenter@theiacp.org or 800-843-4227 x 319.

The police properly view their role as detecting what crime has been committed and who, in fact, committed it and who, in fact, did not. The investigative stage may be controlled by legal rules but it is not part of the adversary system and the allegiance of the police is to the truth. They have no mandated role to play for the prosecution or the defense . . . the investigator's duty is not to present the best case, it is to present the truth."¹ So, it is incumbent upon police to adopt investigative procedures, including eyewitness identification procedures, best designed to get at the truth.

In the October 2008 issue of *Police Chief*, the authors challenged the law enforcement community to take on the task of improving eyewitness procedures, protocols, and training by including the adoption of standardized instructions, written protocols, and in-depth training.² Some jurisdictions took that call to heart and have reviewed and revised their identification procedures, policies, and training.

Nevertheless, recent survey research demonstrates that many police departments still have not adopted standard instructions, written protocols, and in-depth training for eyewitness identification procedures.³ The purpose of this article is to update readers on the most recent scientific information regarding the sequential procedure so that police chiefs can objectively evaluate the best way to improve eyewitness identification procedures.

The Latest Research on the Sequential Lineup

The sequential procedure does not merely consist of showing the witness one photo at a time. Instead, the procedure is a package with the sequential display being the centerpiece.⁴ The package requires witnesses to make an identification choice of "yes," "no," or "I don't know" for each photo before seeing the next photo. It also requires that the lineup administrator be "blind" to the identity of the suspect—the "double-blind" component—because the sequential presentation increases the opportunity for

Editor's Note: This article is distinct from the articles normally published in the *Police Chief* magazine. Traditionally, the magazine's articles are pragmatic, giving police executives practical advice on how to handle issues and problems.

Eyewitness identification is the subject of much debate, and there are many strong and divided opinions on the subject. The purpose of this article is to add to the knowledge and information currently available to help readers reach their own conclusions.

This article is based on the opinions of the authors and does not necessarily reflect the views of the *Police Chief* magazine or the IACP.

This article was written by the authors in their personal roles and represents the authors' views only. This article does not reflect any position, policy, opinion, or view of their employers, including the United States Attorneys' Office, the United States Department of Justice, or any other agency or organization.

the administrator to cue or suggest to the witness as compared to the traditional “six-pack” photo array.

The claim of sequential superiority rests on the contention that the sequential method reduces the number of false or filler identifications as compared to the traditional photo arrays. Advocates say the advantage comes from the use of “absolute” over “relative” judgment. The idea being, when faced with a sequential presentation, witnesses compare each photo to their own memory, and make a distinct or absolute decision for each photo. On the other hand, according to this theory, witnesses viewing an array of photos will merely identify a lineup member who most resembles the perpetrator, relative to or compared with the other photos in the array.⁵ Recent research suggests that reduction in filler identifications in the sequential procedure is not the product of absolute judgment, but rather is due to a criterion shift, or the point at which a witness is willing to identify someone. Thus witnesses will use a stricter standard before making an identification in a sequential lineup—making it less likely for witnesses to make *any* identification, accurate or false.⁶

In 2006, McQuiston-Surrett and others, determined that nearly half of the experimental studies used as support for

the claims of sequential superiority were unpublished experiments, many of which consisted of undergraduate student projects with unknown methodologies. When McQuiston-Surrett and others, reconstructed the data using only published, peer-reviewed studies, the results were quite different—the sequential method showed no advantage. The implications of these findings caused these researchers to warn that, “it could be difficult to convince legislators, lawyers, judges and juries when fully 40 percent of the knowledge about [sequential lineups] derives from unpublished undergraduate projects and academic colloquia and has not been subject to peer review.”⁷ They further observed that “outside of the corpus of published studies emanating from the single laboratory, there is no evidence that [sequential lineups] are in overall terms superior to [simultaneous lineups].”⁸ These findings make it clear that “the research base for [sequential lineups] may not be sufficiently developed to currently advocate for its implementation to the exclusion of other procedures.”⁹

Then in 2008, Clark and others published a review of the original studies that reveal that the studies showing a sequential advantage were biased to elicit false identifications in the tradi-

New York State Experience in Developing Statewide Identification Protocols

In 2009, the New York State District Attorneys Association formulated a Best Practices Committee. The 25-member committee consists of both elected district attorneys and experienced assistant district attorneys from across the state. The committee members represent the state’s regional diversity so as to ensure a comprehensive understanding of the issues that impact New York State’s criminal justice system.

The Best Practices Committee’s goal is to develop best practices for law enforcement, to review innovative initiatives, and to analyze the causes of wrongful convictions and the various recommendations surrounding that issue. In its first year, the committee began to review a wide variety of topics including videotaping interrogations, forensic evidence, and identification procedures. The first project completed by the committee, in collaboration with police agencies around the state, resulted in the New York State Photo Identification Guidelines.

The committee reviewed the identification procedures used in more than 550 police departments around the state; departments which range in size from the New York (city) Police Department’s 35,000 officers to agencies having 10 full-time officers. During this initial phase it became clear that practices and resources vary widely across the state. For example, a few jurisdictions predominately relied on the use of live lineups, while others almost exclusively used photo identifications. In addition, very few departments had written protocols, and training was sporadic. From this disparity in practices and the fact that identification issues have played a significant role in wrongful convictions, it became clear that there was a need for law enforcement to lead the way to formulate standardized best practices. Protocols that are self-generated and voluntarily implemented are far more likely to be successful than procedures mandated by legislation or executive fiat.

The committee worked to create identification procedures with multiple objectives in mind: accurate identifications of guilty persons, respect for the rights of the accused, protection of witnesses and consideration for the practical realities imposed by location and funding. Many good ideas were found not only through New York’s law enforcement partners, but also by a review of identification procedures in other states. Laboratory

research on eyewitness identification was also part of the analysis. Social scientists in the field were consulted. Any procedure used to elicit eyewitness identifications must be fair, reliable, and free of influence—intentional or unintentional.

The committee’s first draft of the guidelines was circulated among all of the state prosecutor offices and various New York police agencies. Agencies across the state gave valuable input. In May 2010, the New York State District Attorneys Association, New York State Police, New York State Sheriff’s Association, the New York State Association of Chiefs of Police, New York City Police Department, and other law enforcement agencies announced the voluntary adoption of the first set of standardized identification procedures for the State of New York.

This unique collaboration amongst law enforcement agencies at all levels of government across the state was the first time in the United States that law enforcement agencies proactively worked on a statewide basis to establish best practices for identification procedures. However, the process did not stop there.

Unlike legislated procedures that do not allow for improvement, voluntary guidelines allow for growth. As a result of suggestions received and concerns raised after the release and implementation of the procedures, the guidelines have already been updated. In addition, everyone involved recognized training as a critical component to the successful implementation of the procedures. The first standardized training on identification procedures in the state was developed and included daylong training sessions throughout the state. In many instances it was the first classroom training some experienced officers have had since the academy. Training videos were created to allow quicker and easier access to instruction on the guidelines.

Resources

- The *New York State Photo Identification Guidelines* can be accessed at <http://www.daasny.org/Photo%20Identification%20Procedures%2010-21-10.pdf>.
- The *New York State Lineup Identification Guidelines* can be accessed at <http://www.daasny.org/Line-up%20Id%20Procedures%2011-23-10.pdf>.



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"Officer Carlton took an ordinary day and
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- Colonel Michael Edmonson,
Louisiana State Police
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Trooper Tyler Carlton
California Highway Patrol



Trooper Timothy Strohmeier
Pennsylvania State Police



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tional photo arrays.¹⁰ Those experiments replaced the mock perpetrator's photo with that of an innocent suspect chosen specifically because he most looked like the perpetrator. Precisely because the innocent suspect was chosen for his close resemblance to the perpetrator, while the other photos were chosen for their general match to the description, the innocent suspect stood out from all the other photos. As a result, they found that there was a bias built into the experiment for the innocent suspect to stand out among the photos in the simultaneous photo arrays, thus creating a higher rate of false picks in the traditional, simultaneous photo arrays. Subsequent research confirmed this flaw in the initial studies.¹¹ When Clark and others—who do not advocate any one method of presentation—reconstructed the experiments without using biased lineups, the results demonstrated that although the sequential procedure still suppressed the number of accurate identifications, *there was no difference in the number of false identifications* between the sequential and simultaneous methods.¹²

The following year, Gronlund and others conducted 24 experiments comparing sequential and simultaneous lineups: 19 experiments showed no difference between the two methods, 3 showed a

simultaneous advantage, and 2 showed a sequential advantage.¹³ Notably, the 2 experiments which showed a sequential advantage did so when compared to traditional lineups, where the suspect stood out. The experimental results led the researchers to conclude the sequential advantage likely emerged from the repeated use of biased photo arrays, particularly since the majority of the experiments were merely replications of the original flawed studies.¹⁴

This most recent laboratory research casts doubt on the validity of the claim of a sequential advantage.¹⁵ But, even if there is no advantage, when faced with the call to convert to sequential procedures, is there any downside to adopting the sequential procedure? The *Police Chief* October 2008 article discusses some of the disadvantages to the real-world application of the sequential procedure. Any police chief who wants to make an informed decision on whether to adopt the sequential identification procedure must also consider the potential impact of these disadvantages.

First, it is well-documented that the sequential procedure results in the loss of accurate identifications.¹⁶ But, even putting aside the loss of accurate identifications, there are other concerns with

the sequential procedure. For example, the sequential method is potentially *more* suggestive than the simultaneous photo array, since the administrator of the lineup knows exactly which individual photo the witness is viewing at any given moment.¹⁷ In comparison, the administrator of a traditional photo array does not know which photo the witness is actually viewing. Thus, the opportunity to cue a witness is built into the very structure of the sequential procedure. It is essential that a blind administrator conduct the sequential procedure. As such, police departments adopting the sequential procedure, but making blind administrators optional due to resource concerns, should limit the use of the sequential lineup to instances where a blind administrator is available.

Even advocates caution that sequential presentation can actually *increase* the number of false identifications in the following five instances: (1) when the witness is 65 or older; (2) when the witness is 12 or younger; (3) when the crime involves multiple offenders; (4) when an offender has changed his appearance; and (5) when the identification is cross-race, meaning that the eyewitnesses are identifying a perpetrator of a different race.¹⁸ From a protocol standpoint, agencies adopting the sequential procedure should

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be evaluating each case and witness to determine which method is “the best” to employ under the circumstances. A blanket sequential policy that fails to account for these issues can result in a significant number of false identifications.

The *Police Chief* article also raised the legal issues created by the sequential procedure when the suspect is in the first position, since an identification means that the witness has essentially viewed a one-person array or with live lineups, a one-person show-up.¹⁹ These concerns remain unresolved. Sequential advocates continue to suggest that this criminal justice dilemma can be avoided by showing the witness the remaining photos in the photo array even though an identification has already been made. Such a procedure has not been studied, and its effects are unknown—that is, does the witness actually evaluate additional photographs after making an identification, or does the witness perceive this as a signal that his choice is “wrong,” or that the police do not trust his judgment. This procedure makes the witness vulnerable

to cross-examination because the witness identified the first photo shown and might not have genuinely looked further, or was uncertain of his identification if he actually continued to look for the offender.

Sequential advocates further suggest as a solution to this criminal justice issue that the suspect never be placed in the first position, but this suggestion only shifts the problem to the next position.²⁰ Eliminating position one as a viable option also decreases the size of the lineup, since the procedure does not begin in earnest until the second photo. Similarly, placing the photo in a later position raises concerns—what happens when witnesses gets to photograph number five or six and realize that they are running out of options? To eliminate this problem, sequential advocates suggest fooling witnesses into believing that there are more photos to be seen by holding a stack of “fake” photos at the end that are never intended to be shown. However, conducting procedures which require “fooling” witnesses may have implications for the public trust in law enforcement and adversely affect the

cooperative relationships police foster with victims and witnesses.

Perhaps the real question is, if law enforcement has to keep making adjustments to address legal and practical problems with the sequential procedure, can it truly be a superior method, and one that is ready to be implemented as the national standard?

The Latest Field Study: Austin, Texas

In 2012, the American Judicature Society released the report, authored by three sequential advocates, on the first-phase of a field study comparing the sequential identification method with the simultaneous identification method.²¹ The AJS study originally included four jurisdictions, but three of the four dropped out during the course of the study.²² Charlotte-Mecklenburg, North Carolina, dropped out of the study because in 2008 its state legislature mandated the statewide use of the sequential method. Both Tucson, Arizona, and San Diego, California dropped, out because of difficulties with the computer-driven identification proce-

The Blind Administrator

In the October 2008 *Police Chief* article the authors discuss the movement to adopt a blind administrator for lineups, meaning that an investigator who does not know the identity of the subject conducts the lineup. The eyewitness researchers urge adoption of a blind administrator to prevent “inadvertent influence” by the lineup administrator, but have not identified what kind of inadvertent influence systematically occurs, such that the witness notices, understands and is willing to follow. The research on the use of a blind administrator remains scarce. “[L]ittle research has been conducted on how a lineup administrator’s knowledge might bias identification accuracy.” Greathouse & Kovera, “Instruction Bias and Lineup Presentation Moderate the Effects of Administrator Knowledge on Eyewitness Identification,” *Law and Human Behavior*, 33, 70-82 (2009). Surprisingly, of all the recommendations made by experts to increase the reliability of eyewitness identification, only the recommendation to use a blind procedure has been made “without any eyewitness identification research to support their position.” *Ibid.*, 71.

The recommendation for a blind administrator is drawn from experimenter expectancy research, meaning that experimenters conducting research can communicate their expectations and thereby influence the responses of the research subjects. *Ibid.*, citing Rosenthal, *Experimenter Effects in Behavioral Research* (New York: Irvington Publishers, 1976), which found that graduate students who believed that their rats will learn to run a maze quickly or slowly may have produced a behavior change in the rats. However, eyewitness researchers have acknowledged that “[t]he lineup setting is different from the traditional setting in which experimenter expectancy effects have been observed.” Greathouse and Kovera, 72. In the eyewitness context, the witness has an independent memory for the perpetrator, accurate or not, which may limit the ability of

the investigator to influence the witness toward or away from a particular photo, particularly if the photo triggers, or fails to trigger, the witness’s memory for the offender. The limited research on blind administrators has failed to demonstrate that witnesses are influenced by administrators in the same manner as subjects of the experimenter expectancy research. See Phillips et al., “Double-blind Photoarray Administration as a Safeguard against Investigator Bias,” *Journal of Applied Psychology* 84, no.6 (December 1999): 940-951, finding that administrator knowledge influenced the witnesses to choose an innocent suspect only when a sequential lineup was administered and only in the presence of an observer; and Haw and Fisher, “Effects of Administrator-Witness Contact on Eyewitness Identification Accuracy,” *Journal of Applied Psychology* 89, no. 6 (December 2004): 1106-1112, finding that student administrators were able to influence identifications only where the contact with the witness was high and prolonged—but not in those identification procedures where the contact was low.

Without any science to support it, the use of blind administrators is a pure policy decision, dependent on resources and perception. The use of blind administrators makes the job of prosecutors easier, but the dwindling manpower faced by police chiefs is a very real concern; every jurisdiction that has used blind administrators, to the authors’ knowledge, has had to settle for far less than full compliance. Still, there are other ways to reduce influence during the eyewitness procedure, such as positioning the computer screen so that only the witness can see the displayed photos or having the administrator positioned so that he or she is outside the view of the witness and, most importantly, the adoption of proper witness instructions and administrator protocols. Police chiefs are encouraged to write these methods into their protocols and to implement training on this important issue.

dures, which were expressly designed for the study. In fact, the computer-driven procedures were "somewhat clumsy and took longer to use than simply printing the photos and administering the lineup in the traditional way."²³ The possibility of computer-driven lineup procedures is still a worthwhile endeavor, which should be explored further, and the AJS study should be commended for a first try.

The AJS study presents a number of issues that make it unpersuasive as a basis for policy decisions on the sequential method. For example, police collected 855 photo lineups: approximately 75 percent coming from Austin (615); 16 percent from Tucson (144), 6 percent from Charlotte-Mecklenburg (53) and 5 percent from San Diego (43). However, of those 855 photo lineups, 358 lineups had to be eliminated because the procedures used did not fit the study protocols, leaving only 497 included in the analysis. Of the 358 eliminated lineups, approximately 59 percent were rejected because a blind administrator was not used. That such a large number of lineups had to be excluded, without explanation as to why so many could not be conducted by a blind administrator, raises questions about the practical difficulty of implementing blind administrators.

The AJS Protocols

Some of the protocols of the AJS study are similar to those that the article in October 2008 *Police Chief* urged police to adopt, such as documenting the certainty, in the witness's own words, of any identification, and instructing the witness that the "perpetrator may or may not be in the lineup." However, several protocols that appear to be unique to the AJS study are not only untested by research, they are also troubling for the criminal justice system. For instance, regardless of presentation method, all witnesses were asked whether any of the photos "looked familiar." If the witness selected a photo, the computer program asked "whether the person was familiar for reasons related to the crime or unrelated to the crime." Familiarity is a far lower standard than recognition. For the criminal justice system, a witness's ability or inability to recognize the suspect as the perpetrator is the critical and relevant issue; a witness' familiarity with a photo is not.

Under the AJS study protocols, the suspect never appeared in position one of the photo lineup. This protocol essentially concedes the problem of identifying the first photo in a sequential procedure, shifted the problem to the next position while reducing the size of the lineup.

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The protocols further required witnesses be told that the lineup contains only one possible suspect, effectively prompting the witness. A witness who is told that there is only one right answer might squelch information about a second photo in the lineup, information that could reflect on the witness's reliability or add information to the investigation. A witness's claim to recognize more than one photo—be it fillers or the suspect and a filler—is critical information in assessing the reliability of any eyewitness identification and for *Brady* disclosure obligations.

The study's protocol requires witnesses who made an identification to continue to review the remaining photos to see if anyone else "looked familiar." In the sequential procedure, this was accomplished by having the witness continue to sequentially look through the remaining photos. In the traditional photo array, witnesses were required to return to the array to determine if anyone else "looked familiar." Such a procedure makes the witness vulnerable to cross-examination about what the witness actually looked for after making an identification. The witness is told initially that he will be returned to the photos even if an identification is made. The effect of these instructions has never been scientifically tested.

A number of the witnesses in the AJS study selected both a filler and the suspect as being familiar. The blind administrators were required to listen to the audio tape of the procedure and attempt to disambiguate whether the witness preferred a filler or the suspect. Police "disambiguation" of a witness's identification is problematic for the criminal justice system, both at the investigative and trial stages. First, if the witness's decision is ambiguous, it is just that, ambiguous. The investigation continues from that point with that information. Second, having officers substitute their subjective beliefs as to whom witnesses "preferred," not only exposes officers to cross-examination, it casts doubt on the reliability of the witness identification.

The Results

The authors of the AJS study found that the sequential procedure was superior to the simultaneous procedure in terms of obtaining fewer filler identifications.²⁴ Despite historical evidence that somewhere between 8 and 15 percent of accurate identifications are lost in the sequential procedure, the AJS study found that there was no loss of accurate identifications in the sequential procedure compared to the simultaneous procedure.²⁵ This finding must be analyzed

further and duplicated, before this result can be accepted as meaningful.

The study also found that, among the no identification decisions, there were many more "not sure" results in the sequential procedure than in the simultaneous showings, with 19.2 percent of the no identifications being "not sure" with the simultaneous lineups, and 46.5 percent of the no identifications being "not sure" with the sequential lineups. The study's authors argue that the high number of "not sure" responses is an advantage for the sequential method since it is "[b]etter to get no identification than a filler identification because it keeps the witness unspoiled for a possible new lineup later." Law enforcement is not interested in "saving" a witness for multiple identification attempts. Police and prosecutors are interested in finding out the truth: in knowing what information the witness has, in knowing who the offender is, and whether a specific witness can make a reliable identification.

Many of the issues with the sequential lineup remain unresolved almost 30 years after its inception. As one of the leading advocates of the procedure admits, "little is known about many issues" surrounding the sequential procedure, but nevertheless he and others urge the adoption of the sequential lineup as a matter of policy.²⁶ Other scientists, however, recognize it is inappropriate to adopt sequential lineups as the only, or even recommended, procedure, when "little is known" about the unresolved issues surrounding this method.²⁷

The results of this study are inconsistent with the laboratory research. The results also differ from those of the Illinois study, the only other real-world field study comparing sequential and simultaneous procedures.²⁸

Random assignment was a main protocol of the Illinois study, and all three participating jurisdictions complied with this mandate.²⁹ The initial report of the AJS study inaccurately alleges that "the Illinois study acknowledged that some unknown number of filler identifications for the simultaneous procedure was not recorded in the results because the non-blind detective decided that the witness was not sure enough in the identification."³⁰ Given that the results from the Illinois study are largely consistent with the most recent laboratory research, and that both the Illinois data and the most recent laboratory research conflict with the AJS study, the need for an objective and scientific peer review of the AJS raw data is all the more critical before its value can be determined. Until then, the AJS study should not be considered a serious basis for policy decisions.

Conclusion

Until a host of issues surrounding the sequential procedure are resolved and the results of the AJS study are peer reviewed and replicated, law enforcement should not be pushed into adopting the sequential procedure.³¹ The police, in the quest for the truth, must demand that these issues be resolved before any wholesale change to policy.

Updated research has called into question the validity of the claimed sequential advantage. The urge to do something to reduce mistaken eyewitness identification should not lead to blindly adopting a procedure that has unresolved issues and many disadvantages. Following public policy mandates that do not aid in the quest for the truth can be a costly mistake. ♦

Notes:

¹James B. Zagel, "Getting to the Truth before It Falls into the Hands of the Lawyers: Pursuing Accuracy in Criminal Cases," *Loyola School of Law Public Interest Law Reporter* 11, no. 2 (Summer 2006): 17 et. seq., 34-35. Judge Zagel was the former Director of the Illinois State Police before being appointed to the federal bench.

²Sheri H. Mecklenburg et al., "Eyewitness Identification: What Chiefs Need to Know Now," *The Police Chief* 75, no. 10 (October 2008): 68-81.

³Police Executive Research Forum, *A National Survey of Eyewitness Identification Processes in Law Enforcement Agencies* (March 8, 2013), <http://policeforum.org/library/eyewitness-identification/NIJeyewitnessReport.pdf> (accessed June 18, 2013).

⁴R.C.L. Lindsay and Gary Wells, "Improving Eyewitness Identifications from Lineups: Simultaneous versus Sequential Lineup Presentation," *Journal of Applied Psychology* 70, no. 3 (August 1985): 556-564. See Lindsay, Jamal K. Mansour, Jennifer L. Beaudry, Amy-May Leach and Michelle I. Bertrand, "Beyond Sequential Presentation: Misconceptions and Misrepresentations of Sequential Lineups," *Legal and Criminological Psychology* 14, no. 1 (February 2009): 31-34, 31, in which the creator of the sequential procedure explains that a sequence requires multiple elements.

⁵Several studies have examined the issue of relative versus absolute judgment as a product of the presentation method and found that the subjects do not uniformly use one strategy over the other just because of the type of lineup method employed. See, e.g., Wendy Kneller et al., "Simultaneous and Sequential Lineups: Decision Processes of Accurate and Inaccurate Eyewitnesses," *Applied Cognitive Psychology* 15, no. 6 (November 2001): 659-671, in which participants were just as likely to report the use of an "absolute" strategy whether shown a simultaneous lineup or a sequential lineup.

⁶Christian A. Meissner et al., "Eyewitness Decisions in Simultaneous and Sequential

Lineups: A Dual-Process Signal Detection Theory Analysis," *Memory and Cognition* 33, no. 5 (July 2005): 783-792. For an early discussion recognizing the questionable validity of the absolute versus relative judgment theory, see Ebbe Ebbesen and Heather Flowe, "Sequential versus Simultaneous Lineups: What Do We Really Know? (2001)," <http://www2.le.ac.uk/departments/psychology/ppl/hf49/SimSeq%20Submit.pdf> (accessed June 6, 2013). See also Lindsay et al., "Sequential Lineup Presentations," 15. Both the relative judgment and conservative criterion processes may be at work in the identification process.

⁷Dawn McQuiston-Surrett et al., "Sequential versus Simultaneous Lineups: A Review of Methods, Data and Theory," *Psychology, Public Policy and the Law* 12, no. 2 (May 2006): 137-169, 139, <http://eyewitness.utep.edu/Documents/McQuiston-Surrett%20SequentialVsSimultaneousLineups.pdf> (accessed June 6, 2013).

⁸*Ibid.* at 141, 155. The single laboratory referred to is that of Professor Rod Lindsay, who along with Gary Wells, gave birth to the sequential procedure concept in 1985, and remain its staunch advocates almost 30 years later. See Lindsay and Wells, "Improving Eyewitness Identifications from Lineups."

⁹McQuiston-Surrett et al., "Sequential versus Simultaneous Lineups," 162. In an attempt to address these concerns, the primary advocates of the sequential procedure conducted their own review in 2011 and still concluded that the research showed a sequential advantage. Nancy K. Steblay et al., "Seventy-two Tests of the Sequential Lineup Superiority Effect: A Meta-Analysis and Policy Discussion," *Psychology, Public Policy, and Law* 17, no. 1 (February 2011): 99-139. However, this review included unpublished studies and also omitted published studies, which showed no sequential lineup advantage.

¹⁰Steven E. Clark et al., "Regularities in Eyewitness Identification," *Law and Human Behavior* 32, no. 3 (June 2008): 187-218.

¹¹Curt Carlson et al., "Lineup Composition, Suspect Position and the Sequential Lineup Advantage," *Journal of Experimental Psychology: Applied* 14, no. 2 (June 2008): 118-128.

¹²For a more in-depth discussion of flaws in the original sequential research, see Roy S. Malpass et al., "Public Policy and Sequential Lineups," *Legal and Criminological Psychology* 14 (2009): 1-12, and Roy Malpass et al., "Response to Lindsay, Mansour, Beaudry, Leach and Bertrand's Sequential Lineup Presentation: Patterns and Policy," *Legal and Criminological Psychology* 14, no. 1 (February 2009): 25-30.

¹³Scott Gronlund et al., "Robustness of the Sequential Lineup Advantage," *Journal of Experimental Psychology: Applied* 15, no. 2 (June 2009): 140-152.

¹⁴*Ibid.* at 141, "it is possible that researchers have been finding similar results [a sequential advantage] because researchers have been conducting similar experiments."

¹⁵An increasing number of scientists now recognize the doubt surrounding the claims of sequential superiority. Malpass, "Response to Lindsay"; and Laura Mickes et al., "Receiver Operating Characteristic Analysis

of Eyewitness Memory: Comparing the Diagnostic Accuracy of Simultaneous versus Sequential Lineups," *Journal of Experimental Psychology: Applied* 18, no. 4 (December 2012): 361-376.

¹⁶The loss is between 8 and 15 percent. McQuiston-Surrett et al., "Sequential versus Simultaneous Lineups," 138-39. See also Stephen Clark, "Costs and Benefits of Eyewitness Identification Reform: Psychological Science and Public Policy," *Perspectives on Psychological Science* 7, no. 3 (May 2012); Steblay et al., "Seventy-two Tests of the Sequential Lineup Superiority Effect"; and Lindsay et al., "Sequential Lineup Presentations," citing articles concluding that there is a loss of correct identifications accompanying the sequential procedure.

¹⁷Gary L. Wells et al., "Eyewitness Identification Procedure Recommendations for Lineups and Photospreads," *Law and Human Behavior* 22, no. 6 (December 1998): 603-647. See also McQuiston-Surrett et al., "Sequential versus Simultaneous Lineups," 143, citing Mark R. Phillips et al., "Double-Blind Photoarray Administration as a Safeguard Against Investigator Bias," *Journal of Applied Psychology* 84, no. 6 (December 1999): 940-951.

¹⁸See Lindsay et al., "Sequential Lineup Presentations," 14, "Despite the initial positive results with sequential lineups, less encouraging results exist." *Ibid.*

¹⁹McQuiston-Surrett et al., "Sequential versus Simultaneous Lineups," 149.

²⁰It is naive to believe that witnesses will not figure out that the first position is not a viable position. Police protocols are not secret, nor should they be. They are a matter of public record, widely known among police, prosecutors, defense lawyers, and the public. Thus, as the protocols become known to the public, witnesses—knowing "they never put the offender in the first position"—will merely ignore that first position, making the second position the first viable option.

²¹Gary Wells et al., *A Test of the Simultaneous versus Sequential Lineup Methods: An Initial Report of the AJS National Eyewitness Identification Field Studies* (Des Moines, Iowa: American Judicature Society, 2011), <http://www.popcenter.org/library/reading/PDFs/lineupmethods.pdf>, (accessed June 5, 2013).

²²*Ibid.*, 26.

²³*Ibid.*, 16.

²⁴Of course, filler identifications are not the type of error the criminal justice system is concerned with in terms of preventing wrongful conviction. An identified filler will not be arrested, prosecuted, or convicted. Invariably, fillers are known innocents.

²⁵See note 19. Even the authors note that this result "raises questions" in light of the laboratory studies. Gary Wells et al., *A Test of the Simultaneous versus Sequential Lineup Methods*, 15.

²⁶Lindsay et al., "Sequential Lineup Presentations," 17.

²⁷Malpass, "Response to Lindsay."

²⁸Sheri Mecklenburg et al., *Illinois Report to the Legislature on Sequential, Double-Blind Procedures* (March 2006), "the Illinois Study" discussed in the October 2008 *Police Chief* article, <http://www.chicagopolice.org/>

IL%20Pilot%20on%20Eyewitness%20ID.pdf (accessed June 7, 2013).

²⁹Mecklenburg et al., *Illinois Report*, 25-26. As reported there, Evanston alternated the sequential and traditional procedures according to whether the case number was even or odd. Chicago and Joliet assigned crimes occurring in one high-crime geographical area to implement sequential procedures, and collected data on traditional lineups from an adjacent high-crime geographical area. Thus, the investigators in all three jurisdictions had no control over the assignment of sequential or traditional procedures.

³⁰Each participating police department "recorded" each and every line up procedure conducted as part of the study. All of that information was provided to the two eyewitness researchers who were analyzing the data. Those experts, independent of one another, reviewed all the data and determined which lineups met their protocols for inclusion in the analysis. *Addendum to the Report to the Legislature of the State of Illinois: The Illinois Pilot Program on Sequential Double-Blind Identification Procedures*, 8, note 3. Similarly, the researchers involved in the AJS Study discarded numerous (358) lineups because they believed the lineups did not meet the protocols of their study. It is inaccurate to say that police in the AJS Study failed to record the results of these lineups, just as it is inaccurate to make such a claim about the police participants in the Illinois Study.

³¹The updated research brings to mind Judge Zagel's prescience in 2006 that, "it will have to be the work of people new to the field who experiment and confirm whatever results we find. The current experts in the field may be viewed as having too great an interest in proving that they were right." Zagel, "Getting to the Truth before It Falls into the Hands of the Lawyers," 34.

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Officer Safety: Every Shift, Every Day

By Colonel John Born,
Superintendent, Ohio State
Highway Patrol

The collective missions of protecting the public cannot be achieved without ensuring the safety of those who provide that service. Officer safety needs to be the highest priority every shift, every day.

To that end, as chair of the State and Provincial Police Directorate's (S&P's) Traffic/Officer Safety Subcommittee, the author is pleased to outline how the subcommittee is working to coordinate its efforts with those of the IACP Highway Safety Committee (HSC) to ensure that all officers make it home at the end of every shift.

The S&P's Traffic/Officer Safety Subcommittee is focused on two areas: one inside the patrol vehicle, and the other outside the patrol vehicle. The officer safety issues within the vehicle include safely driving patrol vehicles; training officers in the operation of different patrol vehicles; and dealing with other safety issues while driving, such as the distractions caused by law enforcement equipment: activating emergency equipment, entering queries into the mobile data terminal (MDT), recording the location of a call for service or the description of a wanted person or vehicle, and talking on the police radio.

The second area of focus includes challenges such as deploying tire deflation devices, sobriety and other checkpoint operations, and traffic incident management.

Within these two focus areas, the S&P's Traffic/Officer Safety Subcommittee is examining best practices, new technologies, training deliverables, and sustainable and easy-to-access resources and is striving, as well, to coordinate these with other IACP efforts, including those undertaken by the HSC and by the IACP Center for Officer Safety and Wellness. At each S&P midyear and annual meeting, the subcommittee plans to provide its membership with a deliverable such as a training aid or video, a safety poster or citation book insert, or a model policy. In concert with the HSC, deliverables will be placed on the IACP website and coordinated with other officer safety tools available to IACP member agencies. The subcommittee's goal is to

build a library of resources that can be updated or expanded, so it remains relevant and can be sustained beyond its members' years of service.

The subcommittee's first critical officer safety effort was the production of a 12-minute roll-call video on recommended guidelines for deploying tire deflation devices because they have been involved in 26 officer deaths since their inception in 1996.¹ In fact, 5 officers died in 2011 in connection with the deployment of tire deflation devices, the most officers killed performing this task since 2003 when 5 officers also died.² In collaboration with the North Carolina State Highway Patrol; the New York State Police; the Dayton, Ohio, Police Department; and the Ohio State Highway Patrol, *Safe and Effective Deployment of Tire Deflation Devices During High Speed Pursuits* debuted at the S&P's midyear meeting

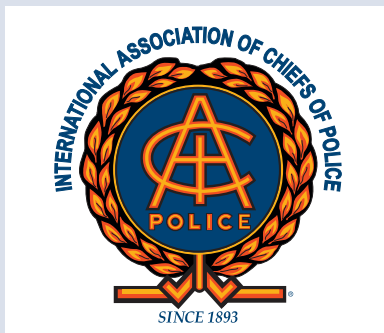
and at the HSC's agenda screening meeting, both of which were held in New Orleans in March 2013. The video is being distributed to S&P and HSC members.

If readers have suggestions as to topics the S&P's Traffic/Officer Safety Subcommittee should consider, email Jeff Grayson, Special Projects Coordinator for Colonel Born, at jgrayson@dps.state.oh.us. ♦

Notes:

¹Gregory R. McMahon, "Bulletin Alert: Deployment of Spike Strips," *FBI Law Enforcement Bulletin* 81, no. 9 (September 2012): 18, <http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/september-2012/bulletin-alert> (accessed March 7, 2013).

²Ibid.



Line of Duty Deaths

"They will be remembered—not for the way they died, but for how they lived."

The IACP wishes to acknowledge the following officers, who made the ultimate sacrifice for their communities and the people they served. We extend our prayers and deepest sympathies to their families, friends and colleagues.

Police Officer William J. "Jerry" McCarthy IV
Shenango Township, Pennsylvania, Police Department
Date of Death: May 2, 2013
Length of Service: 1 year

Police Officer Timothy A. Huffman
Arizona Department of Public Safety
Date of Death: May 6, 2013
Length of Service: 14 years

Special Agent Christopher Lorek
U.S. Department of Justice, Federal Bureau of Investigation
Date of Death: May 17, 2013
Length of Service: 17 years

Special Agent Stephen Shaw
U.S. Department of Justice, Federal Bureau of Investigation
Date of Death: May 17, 2013
Length of Service: 8 years

Deputy Sheriff Tim Causey
Horry County, South Carolina, Sheriff's Office
Date of Death: May 19, 2013
Length of Service: 25 years

Police Officer Daryl Raetz
Phoenix, Arizona, Police Department
Date of Death: May 19, 2013
Length of Service: 6 years

Police Officer Jason Ellis
Bardstown, Kentucky, Police Department
Date of Death: May 25, 2013
Length of Service: 7 years

Wildlife Officer Joel Campora
Arkansas Game and Fish Commission
Date of Death: May 31, 2013

Trooper Sean O'Connell
Washington State Patrol
Date of Death: May 31, 2013
Length of Service: 16 years

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