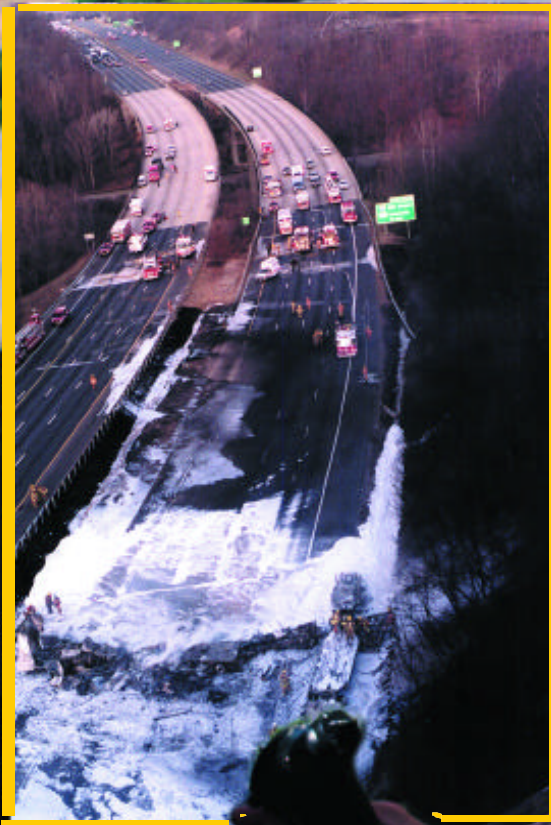


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Exhibitors must not use the attached registration form. An exhibitor registration form will be mailed in the exhibitor kit in July.

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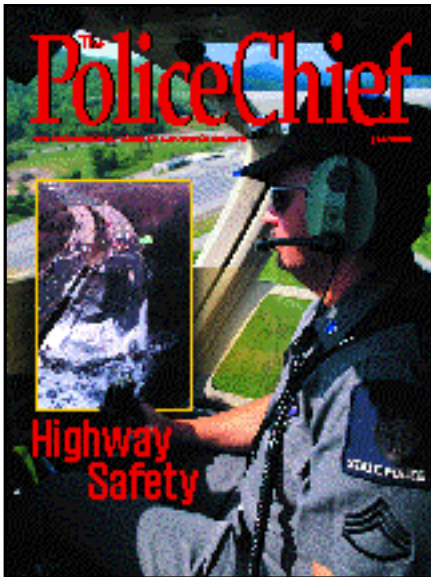
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The Police Chief

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IACP Support for the Consensus Plan

Clear and reliable communication is a critical factor in the ability of law enforcement and other public safety officers to respond to emergency situations in a timely, safe, and effective fashion. Officers must be certain that their radios will work each and every time they reach for them. It is no exaggeration to state that in the highly mobile and often dangerous environment in which our officers work, radio communication is a lifeline that can mean the difference between triumph and tragedy.

Unfortunately, because of the massive growth of the telecommunications industry and the limitations of radio spectrum, this critical lifeline has begun to fray. Increasingly, our officers are being confronted with radio interference that either garbles or blocks their communications. To date, there have been nearly 1,000 reported cases of radio interference in 34 states on public safety radios operating in the 800-megahertz band. This interference occurs because radio channels assigned to public safety are intermingled among and adjacent to commercial channels such as cell phones.

In response to this growing crisis, the IACP, through its Communications and Technology Committee and under the leadership of its chairman, Harlin McEwen, has been actively working to solve this problem. For more than two years, the IACP, along with the Major Cities Chiefs Association, National Sheriffs' Association, the Major County Sheriffs' Association, the Association of Public Safety Communications Officials International, and the International Association of Fire Chiefs, has been working with the Federal Communications Commission (FCC) in support of the Consensus Plan.

Simply put, the Consensus Plan seeks to eliminate 800-megahertz interference by realigning the current jumbled licensing of 800-

megahertz systems into two distinct blocks: one block for public safety and private wireless systems, and one block for wireless carriers such as cellular service providers. Creating these separate contiguous blocks for public safety and wireless carrier systems means that interference will be virtually eliminated.

The Consensus Plan has received broad support from the public safety community and other affected organizations. In fact, more than 800 public safety organizations, local governments, elected officials, citizens, and private wireless companies are actively supporting the Consensus Plan.



***Chief Joseph M. Polisar
Garden Grove, California***

However, support for the Consensus Plan, while broad, is not universal. The plan is being opposed by the Cellular Telecommunications Industry Association (which represents wireless carriers) and other industry groups. Their opposition has delayed the FCC's decision on the Consensus Plan and, as a result, the interference problem confronting the public safety community has continued to grow.

The IACP, and its public safety partners, have been working tirelessly to ensure adoption of the Consensus Plan. We have undertaken this effort out of the realization that police officers, firefighters, and emergency medical services personnel must be able to communicate with each other to save lives. We understand that radio interference poses a real and growing threat to the safety of our officers and the security of our communities.

That is why I urge all IACP members to contact the FCC and let them know of the danger that 800-megahertz interference poses to the law enforcement community and of your support for the Consensus Plan. To facilitate this effort, please visit the Project Consensus Web site at www.projectconsensus.org. On this site, you will find additional information on the Consensus Plan as well as sample letters of support for your use.

We, as police chiefs, know that unless immediate measures are taken to alleviate this growing interference problem, public safety agencies will find it increasingly difficult to fulfill their missions, protect the lives of the citizens they serve, and ensure the safety of emergency responders. This is not a situation to be taken lightly. Your help is needed to resolve this problem before a major communications disaster takes place and finds us unprepared and ill-equipped to respond.

I urge you to act today.



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Appropriations Process Begins; Funds Cut for First Responders

**By Jennifer Boyter,
IACP Legislative Analyst**

In early June, appropriators began writing the fiscal 2005 spending bills. With congressional leaders enforcing a tight election-year budget ceiling, appropriators expect difficulties in getting some of their 13 annual spending bills out of committee.

On June 3, the House Homeland Security Appropriations Subcommittee approved a bill to provide fiscal year 2005 funding. Under the bill, police and fire departments would face significant cuts in federal homeland security grants, while aviation security would get a major boost. The issue of how much money is enough for first responders and aviation security is likely to dominate the summer debate over homeland spending.

Overall, the \$31.9 billion bill for the Department of Homeland Security would provide \$1.6 billion more than fiscal 2004 funding levels but \$309 million less than the President's proposed budget.

Specifically, the bill would provide \$4.1 billion for a wide range of emergency management, firefighter and terrorism preparedness grants, including the following:

- \$1.25 billion for Office of Domestic Preparedness formula grants, a decrease of \$450 million (26 percent) from fiscal year 2004.
- \$1 billion for grants to high-threat, high-density urban areas, \$100 million of which is reserved for rail security. Last year, grants for high-threat urban areas totaled \$866 million.
- \$125 million for port security grants.
- \$600 million for firefighters, down \$146 million.

During the full Appropriations Committee markup, the overall budget figure will increase because appropriators plan to transfer \$1.2 billion in Coast Guard funding from the defense appropriations bill to the homeland security bill. That will bring the total budget authority in the House homeland security bill to \$33.1 billion, \$900 million more than the White House requested.

The Transportation Security Administration would receive \$4.3 billion for its aviation security operations, an increase of \$546 mil-

lion, or about 15 percent. Most of that new money would be dedicated to doubling the inspections of cargo shipped in passenger airplanes. The bill also includes the following:

- \$9.6 billion for border protection and related activities.
- \$1.1 billion for science and technology projects.
- \$855 million for information analysis and infrastructure protection. These funds will be used to complete an inventory of critical infrastructure, enhance current communications between federal, state, and local homeland security personnel, and assist local communities as they put protective measures in place.

The Senate has yet to schedule a markup for a Department of Homeland Security appropriation bill.

Representative Harold Rogers (R-Kentucky), chairman of the subcommittee, said the first-responder cuts are justified because there are billions of dollars in unspent grant money at the state level. Until that funding is released to local first responders, Rogers said there is no need to put billions more in the pipeline.

The IACP is concerned about the cuts to these crucial grant programs for law enforcement. We will continue to work to ensure that these programs are sufficiently funded.

House Panels Pass Competing Bills on Grant Formula Changes

In March, the House Homeland Security Committee passed a bill (H.R. 3266) that would change the formulas that govern the distribution of first responder grants. Under the bill, which was introduced by committee chairman Christopher Cox (R-California), money would be distributed to first responders according to the terrorist threat facing each state and community. This change would not affect existing police grant programs such as the Local Law Enforcement Block Grant or Byrne grants.

Under this new formula, some states and localities would receive less money than they do under the current system, in which homeland security grants are distributed according to formulas that guarantee a minimum amount for each state.

As a result, the bill is unpopular with many lawmakers from suburban and rural areas who do not want to lose federal aid for their first responders. Consequently, several other House committees claimed jurisdiction over the legislation. This week, two committees held markups on the bill, with two very different results.

On Wednesday, June 3, the House Transportation and Infrastructure Committee amended the bill to retain the current formula for distributing the grants. The bill, which would authorize \$3.4 billion per year in first responder grants, would guarantee that every state receive at least 0.6 percent of available grant money, or \$18.7 million per year.

The bill would require the Department of Homeland Security to set standards for training, equipment, and response plans that cities or counties would have to meet when applying for grants. The standards then would be compared with the threat of terrorism in the jurisdictions applying for the grants and the vulnerability of the critical infrastructure in those areas. In addition, the committee also broadened the bill to allow homeland security grants to be used by states and cities for "all hazards," which would allow the grants to be used to prepare responses to natural disasters.

However, the next day the House Energy and Commerce Committee approved the version of the bill already adopted by the Homeland Security Committee. The committee did remove a provision in the bill that would have created a first responder task force to help the Department of Homeland Security needs.

The bill would also require states to disburse 80 percent of their grant money to local governments within 45 days of receipt. Many cities have complained that backlogs of federal funds at the state level are preventing money from reaching first responders.

Next to consider the bill is the House Judiciary Committee, whose chairman, Rep. James Sensenbrenner (R-Wisconsin), has already said that he believes every state should get a minimum amount of funding.

The Rules Committee, which is controlled by House Republican leaders, will ultimately sort out the differences between the versions before sending the bill to the House floor.



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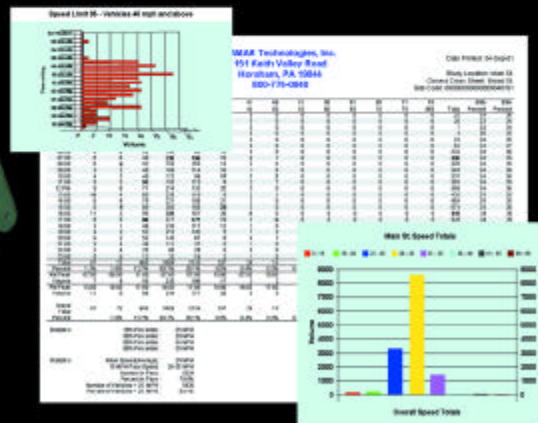
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No Duty to Protect: Two Exceptions

By L. Cary Unkelbach, Assistant County Attorney Representing the Arapahoe County Sheriff's Office, Centennial, Colorado

Law enforcement generally does not have a federal constitutional duty to protect one private person from another. For example, if a drunk driver injures a pedestrian or a drug dealer beats up an informant, agencies and their officers usually would not be liable for those injuries because there was no duty to protect.

Nonetheless, agencies need to be aware of two exceptions, referred to as the special-relationship and the state-created danger theories, which, if pled and proven, may establish a constitutional duty to protect by police. While plaintiffs who are harmed by third parties often raise both theories when they sue police, the state-created danger exception appears to be litigated more frequently than the special relationship exception, which often is more easily analyzed and defined.

Since its 1989 holding that a duty to protect generally does not exist, the U.S. Supreme Court has not directly spoken on the two exceptions theories that have since evolved.¹ Instead, many federal courts have analyzed, defined and applied these exceptions to a variety of fact patterns. Not all of these lower court decisions are consistent with one another. Agencies, in reviewing their policies, should be aware of the approaches taken by the federal courts in their circuit. This article gives a brief overview of the different judicial approaches to a federal due process claim but does not address whether a failure to protect action could be brought under state law.

Special Relationship

The Due Process Clause of the Fourteenth Amendment forbids the government to deprive individuals of life, liberty, or property without "due process of law."² In 1989 the U.S. Supreme Court stated, "Nothing in the language of the Due Process Clause itself requires the State to protect the life, liberty, and property of its citizens against invasion by private actors."³ Generally, the Due Process Clause does not provide an affirmative right to government aid, "even where such aid may be necessary to secure life, liberty, or property interests of which the government itself may not deprive the individual."⁴

Those pronouncements came in a case where the Court held that there was no substantive due process violation by caseworkers when

a child, formerly in department of social services custody, was returned to and later beaten by his father. Caseworkers had received complaints about the father and may have known that the child was in danger. In analyzing the facts, the Court noted that there was no special relationship between Social Services and the child, as the latter was not in its custody. The Court further noted that the state had not created the danger or done anything to place the child in more danger.⁵ The harm to the child was inflicted not by the state but by the child's father. "The most that can be said of the state functionaries in this case is that they stood by and did nothing when suspicious circumstances dictated a more active role for them."⁶

When considering whether law enforcement has a duty to protect, first ask if a special relationship exists. If a suspect is taken into custody by law enforcement, a duty to protect—be it at the scene, during transport, or at the jail—exists.⁷ The majority of courts require a person to be in physical custody of police before that person has a special relationship with police. However, the Sixth Circuit held that police had a duty to protect a woman where she was effectively in custody when she was threatened with arrest and placed involuntarily in her boyfriend's car.⁸ The Ninth Circuit held that the government created a special relationship with a noncitizen by paroling him into federal custody as a government witness.⁹ One federal district court has held a special relationship between the state and a confidential informant existed, and thus there was a duty to protect.¹⁰

Courts have rejected the existence of a special relationship in the following situations: between a county and an ex-wife when the sheriff failed to serve her ex-husband with an order of protection;¹¹ between police and a girlfriend when police made a promise to her that her boyfriend would be kept in jail overnight;¹² and between a man and police, who went to his home to place him on a mental health hold and then waited downstairs while the man (who was not in the officer's physical custody) went upstairs to get "something" and jumped out a window, thereby killing himself.¹³

State-Created Danger

Even if there is no special relationship between a person and police, a duty to protect may still exist if the person has been harmed by a third party and can prove the state-created danger theory. This theory has been litigated in a variety of contexts, including those involving motorists and passengers, government and citizen undercover,

rescues by third parties and prevention of rescues, failure to arrest, and failure to serve orders.

Most circuit courts analyze the issue of whether the state-created danger theory is applicable by examining if officers left the individual in a situation that was more dangerous than the one in which they found him, by creating a previously nonexistent danger or increasing the danger. For example, an intoxicated bar patron, who was ejected by police late at night into sub-freezing temperatures wearing only jeans and a T-shirt, and was prevented from returning to the bar or driving his truck, made a failure-to-protect claim.¹⁴ As the Sixth Circuit said, "The question is not whether the victim was safe during the state action, but whether he was safer before the state action than he was after it."¹⁵

At least three circuits have set forth specific tests to determine if a state-created danger exception exists. The Third Circuit requires the plaintiff to show that (1) the harm ultimately caused was foreseeable and fairly direct, (2) the state actor willfully disregarded plaintiff's safety, (3) there existed some relationship between the state and the plaintiff, and (4) the state actors used their authority to create an opportunity that otherwise would not have existed for the third party's crime to occur.¹⁶

The Sixth Circuit requires the plaintiff to show that (1) the state acted affirmatively to create or increase the risk that plaintiff would be harmed by a third party, (2) the state's actions placed the plaintiff, not the general public, at risk, and (3) the state knew or should have known that its actions specifically endangered the plaintiff.¹⁷

The Tenth Circuit's test requires a plaintiff to demonstrate that (1) the state actor created the danger or increased plaintiff's vulnerability to the danger in some way, (2) plaintiff was a member of a limited and specifically definable group, (3) defendant's conduct put plaintiff at substantial risk of serious, immediate, and proximate harm, (4) the risk was obvious or known, (5) defendant acted recklessly in conscious disregard of that risk, and (6) such conduct, when viewed in total, shocks the conscience.¹⁸

Drunk Drivers and Stranded Persons

Several circuits have considered whether a duty to protect exists in cases involving drunk drivers or stranded persons. For instance, the Seventh Circuit held that a due process claim was stated where police arrested a sober driver but then left the passenger, whom they knew to be drunk, with the car and keys, and the drunk passenger drove the car and two hours later caused a head-on collision.¹⁹

Meanwhile, the Eighth Circuit held that a duty to protect did not exist where the desig-

nated driver was arrested on a warrant and allowed to drive his car to the police station. His passengers, who were drunk, remained unattended in the car outside the police station for about 30 minutes, drove off, and were involved in a fatal crash.²⁰ The Court reasoned that a claim had not been stated, as it was not reasonable to find that the arresting officer "knew or should have known that the two passengers were drunk and unfit to drive."²¹

The Third Circuit found that the state created danger when police, after stopping two pedestrians, left the intoxicated wife to walk a third of a block to her home alone in the dark on a cold night after her husband had already left.²² Sending her home "unescorted in a visibly intoxicated state in cold weather," made her "more vulnerable" to harm, which, the Court held, was foreseeable.²³

No state-created danger exception existed when a motorcyclist and a passenger were injured while going through an unruly crowd, as there was no showing that the individual officers "used their authority to commit affirmative acts that rendered the plaintiffs vulnerable to a harm that would not otherwise have occurred."²⁴ Failure to investigate a possible DUI motorist, who minutes later caused a fatal collision, did not support a claim²⁵; and neither did failure to arrest a motorist who was stopped for speeding but passed roadside sobriety tests as the officer left the driver in the same position she was in had she not been stopped.²⁶

Undercover Officers and Operatives

Whether a duty to protect is owed to undercover officers and citizens is another subject that has been considered by several courts. The Sixth Circuit found a due process claim was stated where the city released undercover police officers' home addresses and other personal information to defense counsel, as by releasing the information the city created a very real threat to the officers and their families.²⁷

The District of Columbia Circuit found, after analyzing extensive case law, that it was not clearly established whether there was a duty to protect an undercover operative who was beaten to death by a third party in 1997.²⁸

The Seventh Circuit rejected a due process claim against a police officer who was the control officer for a paid informant who was shot in the head by his cousin.²⁹ In contrast, the Seventh Circuit held that police were liable when a deputy chief created danger to an informant who requested that his taped telephone call to police about an alleged theft not be released to the suspect, who killed him after the tape was released. By releasing the tape, the deputy chief created a danger to the informant who otherwise would not have faced the danger.³⁰

Rescues by Third Parties, and Prevention of Rescues

Federal courts appear to be split on whether law enforcement interference with private rescue attempts falls within the state-created danger exception to the duty to protect. The Seventh Circuit has held that recklessly interfer-

ing with private rescue attempts without providing alternatives was a due process violation.³¹

The District of Columbia Circuit found there was no constitutional duty to rescue, and private rescues could be prevented without incurring liability, especially where police were entitled, if not obligated, to prevent the would-be rescuer from endangering her life.³² Where the police returned a child to his abductor and prevented others from helping a child or investigating further, a substantive due process claim was stated.³³

Returning a person with mental disabilities to her rapist when the former did not advise police of the rape and stated she wanted to go home with him did not state a claim.³⁴ Police incurred danger to an man by canceling a 911 call and locking him in an empty house when he needed medical care.³⁵ A due process violation occurred when sheriff's commanders cut off, for more than three hours, all avenues of rescue attempts by rescue personnel and police officers to try to save the life of a Columbine High School teacher known to be critically injured.³⁶

Failure to Serve Orders: The Sixth Circuit did not find a substantive due process claim stated where the police failed to serve an ex parte order on an ex-husband³⁷ or failed to investigate a missing persons report.³⁸ The Tenth Circuit recently held that the state-created danger exception to a substantive due process duty to protect claim did not state a claim for failure to enforce a restraining order against a father who killed his children. However, the court allowed a procedural due

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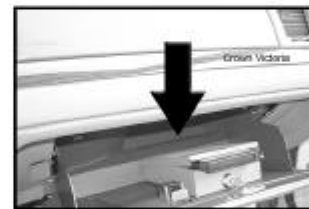
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process claim to proceed based on a property interest it said was created by state law.³⁹

Failure to Arrest: Failure to arrest a parolee who walked into a police station to surrender but left before a warrant was found and who then raped and killed did not state a substantive due process claim.⁴⁰ That court found that when he was released, he posed no more of a danger than he did before he came to the police station.⁴¹ The Seventh Circuit held that police failure to act on a phone call from a workplace reporting a threat of violence to employees did not create a claim.⁴² That court found that there was no duty to the city residents "to provide a police department whose policy is to investigate threats of violence, even credible ones made by private persons and reported by private persons."⁴³

Although police generally have no constitutional duty to protect private persons from third parties, there may be such a duty if a special relationship exists or if the state increased or created the danger to the harmed person. Federal courts do not always apply these exceptions in a consistent manner. Agencies should evaluate their own circuit's application of the law to specific facts before deciding when a duty to protect may arise in their jurisdiction. Further, local counsel should be consulted to assess whether state tort law allows a failure to protect lawsuit based on a negligence theory.

¹ *DeShaney v. Winnebago County Dept. of Social Services*, 109 S. Ct. 998 (1989).

² *Id.* at 1003.

³ *Id.*

⁴ *Id.*

⁵ *Id.* at 1005-1006.

⁶ *Id.* at 1006.

⁷ See *Id.* at 1005-1006.

⁸ *Stemler v. Florence*, 126 F. 3d 856, 868 (6th Cir. 1997), cert. denied, 118 S. Ct. 1796 (1998).

⁹ *Wang v. Reno*, 81 F. 3d 808, 818 (9th Cir. 1996).

¹⁰ *G-69 v. Degnan*, 745 F. Supp. 254, 265 (D. N.J. 1990).

¹¹ *Jones v. Union County*, 296 F. 3d 417, 428 (6th Cir. 2002).

¹² *Pinder v. Johnson*, 54 F. 3d 1169, 1175 (4th Cir. 1995), cert. denied, 116 S. Ct. 530 (1995).

¹³ *Henderson v. City of Philadelphia*, 1999 WL 482305 (E.D. Pa. 1999), cert. denied, 121 S. Ct. 574 (2000).

¹⁴ *Munger v. City of Glasgow Police Dept.*, 227 F. 3d 1082, 1086-1087 (9th Cir. 2000).

¹⁵ *Cartwright v. City of Marine City*, 336 F. 3d 487, 493 (6th Cir. 2003).

¹⁶ *Schieber v. City of Philadelphia*, 320 F. 3d 409, 417 (3rd Cir. 2003).

¹⁷ *Cartwright v. City of Marine City*, 336 F. 3d at 493.

¹⁸ *Christiansen v. City of Tulsa*, 332 F. 3d 1270, 1281 (10th Cir. 2003).

¹⁹ *Reed, et al. v. Gardner, et al.*, 986 F. 2d 1122, 1127 (7th Cir. 1993), cert. denied, 114 S. Ct. 389 (1993).

²⁰ *Gregory v. City of Rogers*, 974 F. 2d 1006, 1008 (8th Cir. 1992), cert. denied, 113 S.Ct. 1265 (1993).

²¹ *Id.* at 1010-1011.

²² *Kneipp v. Tedder*, 95 F. 3d 1199, 1211 (3rd Cir. 1996).

²³ *Id.* at 1208-1209.

²⁴ *LeMay v. Town of Broomfield*, 62 F. Supp. 2d 583, 589 (D. Ct. 1999).

²⁵ *Saenz v. Heldenfels Bros., Inc.*, 183 F. 3d 389, 391-392 (5th Cir. 1999).

²⁶ *Wyatt v. Krzysiak*, 82 F. Supp. 2d 250, 259-260 (D. Del. 1999).

²⁷ *Kallstrom v. City of Columbus*, 136 F. 3d 1055, 1063 (6th Cir. 1998).

²⁸ *Buterav. District of Columbia, et al.*, 235 F. 3d 637, 652 (D.C. Cir. 2001).

²⁹ *Dykema v. Skoumal*, 261 F. 3d 701, 707 (7th Cir. 2001).

³⁰ *Monfils v. Taylor*, 165 F. 3d 511, 518 (7th Cir. 1999), cert. denied, 120 S. Ct. 43 (1999).

³¹ *Ross v. United States*, 910 F. 2d 1422, 1433 (7th Cir. 1990).

³² *Andrews v. Wilkins*, 934 F. 2d 1267, 1271 (U.S. App. D.C. 1991).

³³ *Estate of Sinthasomphone v. City of Milwaukee, et al.*, 785 F.Supp. 1343, 1349 (E.D. Wi. 1992).

³⁴ *Bukowski v. City of Akron*, 326 F. 3d 702, 712 (6th Cir. 2003).

³⁵ *Penilla v. City of Huntington Park*, 115 F. 3d 707, 710 (9th Cir. 1997), cert. denied, 118 S. Ct. 2059 (1998).

³⁶ *Sanders v. Bd. of County Comm'rs of Jefferson County*, 192 F. Supp. 2d 1094, 1117 (D. Colo. 2001).

³⁷ *Jones v. Union County*, 296 F. 3d at 430-431.

³⁸ *Gazette v. City of Pontiac*, 41 F. 3d 1061, 1065-1066 (6th Cir. 1994).

³⁹ *Gonzales v. City of Castle Rock*, 2004 WL 950940, (10th Cir. 2004).

⁴⁰ *Leidy v. Borough of Glenolden, et al.*, 277 F. Supp. 2d 547, 561 (E.D. Pa. 2003).

⁴¹ *Id.*

⁴² *Hernandez v. City of Goshen*, 324 F. 3d 535, 538 (7th Cir. 2003).

⁴³ *Id.*

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2003 Traffic Safety Data

Safety has been and will continue to be the top transportation priority for Transportation Secretary Norman Mineta and President George W. Bush.

Although the traffic fatality rate has dropped dramatically since the mid-1960s, traffic crashes account for 95 percent of all transportation-related deaths and 99 percent of transportation-related injuries. Traffic crashes are the leading cause of death for ages 4 to 34. The total economic cost of motor vehicle crashes in the United States exceeds \$230 billion annually.

Our preliminary highway fatality numbers for 2003 represent a mix of good news and bad news.

The good news is that the number of traffic injuries dropped again in 2003, down 1.2 percent from the prior year. They declined from about 2.93 million in 2002 to about 2.89 million in 2003. That reduction took place despite increases in all our exposure measures. There were general population increases, increases in the total number of registered vehicles, and increases in the number of vehicle miles traveled.

And more good news is that there was nearly a 4 percent decline in the number of occupant fatalities in passenger cars. This occurred even though there was a 1 percent increase in the number of those vehicles on the road.

Unfortunately, some of the other news is not all that uplifting. Traffic crashes are the leading cause of death in the line of duty for law enforcement officers. In 2003, 145 law enforcement officers died in the line of duty. Of these, 75 officers died in motor vehicle crashes.

In 2003 the total number of fatalities rose again—to the highest level since 1990. According to our preliminary estimates, a total of 43,220 people died on the nation's roadways, up from 42,815 in 2002. However, the rate of death, per 100 million vehicle miles traveled, remained steady at 1.5.

Why the increase? Our preliminary analysis reveals several reasons. Although passenger car occupant fatalities declined, that improvement was more than offset by fatality increases in two key areas—sport utility vehicles (SUVs) and motorcycles.

Motorcycle rider fatalities rose for the sixth straight year, up 11 percent from 2002. That's an increase of 348 deaths over the prior year. There were 3,592 total motorcycle fatalities in 2003.

It is obvious that the repeal of motorcycle helmet laws in several key states, including Pennsylvania, Texas and Florida, has not helped. Today, just 19 states plus the District of Columbia and Puerto Rico have universal motorcycle helmet laws.

The other area of increase was among occupants of SUVs, where fatalities rose 11 percent in just one year, up 456 deaths to a new total of 4,451 fatalities. This mirrors a 12 percent increase in registrations of SUVs, demonstrating their continued popularity among American motorists.

Our analysis of these SUV fatalities reveals more. If it were not for SUV rollovers, the death increases would have been far less than would be expected purely from the rise in reg-

istrations. In 2003 fully 61 percent of all SUV deaths occurred in rollover crashes. By comparison, just 23 percent of all passenger car occupants died in rollovers.

The other reason for the overall increase in traffic fatalities is elementary. Americans were driving more in the latter half of 2003, a trend that increased their exposure. Nearly all of the fatality increases came in the last half of the year, a time when vehicle miles traveled rose.

Our goal is to cut the fatality rate to not more than one death per 100 million vehicle miles traveled (VMT) by 2008. This is an ambitious goal and it will take a concerted effort across all areas to reach it.

What can we do to reduce these numbers? We at NHTSA are confident that our five priority areas—safety belts, impaired driving, compatibility, rollover, and data collection—still reflect the correct blueprint for action.

In the past year, we have added a dynamic test to supplement our consumer rollover ratings. Soon, we will be announcing proposed new federal standards for roof crush and side impact protection. Improved side protection, a key component of the compatibility issue, could save more lives than any other rule-making NHTSA will undertake during this administration to improve vehicle safety.

Now, let's address the areas where law enforcement executives can have the greatest impact. The national belt use is now at 79 percent, an all-time high. This is in part the result of your enforcement efforts. But we need to continue to focus on those efforts.

Of the more than 32,000 people killed as occupants in vehicle crashes in 2003, 58 percent were unbelted. The real tragedy is that about half of those unbelted people would be alive today if only they had buckled up.

Every 1 percent increase in national safety belt use results in 2.8 million new belt users, more than 270 additional lives saved, and reduced severity of more than 4,000 moderate-to-critical injuries.

In impaired driving, great progress was made through the 1980s and into the mid-1990s, but then the statistics leveled off. Last year, more than 17,400 people were killed in al-



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cohol-related crashes. The median blood alcohol content (BAC) for impaired drivers in fatal crashes is 0.16, twice the legal limit in most states. When last measured in 2002, alcohol-related traffic fatalities occurred at the rate of 0.61 per 100 million VMT. Our goal is to cut that rate to not more than 0.53 alcohol-related traffic fatalities by the end of the year.

NHTSA has undertaken a three-pronged approach to reduce the incidences of impaired driving. First, we need to deploy high visibility enforcement; we know it works. High-visibility enforcement helped propel an increase in safety belt use rates from 75 percent to 79 percent nationally. Research shows that high-visibility enforcement can significantly reduce alcohol-related crashes, too.

To achieve these results, law enforcement needs to be trained, prepared, and ready to detect, arrest, and help prosecute impaired drivers. But these enforcement efforts must be visible and widely publicized so that people will be deterred from driving impaired. Motorists must perceive that if they drive impaired they will be caught. Sobriety checkpoints are clearly the most effective tool to use and should be used wherever allowed. In states that cannot use checkpoints, agencies should employ saturation patrols or other highly visible law enforcement strategies.

NHTSA is encouraging even higher levels of law enforcement participation across the country this year in the Impaired Driving Crackdown from August 27 to September 12. Like last summer, paid advertising in support of the crackdown will remind drivers that if they drink and drive they lose. To achieve general deterrence and convince drivers not to operate their vehicles while impaired, we encourage you to conduct highly visible sobriety checkpoints or saturation patrols during this period. You are also encouraged to conduct impaired driving enforcement efforts throughout the year to continue the general deterrence and, we hope, achieve our ultimate goal of reducing alcohol related deaths and injuries.

Second, we need to expand the number of DWI courts and special prosecutors. The general deterrence model will not work for everyone; so a system must be in place to ensure that offenders will be held accountable. Many prosecutors who handle DWI cases are new and inexperienced and they're often pitted against seasoned, high-priced defense attorneys.

NHTSA will also look to drug courts as a model for DWI cases. Judges in these courts carefully sentence, closely supervise, and have frequent contact with offenders. Research shows that these drug courts can help reduce recidivism of drug offenders, and efforts are being made to apply this same approach to DWI cases.

Third, we need to encourage physicians and other health care providers to perform alcohol screening and brief intervention. Impaired driving is for many a symptom of a deeper alcohol or substance abuse problem, and doctors can help discover these problems by routinely asking patients a few questions, conducting a brief

intervention where it is called for, and referring anyone who appears to have an alcohol or substance abuse problem for assessment and treatment. NHTSA is committed to encouraging leaders in the medical and health care community to make screening and brief intervention a routine part of examinations.

We need to address improvements to data. NHTSA cannot emphasize enough how vital the data systems are in helping us reach our common safety goals. Data are crucial to establishing safety priorities, developing interventions, and monitoring progress. The resources provided to states are best used to meet the specific and unique needs of each state based on that state's specific data.

The officer on the street who investigates the crashes and completes the police accident report represents the first element in the process. The impact of the data this officer collects extends far beyond his or her jurisdiction. We are committed to helping states shore up their data systems to ensure that we have timely and accurate safety data.

In the past several years, NHTSA has concentrated significant resources on the two leading factors in motor vehicle crashes and fatalities: occupant protection and impaired driving. But now that we have a handle on these initial priorities, we need to pay more attention to the third leading factor: speeding.

Speeding continues to be cited as a major factor in almost one-third of traffic fatalities nationally. The data also tells us that the most significant problems are on local, collector, and arterial roadways. This is a problem that cannot be ignored.

The U.S. Department of Transportation has a Speed Management Team with members from the Federal Highway Administration (FHWA), the Federal Motor Carriers Safety Administration (FMCSA), and NHTSA. This team is currently cosponsoring demonstration projects around the country focusing on setting, enforcing, and adjudicating rational speed limits.

These projects will employ a variety of approaches to the problem of speeding and speed management. A holistic approach that includes engineering, education, and enforcement efforts must be woven into a comprehensive strategy if we are to achieve any success in mitigating the problem of excessive speed. We must now work together to ensure that speeding-related fatalities do not offset the gains we are making in our other priority areas.

No one should be misled into thinking that traffic injury and death are inevitable consequences of living in a motorized society. The deaths on our roads are largely preventable. This administration cannot and will not become complacent with more than 43,000 people killed each year. With safeguarding the lives and property of our citizens being a fundamental duty for all law enforcement, it is clear then that traffic enforcement is law enforcement. We must continue to work together to reduce injuries and fatalities on our roadways.

Interagency Communications during Major Events Possible

**David J. Mullholland, Consultant,
Law Enforcement Technology
Specialist, and IACP LEIM Board
Member**

Cross-jurisdictional and cross-disciplinary events have become more significant in recent years. These events have enhanced the need for an effective means of on-scene communication and information exchange. In the Washington, D.C., area, law enforcement agencies and other disciplines recently participated in a military exercise at the Pentagon called Operation Gallant Fox II and in the dedication of the National World War II Memorial. Reliable and instantaneous communications was again tested, and the Capital Wireless Integrated Network (CapWIN) met the challenge.¹

During the May 2004 Gallant Fox II incident response exercise at the Pentagon, CapWIN was deployed on the side in order to test its capabilities. Although CapWIN was not the primary tool for communications between participating agencies, valuable lessons were learned. Several law enforcement, transportation, and fire and EMS agencies used CapWIN to communicate with each other as the practical exercise unfolded. At one point there was a momentary radio communications failure, at which time CapWIN was used as a primary tool for communications between participating agencies.

Another lesson learned was that certain law enforcement-sensitive information had been posted to so-called public chat rooms that were accessible by fire and EMS and transportation personnel who had not been vetted to receive law enforcement-sensitive information. This emphasized the need to use invitation-only private chat rooms that allow specific vetted users to view sensitive information, such as the locations of and responses to bomb threats and suspicious packages and lookouts for suspicious persons.

CapWIN was also deployed during the daylong events surrounding the dedication of the National World War II Memorial on

Memorial Day weekend. With more than 100,000 invited guests (to include tens of thousands of World War II veterans and numerous VIPs, dignitaries, and the president of the United States), the dedication activities involved numerous traffic closures, a high level of security precautions, and the expectation of numerous first aid and medical incidents. More than 30 law enforcement agencies from outside the city participated in the event. Primary law enforcement duties fell upon the U.S. Park Police, supplemented by the Metropolitan Police Department and numerous federal police agencies. The coordination of communications between the law enforcement agencies, Washington D.C., Fire and EMS, and the District Department of Transportation (DDOT), the Virginia Department of Transportation (VDOT), and the Maryland State Highway Administration (MDSHA) was the perfect setting in which to test and showcase the capability of CapWIN in rapidly, efficiently, and effectively transmitting real-time information between agencies and disciplines.

Throughout the day, traffic incidents resulting in road closures or significant traffic delays occurred. Should there have been a need to quickly evacuate vehicular traffic, the knowledge of such closures and delays would have been valuable.

CapWIN staff assisted at the on-site emergency operations center and at the CapWIN offices to resolve technical issues as they arose throughout the day. The primary focus of the use of CapWIN during the dedication events was to show that information could be collected directly from the scene (specifically the on-site emergency operations center) and rapidly disseminated to other agencies without the need to transfer information through multiple dispatchers.

Under normal conditions, a lookout for a suspicious person may be telephoned from the reporting agency to other agencies. Unfortunately, from the time the information is relayed from the original reporting officer to a dispatcher and then to someone who places a call to another agency and then from a call taker to

a dispatcher and finally from the dispatcher to the officer in the field, there are numerous possibilities for information distortion to occur. Additionally, the originating agency caller may not remember to include all the information for each individual phone call that must be made if passing a lookout along to multiple agencies.

Through the creation of incident sub-rooms inside CapWIN's Memorial Dedication incident chat room, information was posted in real time as it came directly from the field. Information was posted to one of the following rooms:

- General incident room
- Law enforcement room
- Law enforcement sensitive room (law enforcement users had to be specifically invited to this private room)
- Fire and medical emergencies room
- Missing persons room
- Traffic closures and incidents room

In the aftermath, CapWIN staff identified a few technical problems, mostly related to connectivity, and began developing solutions. The participating agencies will also meet to develop more lessons learned by focusing on the successes of the deployment and identifying ways to make CapWIN stronger. The initial goal of proving that CapWIN is a viable means for instant and reliable sharing of information between agencies was achieved.

For more information on CapWIN, please visit www.capwin.org.

¹ CapWIN is a partnership between the law enforcement, fire and rescue, emergency medical services, and transportation agencies in Washington, D.C., and suburban Maryland and Virginia. CapWIN enables secure and dedicated interoperable data communications between disparate agencies and disciplines during incident response and special events through the creation of incident chat rooms and instant messaging. CapWIN will also allow law enforcement agencies to query the wants and warrants and hot files of the D.C., Maryland, and Virginia law enforcement databases and NCIC. See George Ake and David J. Mullholland, "Expanding the Reach of Interoperable Data Communication," *The Police Chief* 71 (April 2004), 151-153, for details about CapWIN.

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.

State and Local Agencies Use Information Retrieval Tool

Seisint Inc. announces Accurint for Law Enforcement, an information retrieval tool designed to help law enforcement officers in agencies of all sizes find suspects and key witnesses. Investigators using Accurint for Law Enforcement can tap into information from Seisint's proprietary repository of billions of public records, starting with just a few pieces of information, such as a suspect's first and last name, phone number, or previous address.

"Securing accurate information is an exhaustive yet mission-critical step in any investigation," said V. Smith, an analyst with the Illinois State Police Department. "We rely on Seisint's solutions to help speed investigation time and close cases faster. The quality, speed, and depth of the information that Accurint provides our department are truly unmatched."

Conducting law enforcement investigations manually is costly and time-consuming and can yield stale information. Accurint for Law Enforcement is engineered to solve this problem by giving police officers access to the regularly updated information in the Seisint data supercomputer.

"As a midsize sheriff's department, we, like many other law enforcement organizations in the U.S. with extremely limited publicly funded budgets, are always seeking useful technology that falls within our budget restrictions," said Ken McCabe, chief investigator for Kankakee County Sheriff's Department. "Accurint's flexible pricing and powerful search capabilities have far exceeded our expectations and have resulted in significant cost-savings."

For more information, circle no. 100 on the Reader Service Card, or enter the number at www.theiacp.org/freeinfo



New Jersey Department Selects Bomb Response Unit

Odyssey announces that the Passaic County Sheriff's Department in New Jersey chose Odyssey to build its new bomb response unit. The unit is based on a Ford F-650 chassis with an 18-foot aluminum apparatus walk-in body. The front end sports an Odyssey NYPD-style front bumper with a wraparound Teflon face. There is a side-entry door, generator, and cable access door and a custom compartment on the side with a custom ramp for the agency's bomb robot.

In addition, a special hatch in the side allows the robot to connect to the vehicle and the control desk inside. The inside is equipped with heavy-duty compartments with adjustable shelves and roll-up doors, high-security drawers for weapons and sensitive supplies and equipment, and a control desk for operations. A special insulated compartment with the RTI System 70 keeps special film from being effected by hot or cold temperatures.

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Florida County Acquires Imagery System for Public Safety Agencies

Pictometry International Corporation announces that Polk County, Florida, has integrated its software and countywide imagery into the county's emergency dispatching system. The mapping program identifies the points of origin of inbound calls and displays the location of callers on aerial photograph of the county.

Pictometry's software is designed to allow county 911 operators to see up to 12 different high-resolution views of any property, building, highway, landmark, or other feature in the county where a call may originate. The software also helps call takers identify important measurements such as height, distance, and elevation.

The county is using the imagery and software in the dispatch center and in first responder vehicles. Officers in the sheriff's department have already put the system to the test. "If you're deploying a SWAT team at night, this [system] lets you have a chance to look at the daylight photos of the area," said Major Francis Hart, director of the Polk County Sheriff's Office Special Operations Division. "You can see what's in the back yard and things that you can't see at night if you're trying to do a recon. From a tactical standpoint, it's the best that you can get your hands on other than being right there at the moment."

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Administration and Management of Training	Sept 27-Oct 1
School of Police Supervision	Oct 4-29
Internal Affairs, Professional Standards and Ethics (San Bernardino, CA)	Oct 11-15
Ethics Conference	Oct 20-22
Police Executive Development	Nov 1-5
Internal Affairs, Professional Standards and Ethics	Nov 9-12
Ethics Train-the-Trainer (San Bernardino, CA)	Nov 9-12
Teaching Diversity Train-the-Trainer	Nov 15-19
Ethics Train-the-Trainer	Dec 6-10
A Practical Guide to Litigation-Free Management	Dec 7-9
School of Police Supervision (Ft. Worth, TX)	Jan 3-29
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Managing Highway Incidents with NIMS

By Earl M. Sweeney, Assistant Commissioner, New Hampshire Department of Safety, and Chair, IACP Highway Safety Committee

Two converging national forces promise to revolutionize the way highway incidents will be managed in many local jurisdictions in the coming years. The first of these forces is the nationwide adoption of the National Incident Management System (NIMS) by the U.S. Department of Homeland Security.¹ The second is the implementation of efforts by the Federal Highway Administration (FHWA) urging the passage of a combination of new laws, the adoption of revised training, and the institution of new procedures for relieving congestion and achieving quick clearance of highway incidents.

Although the fire service has for a number of years used the incident command system (ICS) that was pioneered for fighting wild-land fires, law enforcement as a whole has been slow in adopting it. Other municipal and state government agencies and certain private entities such as towing and recovery services have scarcely heard of the concept or understand its implementation. That is all changing now because the Department of Homeland Security has made the adoption of NIMS and the provision of NIMS training prerequisites for receiving homeland security grants. Eighty percent of these grant funds must be distributed to local and county agencies. This new federal requirement provides a strong

incentive for states to adopt NIMS by statute or administrative rule, and for localities to embrace it.

The FHWA through its state and regional offices is facilitating meetings to spur the use of incident management tools to provide quick clearance of highway incidents to reduce congestion and improve traffic flow. FHWA is tying this effort into the larger nationwide Intelligent Transportation System initiatives.²

Model Procedures Available

Resources are available to help states and local jurisdictions implement NIMS. The Model Procedures Guide for Highway Incidents is available from the U.S. Department of Transportation and on the department's Web site.³ The National Committee on Uniform Traffic Laws and Ordinances has published model "quick clearance" legislation for jurisdictions to use as a guide for developing their own laws and ordinances on this topic.⁴ The National Association of the Towing & Recovery Industry has issued a guide to their members called TIMTOW, which explains the theory of traffic incident management and identifies a role for towing and recovery operators in the quick clearance of highway incidents.⁵

With traffic incidents being the historic leading cause of line of duty deaths for police officers and the second most frequent cause of deaths for firefighters, the quick clearance of roadways can be a lifesaver for first responders, other motorists and onlookers. In addition, the FHWA estimates that trillions of dollars are lost to the U.S. economy every year due to traffic congestion, much of which is caused by highway incidents.

The traffic incident management system (TIMS) is a component of NIMS and adapts well to the control of traffic incidents. TIMS can be used to manage all highway incidents, including major crashes, bridge collapses, snowstorms, terrorist incidents, landslides and other disasters, as well as planned events such as highway construction projects, parades, and public gatherings. The system can be expanded or contracted as an incident escalates or gets under control. It enables unified command under a single incident commander but with each participating entity represented in the command center as partners controlling their own resources through their own command structures at the scene.

The system is flexible enough to be used regardless of which agency or discipline has overall command of the incident. Depending on state law or local practices the police may be designated as the scene commander, in others the fire service may be in overall command.

In many jurisdictions the rule of thumb is, "If it bleeds, leaks, fumes, or smokes, the fire chief is the incident commander; otherwise, police chief is." In either case, the other agency has an important role to play and is part of the unified command structure.

If the police are in the supporting role, they are usually responsible for security and order at the scene and at the command post as well as communications, traffic control, crowd control, the criminal investigation, and enforcement. If there is a separate EMS department, it handles the emergency medical services. If traffic will be disrupted for any significant length of time, the state department of transportation is called in as part of the command structure to provide services ranging from

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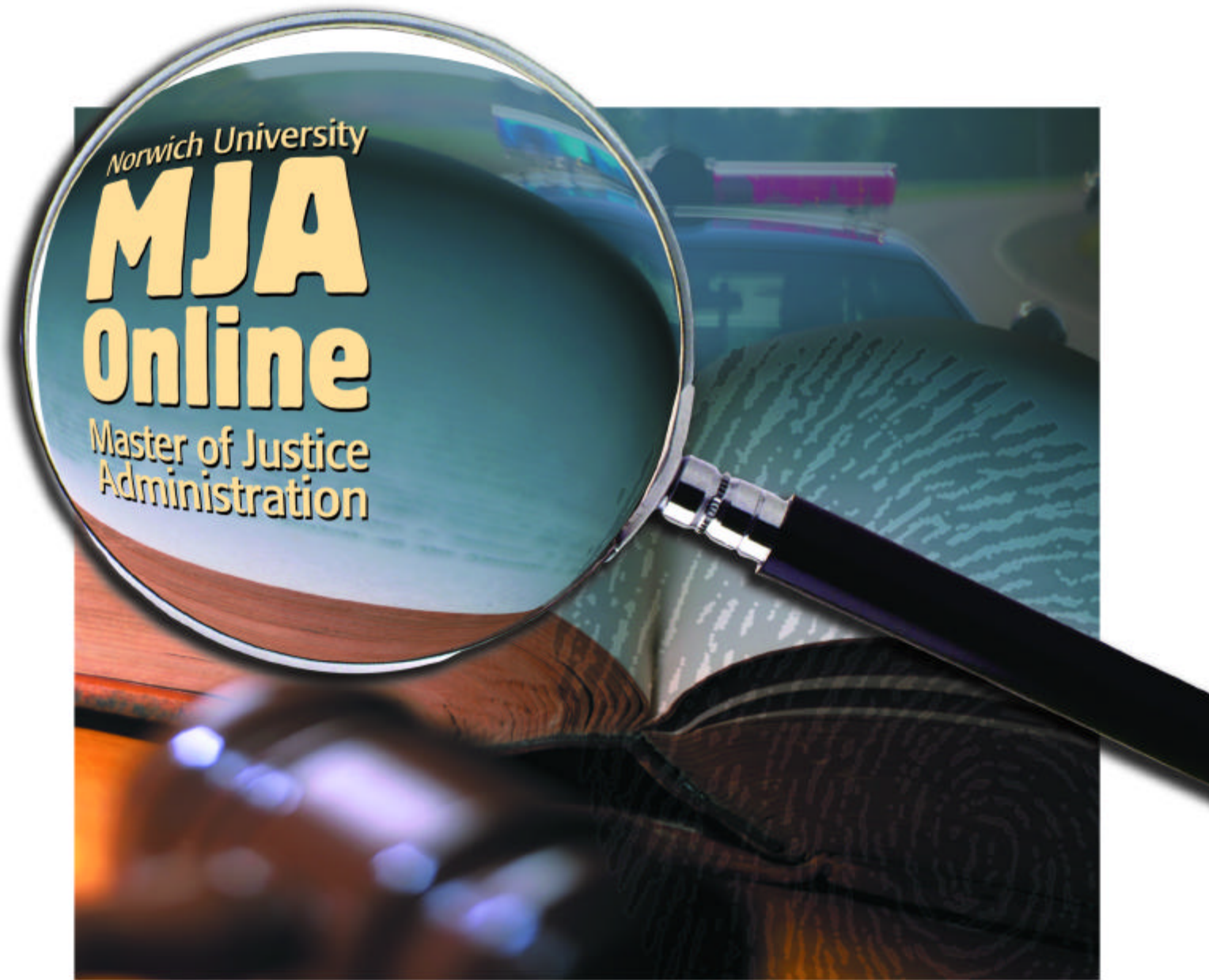
barricades and detour signs to assistance to motorists whose vehicles have stalled and will not restart to rapid erection of a temporary bridge if appropriate. State or local environmental protection personnel and regional hazardous materials teams may be called in when hazardous chemicals, explosives, biological hazards, or radioactive materials are involved.

Assistance is even available from the private sector, since the towing and recovery services are increasingly providing their employees with reflective clothing, temporary traffic control devices, and training in direction and control of traffic. Tow truck operators properly trained can lend a hand directing traffic at the scene while waiting to hook up their tows. Public utilities such as the electric power, gas or water companies will become involved if their services are affected. Downed electrical lines happen with some frequency and need to be rendered safe quickly. If the incident becomes protracted, then disaster relief agencies such as the Red Cross will need to be activated and incorporated in the command structure.

The news media has a role in handling major incidents. During the local planning stage for adopting NIMS the news media should be involved in planning and then participate in the drills preparing for incidents. This will establish ownership in the parameters set for the media at scene of incidents and provide the media with plan of action for obtaining information. Besides reporting on the incident the media can serve as allies in broadcasting public notification to keep motorists and the traveling public away from the area of a major incident and to inform the public about available detour routes.

Because a major incident will result in detouring a significant amount of traffic along alternate routes, or causing congestion for many miles removed from the incident, adjacent jurisdictions can be seriously and unexpectedly affected by a traffic incident. Each regional jurisdiction must be a part of the planning, notification and implementation process. When an incident occurs, the adjacent departments need an early notification that their roads and streets will carry a sudden surge in traffic. In this way the adjacent jurisdictions can facilitate the traffic flow.

TIMS provides a balance among the sometimes competing interests of quickly providing emergency services. Each agency has a role in removing traffic blockage, protecting first responders and those in their care from hazards of moving vehicles, protecting motorists and cargo from the hazards of the incident, facilitating emergency vehicle movement, and facilitating traffic flow past the incident and in the vicinity.



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A Multistep Process

Generally, the implementation of an effective traffic incident management system will involve the following activities:

- The passage of effective laws and ordinances
- The formation of incident management committees with representation from all the public and private entities that would contribute to the clearance of a traffic incident
- Training of first responders, both public and private

Many states are now incorporating these principles into their motor vehicle codes. Typical provisions of these codes include the following:

Move-Over Provisions: These regulations require motorists approaching a stopped emergency vehicle or a roadside incident to recognize that they have entered a de facto work zone, to reduce their speed, to obey the directions of workers at the scene, and to keep clear of any lane that is totally or partially blocked.

Avoidance of Lane Blockage: Old state driver's manuals told a generation of drivers to stop at the precise point of impact and wait for the police to arrive and investigate; now under the new laws motorists are obligated, if their vehicle is drivable and they are capable of moving it, to pull off the road at the nearest safe location when involved in a crash. This avoids blocking the roadway and reduces the risk of secondary collisions.

Authority of the Scene Commander: Police officers, acting on orders of the incident commander, are authorized to tow, with or without the owner's permission, any vehicle that is blocking traffic at the scene, and to order the immediate removal of any spilled cargo. With the availability of technology such as photogrammetry today, it is no longer necessary in most cases to leave vehicles that were involved in a crash in the middle of the road for hours while police dissect the crash.

Compensation of Incident Removal Costs: Persons, such as towing and recovery companies, removing vehicles or cargo from an incident at the request of the designated incident commander have the unqualified right under these statutes to be compensated for their work by the owners of the vehicles or cargo removed.

Exemption from Liability: Any persons, including police officers, firefighters, EMS providers, DOT employees, and towing and recovery personnel, if acting at the request of the incident commander, are exempted from liability for any damage done to vehicles, equipment, or cargo as a result of enforcing the quick clearance law, provided they act without wanton or willful negligence or malicious intent.

Once these laws are in effect the state or local DOT should post signs conspicuously along roadways informing motorists of

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their obligations in highway incidents. Also necessary is an educational campaign to inform the public of the changes.

When adopting TIMS, the department needs to hold a meeting with all the potential first responder partners and adjacent jurisdictions to discuss each other's respective roles. Regular follow-up meetings to analyze responses to incidents will provide improvements to the local system. All of the involved entities should implement TIMS policies that complement each partner and jurisdiction as well as provide training to their employees. Joint training exercises should follow the initial training with additional training throughout the year.

Managing the Incident Scene

Once an incident occurs, the responsibilities of the incident commander include the following:

- Take immediate steps to stabilize the incident, provide for life safety, and establish traffic control. A perimeter for the scene needs to be established and evacuate persons as required.
- Evaluate the situation and call for needed additional assistance.
- Triage the injured and provide appropriate field treatment and emergency care transportation.

• Extend the area of operation to ensure safe and orderly traffic flow through and around the incident scene.

• Provide for the safety, accountability, and welfare of personnel, a responsibility that will be ongoing throughout the incident.

• Restore the roadway to normal operations after an incident has been cleared.

What Are the Procedural Changes?

In the past, operations at the scene flowed sequentially, with the police arriving, determining if fire and emergency medical personnel would be needed, then calling in any hazardous materials mitigation teams, and finally calling for towing services. Under TIMS wherever possible, all equipment and personnel arrive at a staging area, not necessarily at the scene, and the necessary personnel and equipment is dispatched to the scene when needed. This practice avoids a massive amount of recovery equipment stacking up at the scene and contributing to the congestion, and it enables the clearing of the scene much more quickly than waiting for these resources to arrive as each prior operation is completed.

Getting the right people and equipment to the scene is important. To assist in the removal, the TIMTOW guide by the National Association of the Towing & Recovery In-

dustry has published schematic descriptions of the various vehicles and wrecker configurations.⁶ This guide identifies wreckers best suitable for towing the vehicle. Ideally this guide should be made available in all police cars so that officers at the scene will call for the proper piece of apparatus the first time, and not be confronted with situations where the tow truck called cannot do the job, and another must be summoned after the fact.

For a simple incident, the first arriving officer assumes command and retains command throughout. For more complex incidents, the model expands as needed and shrinks as the incident comes under control. Establishment and maintenance of interoperable communications throughout the incident is paramount, and this needs to be planned in advance.

Under a unified command scenario, the ranking police officer, the ranking fire officer, and the ranking DOT official might work together, one as incident commander and the other two as deputy incident commanders. As the incident progresses, the roles of incident commander and deputies will shift as the emphasis of the incident changes from firefighting and rescue to investigation, scene control, and body recovery, and then to vehicle and debris clearance and roadway repair. The commanders jointly determine objectives, strategy, and priorities for handling the incident.

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There is no greater responsibility at a traffic incident than ensuring the safety and well-being of responders, passing motorists, and bystanders. To safely move vehicles and apparatus may be simple or complicated, depending on the location and duration of the incident. The hazard to responders increases as the speed of vehicles passing the scene increases and as the separation between moving traffic and responders decreases. Warning motorists who are approaching a line of vehicles that has slowed or stopped due to a highway incident is vitally important to prevent secondary collisions and additional emergency incidents. Limited visibility, weather, and road conditions can intervene and add to the difficulty.

If traffic begins to bottleneck, it becomes necessary to extend the advance warning area further and further from the incident scene, providing the oncoming traffic ample opportunity to slow up or stop. Next comes a transition area where traffic is shifted or merged into a new traffic pattern around the incident. If the incident will last longer than a few minutes, trained flag-persons should be positioned at each significant change to normal traffic flow; this is where the DOT can help. The *Manual on Uniform Traffic Control Devices* recommends at least 1,000 feet between the last warning sign and the stopped traffic on expressways, 500 feet on rural roads, and between 100 and 350 feet in urban

areas, depending on traffic speeds. The activity area is next, and encompasses the crash vehicles or other primary focus of the incident, and the working area around them.

Finally, there should be a termination area that provides for the gradual and orderly return of traffic into the normal pattern and flow, and to provide a safe departure for EMS vehicles, tow trucks, and units returning to service, as they leave the scene. Lateral and longitudinal buffer spaces must provide the separation between workers at the scene and moving traffic. Emergency scene lighting will be necessary at night.

Safety of the emergency workers is a concern. In major incidents a safety officer may be designated to assist the incident commander in overseeing the safety of all personnel on the scene. Responders should never be allowed to risk their lives for property or lives that are already lost. The safety officer or incident commander must have the authority to alter, suspend, or terminate any activity that is unsafe or involves an immediate danger to others. Even fatigue and other personal exhaustion issues need to be considered. For example in severe cold weather it may be necessary to locate places for emergency workers to get warm. Protracted incidents will require water, food, and refreshments for the scene workers. Obtaining and issuing retroreflective clothing and respiratory protection may be required.

Immediate Action Required

Now is the time for law enforcement executives to review their traffic incident management procedures. Use the resources listed in this article to develop the partnerships in order to establish a unified command for the safe and quick clearance of highway incidents. The traffic incident management system can save lives, prevent unnecessary congestion, and ensure the agencies' eligibility for receipt of Homeland Security Department funds in the future.

¹ U.S. Department of Homeland Security, Emergencies & Disasters, Response & Recovery, "National Incident Management System," March 1, 2004, www.dhs.gov/dhspublic/display?theme=15&content=3254, May 10, 2004.

² U.S. Department of Transportation, Intelligent Transportation Systems Joint Program Office, *Model Procedures Guide for Highway Incidents*, March 2004, www.itspublicsafety.net/fire.htm, May 10, 2004.

³ U.S. Department of Transportation, Intelligent Transportation Systems Joint Program Office, *Model Procedures Guide for Highway Incidents*.

⁴ National Committee on Uniform Traffic Laws and Ordinances, "Current Model Laws of the National Committee," 2004, www.ncutlo.org/modellaws.htm, May 10, 2004.

⁵ National Association of the Towing & Recovery Industry, "2003 Traffic Incident Management Tow Operators Workplan (TIMTOW) Guide," 2003, www.towserver.net, May 10, 2004.

⁶ National Association of the Towing & Recovery Industry, "2003 Traffic Incident Management Tow Operators Workplan (TIMTOW) Guide": 16.



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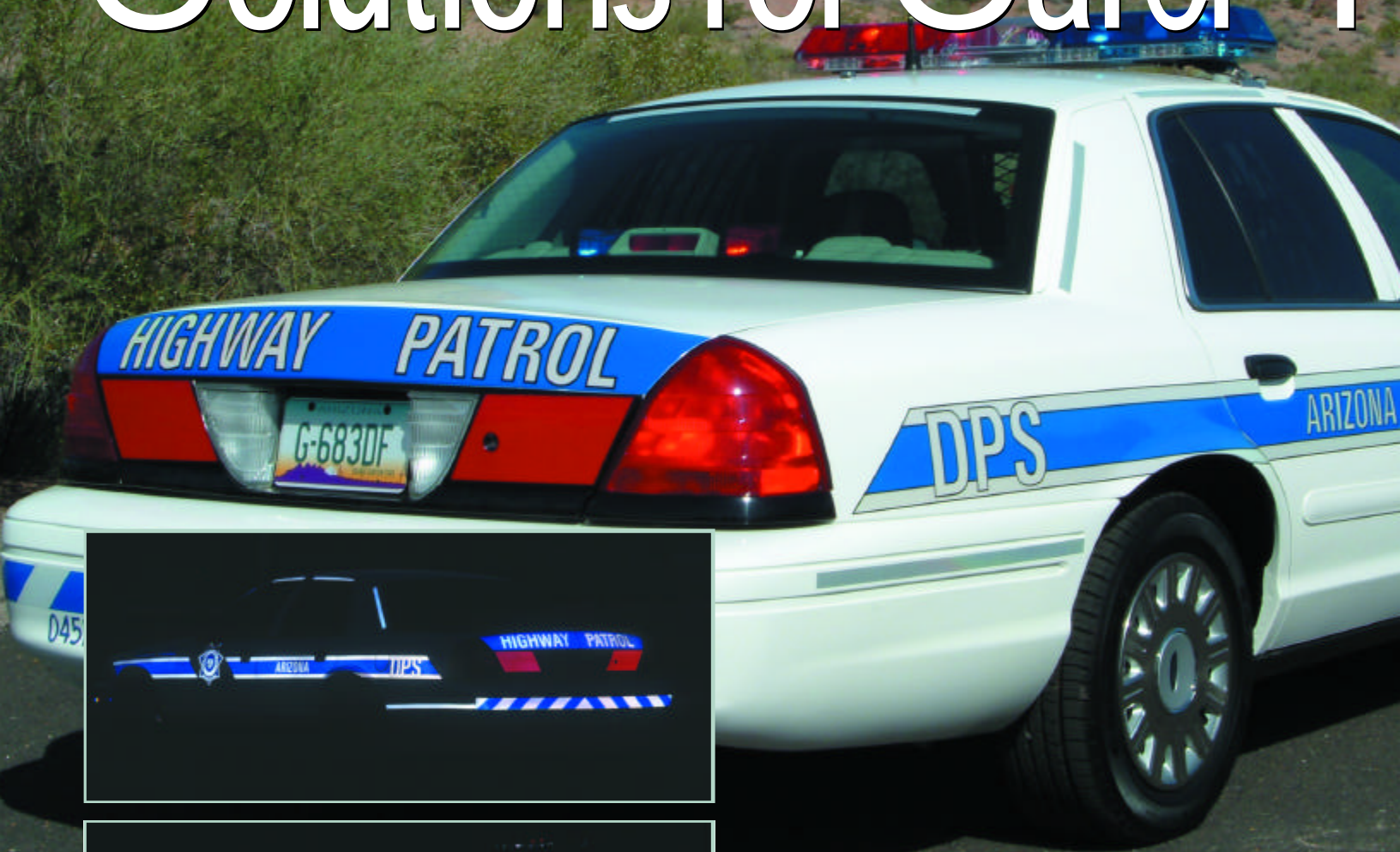
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Traffic Stops

Law Enforcement Stops and Safety Subcommittee Mission

- Explore and examine the causes, circumstances, commonalities, and preventability of high-speed, high energy rear-end collisions resulting in the death and injury of officers during traffic stops and other roadside contacts
 - Develop and recommend appropriate mitigation strategies relative to those issues studied by the three primary working groups
 - Create and market to law enforcement executives best practices and procedures for conducting professional and safe traffic stops and other roadside contacts

Law Enforcement Stops and Safety Subcommittee Working Groups Focus

- **Vehicle Working Group:** Study the design, manufacture, and use of police vehicles, including fleet composition, crash data collection and evaluation, effectiveness of bladders and onboard fire suppressant systems, installation of aftermarket equipment, conspicuity (lighting and markings), and whether there is a need for federal standards relating to public safety vehicles
- **Policy and Procedure Working Group:** Ensure the manner of conducting professional and safe traffic stops and other roadside contacts becomes a nationally recognized officer safety issue; research, develop, and evaluate technology which limits police officer exposure, as well as the time expended, on traffic stops and other roadside contacts; and identify risk management practices to evaluate or to limit that exposure
- **Highway Environment and Design Working Group:** Identify the data elements required to determine the magnitude of such problems as congestion, shoulder sufficiency, traffic, and weather; and analyze those data to ascertain appropriate engineering countermeasures, making recommendations to American Association of State Highway and Transportation Officials and Federal Highway Administration about appropriate countermeasures

**By Richard J. Ashton,
Grant/Technical Management
Manager, IACP**

Traffic stops are essential to effective traffic law enforcement. But stopping on or near the roadway is one of the most dangerous facets of police work.

According to *Law Enforcement Officers Killed and Assaulted, 2002*, in the 10-year period between 1993 and 2002, a total of 681 officers were killed accidentally.¹ Of these deaths, 381—or 55.9 percent—resulted from automobile crashes, and another 111 occurred after being struck by vehicles, 73 of them while directing traffic or assisting motorists, and the remaining 38 while effecting traffic stops or participating in roadblocks. At least 15 officers have been killed during the past decade in fiery rear-end collisions involving their patrol vehicles.

Despite efforts to improve officers' operating environment, safety of officers during traffic stops and other roadside contacts remains in jeopardy. Rapid technological advances, including component shielding, onboard fire-suppressant systems, and vehicle conspicuity, may make police vehicles safer, but the driving population has changed and now includes more drunk drivers, more aggressive drivers, and more violent criminals. The vehicle mix also has been steadily transformed, with more heavy trucks and SUVs on the roads. Combined with higher speeds, these factors continue to make improving officer safety during roadside contacts a challenging task.

The IACP Highway Safety Committee (HSC), along with police agencies across the country, recognizes this dilemma and seeks to improve the working environment of police officers. In 2003, in cooperation with the National Highway Traffic

Safety Administration (NHTSA), the HSC established the Law Enforcement Stops and Safety Subcommittee (LESSS) to address officer safety during traffic stops and other roadside contacts.

LESSS's membership includes 24 experienced safety experts drawn from the federal government, vehicle manufacturers, police labor organizations, state and provincial highway patrols or state police departments, and local and county law enforcement agencies.² Three working groups have been formed and are tasked with studying diverse aspects of officer safety during traffic stops and other roadside contacts.

During the HSC 2004 midyear meeting, LESSS's working groups presented a status report that included findings, recommendations, and a PowerPoint presentation; they are available on the LESSS Web site, www.patrolvehiclesafety.org.

This article reports to the law enforcement community the findings and recommendations of LESSS to date.

Highway Environment and Design Group

When not properly designed, the highways and streets that officers patrol, the uniforms they wear, and the vehicles they drive can contribute to hazardous situa-

tions when officers are taking enforcement actions, investigating traffic crashes, or assisting stranded motorists. Problem areas can include roadway design, existence and width of shoulders and lanes, exceptions to design standards, enforcement platforms, collision reporting and pullout investigation sites, median barriers, officer visibility, and vehicle conspicuity. All of these factors can contribute to—or detract from—a safe working environment.

Highway Engineering: Traditionally, law enforcement has not been engaged during the highway design planning. Even though most officers are not engineers, they are stakeholders in highway design planning. Their practical experience enables them to identify hazards and to recommend improvements. The subcommittee encourages law enforcement executives to become active with their highway planning and design units to incorporate necessary safety features in initial design plans.

Congested highways and freeways require traffic engineers to seek solutions. The unfortunate recent experience has been that traffic engineers' often have chosen to expedite ever greater numbers of vehicles on existing congested freeways, especially those in areas with high-density populations, by converting emergency breakdown lanes into much needed traffic lanes.

Other solutions have been reducing the width of shoulders, leaving insufficient space for handling emergencies and enforcing traffic laws. The reduction or loss of shoulder or emergency parking lanes has led to the elimination of traffic enforcement in many instances. The engineering solution to eliminate the emergency lane poses a significantly higher risk to officers' safety, compromises their ability to conduct proper investigations and appropriate enforcement activities, delays their arrival, as well as that of other first responders, at incidents requiring their presence, and increases the risk of secondary crashes.

One engineering feature that can help is the emergency turnout or pulloff areas. Emergency pulloffs, pullouts, turnouts, or enforcement platforms are areas that are away from the traffic flow, that should accommodate at least two emergency vehicles, that are spaced periodically along controlled access highways lacking continuous shoulders wide enough for enforcement and other activities, and that allow officers more safely to investigate crashes, undertake enforcement actions, and assist motorists.

These wide areas beside traffic lanes should be included in the design plans both of freeways that will undergo major renovations and of new multilane roadways.



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Sonic nap alert patterns (SNAPs)—better known as run-off-road rumble strips—are another engineering feature that should be used consistently on highways and freeways. SNAPs can reduce the possibility of a high-speed, rear-end crash by alerting inattentive or impaired drivers who encroach on shoulders or who have become visibly fixed on a stopped police vehicle that they are approaching on the shoulder. The U.S. Department of Transportation and the American Association of State Highway and Transportation Officials (AASHTO) support the SNAPs strategy.

Visibility of Officers: Performing their myriad responsibilities on highways that have shrunken shoulders, in inclement weather, or under reduced lighting requires high visibility of officers for safety. The immediate identification of officers (and of others who must work on highways) is critical to their survival, for the quicker they are recognized, the more time motorists have to react appropriately. The American National Standards Institute Inc. recognized the need for performance specifications for high-visibility safety apparel and issued them in June 1999, ANSI/ISEA 107-1999.³ Garments that meet this standard, including traffic vests and raincoats, are vital to ensuring the

safety and visibility of officers working on or near highways in emergency situations.

Consideration must be given to visibility of the incident, as well as to its location, if officers are engaged in tasks requiring prolonged exposure on high-speed highways. Equipment needs to be deployed to signal motorists of the presence of emergency and law enforcement vehicles occupying a lane of traffic or shoulder. Low-cost, temporary measures, such as traffic cones, to protect officers and vehicles for brief periods often prove ineffective; rather, the guidelines of an up-to-date incident management system (IMS) should be followed for the extended closure of a traffic lane or shoulder on a high-volume, high-speed highway.

Incident Management System: State-wide and regional incident management systems—encompassing all of the myriad agencies typically involved in detecting, responding to, handling, and clearing highway incidents—mitigate the problems that can arise from even a minor crash. The development and implementation of such comprehensive management strategies can organize these occurrences and can reduce the potential for injury to those on-the-scene workers responsible for resolving them. The Model Procedures Guide for Highway Incidents, developed

by the National Fire Service Incident Management System Consortium, serves as an excellent resource upon which to build an all-inclusive IMS.⁴

Legislative Action: Legislation is another means by which states have attempted to ensure the safety of law enforcement officers and other first responders. Twenty-four states have enacted so-called move-over laws that require motorists to move into the middle or left lane as they approach a police vehicle or officer on the shoulder. These laws vary in terms of their provisions and penalties, but their underlying impetus is to enforce safety as a matter of law, not as a matter of courtesy.

LESSS is also investigating the inclusion of law enforcement in Give 'Em a Brake campaigns, as well as the effectiveness of doubling fines for certain hazardous violations. A strong educational component accompanying new legislation can heighten the awareness of motorists to the hazards of stopped vehicles on high-speed roadways.

Policy and Procedure Group

The Policy and Procedure Group of LESSS is studying collision prevention strategies and identifying best practices for safe traffic stops and other roadside con-

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tacts. Accurate information concerning vehicle and officer placement during traffic stops, as well as the resultant crash outcomes, is essential to evaluating their effectiveness. Currently, both the NHTSA Fatality Analysis Reporting System (FARS) and the FBI reports of officers killed and assaulted can provide only limited data concerning officer deaths in traffic incidents. Concrete information about specific roadside locations; vehicle, highway, and officer characteristics; and the precise circumstances of reported deaths, injuries, near misses, and property damage will be required before definitive solutions can be recommended.

LESSS collected from 25 law enforcement agencies in different parts of the country with varying sworn strengths and service characteristics traffic stop policies and procedures and is studying the variations and commonalities among them.⁵ Vehicle positioning in a traffic stop is basically a tactical decision that is influenced by highway design and traffic volume. However, there are common denominators with respect to the determination of suitable enforcement locations, the orientation of police and suspect vehicles, and the approach by the pedestrian officer. LESSS intends to develop a roll-call video demonstrating the consequences of standard traffic stops, relying on physics rather than on agencies' changing policies and training which LESSS believes rightly should be determined by law enforcement executives and instructors.

Generally, all agencies studied stress the importance of selecting a safe location at which to make a stop. The exact location is influenced by numerous conditions, such as terrain, traffic volume and congestion, visibility and sight distance, available protection, weather conditions, violation severity, and violator behavior. Most agencies recommend stopping police vehicles 10-15 feet behind the violators' vehicles. As a matter of fact, for a right shoulder stop, the Arizona CVPI Blue Ribbon Panel⁶ and the New York State Police⁷ both recommend allowing 15 feet between the police and violator's vehicles, parking the police vehicle parallel to the roadway, offsetting the police vehicle 50 percent of its width to the left of the violator's, and turning its wheels to the right.

Some agencies expect violators to remain inside their vehicles, while others prefer that violators stand with officers. In all cases, however, officers and violators should avoid standing directly between vehicles. This procedure, however, creates difficulties for departments using in-car video cameras to record traffic stops, especially the administration of standard field sobriety tests in connection with suspected DUI stops.

Certain philosophical differences also exist between these agencies' policies and

procedures in terms of police vehicle placement and orientation: distance between vehicles, setting the parking brake, wheel alignment (front wheels turned left or right), vehicle offset, approaching the violator's vehicle (driver or passenger side), and in-vehicle citation writing.

The blue ribbon panel conducted a national survey in 2002 and found that 75 percent of officers parked their police vehicles offset left of the violators' vehicles, that 72.5 percent of them parked behind the violators' vehicles, that 65 percent of them approached stopped vehicles on the driver's side, and that 46.2 percent of them reported turning their vehicles' front wheels to the left when stopped on the right shoulder.⁸

LESSS suggests that officers minimize their exposure to passing traffic, as well as their time in cruisers, and prepare citations and other documents outside their vehicles whenever feasible. LESSS recommends that traffic stops take place as far away from traffic as possible; and that driveways, parking lots, rest areas, pulloffs, and other areas beyond the right shoulder be used whenever available.

LESSS recently conducted computer simulations employing Engineering Dynamics Corporation's Human, Vehicle, and Environment (HVE) software and concurs with the so-called safer zone concept identified during earlier simulations undertaken by the blue ribbon panel and Ford. The safer zone on right shoulder stops extends about six feet straight out from the police vehicle's front passenger door. Safer zones for officers and other pedestrians, however, do not exist from the front of police vehicles forward and beyond violators' vehicles when police vehicles are rear-ended at high speeds. This finding underscores the danger in approaching violators' vehicles from either the right or the left side.

Rigorous training, retraining, and supervision are crucial to ensuring officer safety. Standard policies and procedures for conducting traffic stops and for effecting other roadside contacts should be emphasized during entrance-level training and should be reinforced during in-service and remedial training courses. LESSS has identified two basic approaches:

- After analyzing the videos of 111 traffic stops, the New York State Police believes that its troopers initially should be taught a one-configuration-fits-all procedure for low-risk stops and, once mastered, should be exposed to alternative approaches to specific situations.⁹

- Agencies should teach their officers the fundamental procedures relative to location selection, vehicle placement and orientation, officer position, and violator approach. However, because each traffic encounter is unique and dynamic, and since uncertainty always is present, one size may not fit all. Consequently, such

training should include "when" and "what if" cognitive decision-making skills, so risks that might be encountered may be balanced against appropriate in-policy responses, and so the basic procedures may be safely adapted to varying circumstances and conditions.

Regardless of the approach selected, LESSS emphasizes that supervisors must actively ensure that their subordinates constantly adhere to the policies and procedures, so the inherent danger and the threat to officer safety in traffic encounters are minimized.

Vehicle Group

Keeping with LESSS's mission to create a safer working environment for law enforcement in highway safety and traffic-related activities, law enforcement certainly needs to convey to police vehicle manufacturers its safety expectations relating to the vehicles that officers drive. This includes working with aftermarket vendors on the types of accessories, equipment, and conspicuity that law enforcement desires, as well as on the safest locations for such items to be mounted.

The Vehicle: In 2002, at the blue ribbon panel's request, Ford committed to rear-impact, vehicle-to-vehicle crash testing of its CVPI at 75 miles per hour. LESSS expects that testing at that speed will continue since at least 75 miles per hour reflects the work environment of officers on high-speed highways. General Motors, DaimlerChrysler, and the North Company are aware of LESSS's expectation that the police vehicles they produce be tested at that speed.

Ford studied vehicles involved in high-speed, high-impact rear-end crashes to identify potential sources of fuel tank punctures from vehicle parts, including the rear axle components, differential bolts, fuel tank straps, and emissions canister bolts. Ford then developed shields to protect the fuel tank. It evaluated these shields in crash simulations and in two 75-mile-per-hour vehicle-to-vehicle crash tests and confirmed the effectiveness of the shields in reducing the risk of fuel tank punctures, reporting no tank punctures during the second test. Today, approximately 356,000—or 90 percent of active-duty—CVPIs have been equipped with fuel tank shields. The results of actual high-speed rear-end crashes involving CVPIs equipped with the shielding have been mixed. An Arizona Department of Public Safety (DPS) cruiser was struck from behind at 65 miles per hour and experienced no tank punctures and no fire. A Nevada Highway Patrol car was rear-ended by an SUV and experienced no punctures and no fire. However, a Missouri State Highway Patrol officer was killed in May 2003 when his shield-equipped CVPI was rear-ended

and burned; NHTSA reported that the fuel tank was not responsible for that tragedy. Nonetheless, the incident clearly indicates that much more work remains to be done to protect officers.

Aftermarket Equipment: Eighty-five percent of those agencies surveyed by the blue ribbon panel in 2002 never had developed procedures for packing cruisers' trunks with equipment and tools.¹⁰ Agencies have experienced fuel tank punctures from floor jacks, pry bars, lug wrenches, metal boxes, crow bars, and other similar items. Ford developed its Trunk Pack and trunk equipment mounting guide to address this issue.¹¹ Ford conducted five 75-mile-per-hour vehicle-to-vehicle crash tests of the Trunk Pack filled, in accordance with its trunk packing considerations, with 200 pounds in equipment and tools and had no punctures of the Trunk Pack. LESSS believes that the Trunk Pack, the trunk equipment mounting guide, and the trunk packing considerations can improve officer safety and provide flexibility in the transport of necessary equipment and tools; and that all police vehicle manufacturers should make them available. LESSS also supports consistent supervisory inspections to identify what officers actually are transporting in their vehicles, as well as the manner in which they are carrying it. To this end, the Florida Highway Patrol's newly revised monthly safety inspection report is available at www.p patrolvehiclesafety.org.

The CVPI has been tested in 75-mile-per-hour vehicle-to-vehicle rear-end collisions without any fuel system punctures, but actual crashes resulting in fires have not been eliminated. Ford evaluated military, race car, and aftermarket fire suppression systems and found that none was acceptable for use in law enforcement vehicles. However, Ford has announced that on-board fire suppression technology will be available for its 2005 model year based on the following tenets: any such system must activate automatically at the location where the cruiser stops, which in a 75-mile-per-hour crash could be in excess of 100 feet from the point of impact, and must prevent the fire from reigniting. LESSS believes that although Ford's technology will allow officers additional time to exit their vehicles, it is not a panacea; LESSS will continue to explore this issue with Ford and the other vehicle manufacturers.

Ford still is evaluating fuel tank bladders. However, it has found thus far no evidence that bladders would reduce the likelihood of fuel leakage, in the event of fuel tank punctures. Ford's testing tends to indicate that bladders have short lives, require high maintenance over a vehicle's life, and are unsuitable for mass production.

Visual Conspicuity: The goal of visual conspicuity essentially is to enhance mo-

torists' ability to detect lighting displays and vehicle markings and to react appropriately to them. Simply put, conspicuity aims to convey an officer's message to motorists: I am present; I am stopped; slow down and stay away from me. A number of law enforcement agencies have exerted considerable effort in this realm:

- The Arizona DPS hosted in 2002 a demonstration of advanced conspicuity concepts in which Dr. Stephen S. Solomon, an ophthalmologist from Owego, New York, assisted. Observers indicated that LEDs (light emitting diodes) appeared to provide a fairly narrow focus and were too bright; that strobes were too bright and could confuse approaching drivers; that rotating halogens were the most acceptable; and that red and blue lights—in combination with amber lights—were preferred.

- The Florida Highway Patrol concluded in March 2004 its prototype lighting evaluation in which three lightbar manufacturers participated. Each prototype included two different lighting patterns to assist approaching motorists in determining whether the police vehicle was moving or stopped. Only LEDs were used to reduce both the electrical load and the required maintenance.

Moreover, LEDs allowed for the optimization of color output (only while stopped) in accordance with the amount of ambient light. When the vehicle was parked, the lightbar displayed a simpler warning pattern that still provided approaching motorists with ample warning that was less distracting and that assisted motorists in perceiving the location of the vehicle and its size.

On the one hand, red was more easily perceived during daylight hours and produced more output to assist with daylight perception. On the other hand, blue was more easily perceived at night, so output was reduced to decrease the risk of night blindness without any loss of its ability to warn motorists. A photocell determined the color displayed by virtue of the amount of ambient light.

A red override was provided for impaired visibility situations, such as smoke, fog, and haze. The arrow function was removed from the lightbar and relocated inside the rear window; the new large rectangle was more easily seen. Turning the red and blue LEDs on simultaneously produced the takedown lights, which covered the entire width of the lightbar and were much brighter than the current halogen bulbs.

- The Arizona DPS revised the markings on its fleet. Taking cues from the Manual on Uniform Traffic Control Devices, a reflectorized and angled blue and white stripe was added to its vehicles' rear bumpers. The size of the letters composing the words "highway patrol" was increased

to command greater attention and to identify more clearly the vehicle. Reflective markings outline each vehicle's body, aiding both in recognition and in depth perception. The Pennsylvania State Police also is experimenting with reflectorized rear bumper chevrons and other markings.

The Florida Highway Patrol is exploring the feasibility of developing a supplementary siren that would use a low-frequency signal (just above that of the car stereos one easily hears at traffic lights with all windows closed) to warn motorists of approaching emergency vehicles. Siren prototypes were included in its recent lighting evaluations.

LESSS's membership has exerted a tremendous effort, but its accomplishments must be viewed as preliminary findings in an ongoing challenge to enhance the safety of law enforcement officers in all aspects of traffic stops and other roadside contacts. LESSS's membership would be remiss, indeed, if it did not recognize and thank members of the IACP and NHTSA for their commitments to become working partners in this effort to overcome these tragedies.

¹ Federal Bureau of Investigation, *Law Enforcement Officers Killed and Assaulted, 2002* (2003), www.fbi.gov/ucr/killed/02leoka.pdf, May 4, 2004.

² Participating federal agencies are the FBI, the Federal Highway Administration (FHWA), and NHTSA; the vehicle manufacturers involved are Daimler-Chrysler, the Ford Motor Company, General Motors, and the North Company; and participating state and provincial police agencies include those from Alabama, Arizona, California, Colorado, Florida, Missouri, New Jersey, New York, Ohio, Ontario, Pennsylvania, Virginia, and Washington.

³ International Safety Equipment Association, *ANSI / ISEA 107-1999 American National Standard for High Visibility Safety Apparel*, www.safetysafetyequipment.org/hivisstd.htm, June 16, 2004.

⁴ National Fire Service Incident Management System Consortium, *Model Procedures Guide for Highway Incidents* (2004) www.ims-consortium.org/highway.htm, June 16, 2004.

⁵ Five from state highway patrols and state police agencies, five from county sheriff's offices, and 15 from three categories of local police departments—small, midsize, and large

⁶ Director Dennis A. Garrett, "Crown Victoria Police Interceptor Blue Ribbon Panel," March 2003 Update [PowerPoint presentation], Arizona Department of Public Safety, 28.

⁷ New York State Police, Patrol Vehicle Protocol and Safety Committee, "Safe Stops: An Analysis of Collisions, Practices, and Patrol Vehicle Positioning During Traffic Stops (Draft Report)" (2003), 61.

⁸ Garrett, 25.

⁹ Patrol Vehicle Protocol and Safety Committee, 60-61.

¹⁰ Ford Motor Company, "CVPI Blue Ribbon Panel: Panel Topics—Updated" (2002), www.cvpi.com/trunk_packing_procedures.htm, May 5, 2004.

¹¹ Ford Motor Company, "CVPI Blue Ribbon Panel: Panel Topics—Police Interceptor Trunk Pack Now Available" (2002), www.cvpi.com/trunkpack_module.htm, May 5, 2004; Ford Motor Company, "CVPI Blue Ribbon Panel: Panel Topics—Police Interceptor Trunk Equipment Mounting Guide" (2002), www.cvpi.com/equipmount_pattern.htm, May 5, 2004.

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Abating Impaired Driving

By Stephen K. Talpins, Chief of the County Court Division, Miami-Dade County State Attorney's Office, Miami, Florida

The Miami-Dade County State Attorney's Office (SAO) in Miami, Florida, works closely with law enforcement officers and other partners to employ a multidisciplinary approach to abate impaired driving. The effort started 14 years ago with a technical advisory panel can serve as a model for other communities.

Getting Started

In the early 1990s the SAO partnered with law enforcement officers and local toxicologist to form a local technical advisory panel (TAP). The TAP meets quarterly to identify and discuss new priorities, goals, and defense challenges, to coordinate enforcement efforts, and to disseminate information, including legal updates. The Miami-Dade TAP contributed to the success of Miami-Dade County's drug recognition expert (DRE) program.

In 1989 the National Highway Traffic Safety Administration (NHSTA) and IACP brought the DRE program to Miami. The Miami judges routinely ruled that the DRE evidence was inadmissible. No one contested the rulings. In 1992 the law enforcement agencies and local TAP prioritized the DRE program and asked the State Attorney's Office to pursue court acceptance. In 1993 the SAO commenced a joint effort to achieve that goal.

A team of prosecutors and law enforcement officers was formed for the purpose of conducting a Frye hearing on the evidence. A Frye hearing is designed to determine the admissibility of new and novel scientific evidence. The police officers conducted investigations, collected supporting evidence, reviewed medical literature, participated in all major strategy decisions, and provided expert testimony. Of particular significance, the officers helped the SAO analyze more than 25,000 local DUI cases and 1,000 DRE cases. The analysis verified

the accuracy and effectiveness of the standard field sobriety tests (SFST) and DRE.

The officers also helped us present the DRE program to the Dade County Medical Association (DCMA) and the Broward County Medical Association (BCMA). The DCMA and BCMA boards endorsed the DRE program.

Ultimately, SAO presented the trial judge with all of these materials plus thousands of pages of case law and medical literature, other SFST and DRE studies, and expert testimony. The presiding judge ruled in favor of the SAO and held that DRE testimony, including the horizontal gaze nystagmus (HGN) test, is generally accepted to be accurate and reliable. The Third District Court of Appeals (DCA) affirmed the trial judge's decision. In a precedent-setting opinion, the DCA held that prosecutors could rely on the HGN test to establish a person's blood alcohol concentration as long as the results of a blood or breath test corroborated the HGN.

Institutionalizing Working Together

The law enforcement community and the State Attorney's Office have institutionalized the relationship. The SAO advises and teaches law enforcement officers about the law, legal standards, and case preparation and testimony. It also provides emergency legal assistance 24 hours a day, seven days a week, and it maintains a file cabinet full of medical articles, studies, and case law concerning the SFSTs and DRE.

In the mid-1990s the SAO authored a case preparation and training memorandum for law enforcement officers that ultimately was incorporated into the Institute of Police Technology and Management's *DUI Case Preparation Manual for the Florida Law Enforcement Officer* (1996). Since that time, the SAO has distributed updated predicate questions and legal updates for DUI officers as needed. Currently, the SAO is creating a training program designed to develop a pool of law enforcement officer expert witnesses.

Law enforcement officers reciprocate by regularly participating in Miami-Dade prosecutor training. First-year county court prosecutors participate in a six-week training program when they start work.

Law enforcement officers participate in this training program and help give the new prosecutors a more realistic and accurate perspective on police procedures. Law enforcement officers currently teach the prosecutors on a myriad of topics including the standardized field sobriety tests, drug recognition expert evidence, the effects of alcohol and drugs, and sobriety checkpoints. All first-year prosecutors attend a sobriety checkpoint or participate in a police ride-along.

In addition, Miami-Dade's more experienced DUI prosecutors attend various law enforcement training programs including DRE preschool and school. Furthermore, law enforcement officers provide litigation support by serving subpoenas and pick-up orders.

The SAO also participates in community events and serves on the Miami-Dade County Board of Mothers Against Drunk Driving. But the Miami-Dade SAO does not limit its partnerships to local groups and organizations. It also collaborates with other county prosecutors, law enforcement officers, victim groups, toxicologists, and other agencies and participates on Florida's Statewide DUI Enforcement Committee.

This joint effort has yielded impressive results. Florida has passed numerous DUI and other traffic laws that expanded law enforcement's ability to deter and prosecute bad driving. Florida criminalized drag racing and imposed license suspensions on people convicted of certain drug offenses. In the DUI context, Florida enacted its Implied Consent Laws, lowered the legal limit to 0.08, and expanded potential penalties. Still, the best example is the legislature's recent statutory revision that effectively overturned a detrimental court decision.

On October 30, 2002, Florida's Second District Court of Appeals misconstrued one of the Implied Consent provisions and issued an opinion that jeopardized the prosecution of some drugged driving cases. The court's ruling was stunning and unexpected. Florida lawmakers quickly drafted and passed legislation designed to fix the problem; it was signed into law in May 2003. In a matter of months, the public safety community procured legislation that would have taken us years to obtain as individual groups or entities.





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*Based on R.L. Polk registration data from 1999-Apr. 2004 MYTD.
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Circle no. 11 on Reader Response Card

Impaired Driving Incidents Expected with New Heroin Treatment

**By John Bobo, Director,
National Traffic Law Center,
American Prosecutors
Research Institute,
Alexandria, Virginia**

The Drug Addiction Treatment Act of 2000 expands the clinical context of medication-assisted opioid addiction treatment by allowing qualified physicians to dispense or prescribe specifically approved schedule 3, 4, and 5 narcotic medications for treatment of opioid addiction in settings other than the traditional methadone clinics. In October 2002, the U.S. Food and Drug Administration's approved doctors to prescribe buprenorphine for the treatment of drug addiction. The use of this drug raises concerns about impaired driving.

Drug More Potent Than Methadone

For the first time outside a methadone clinic, doctors will be able to prescribe a narcotic drug for the treatment of opiate dependence. What attracted the treatment community is that buprenorphine induces far less respiratory depression than methadone and is thought to be safer in an overdose situation. Yet the drug is potent. The Drug Enforcement Administration (DEA) describes buprenorphine as having 30 to 50 times the analgesic potency of morphine. Ultimately, what that means on the highways is that persons could use this drug and then drive while impaired. Law enforcement officers and prosecutors need to be aware of the drug and the challenges involved in identifying the impaired drivers.

Until now, opiate dependence was treated by a limited number of methadone clinics specializing in addiction treatment. Methadone treatment became popular about 30 years ago and has remained controversial. Typically, most methadone clinics dispense a single day's dose of methadone, requiring addicts to show up for treatment every day. The Food and Drug Administration's (FDA) new ruling has been heralded by some as a means of opening up treatment to the many heroin

addicts in the United States who are unable to be placed in treatment slots or unable to arrive daily at methadone clinics. Members of the medical community now believe there is a treatment option previously unavailable to many patients.

Under the Drug Addiction Treatment Act of 2000, approved physicians can prescribe buprenorphine to treat up to 30 patients. With the prescription, addicts will receive a 30-day supply of the drug and are allowed five to six months of refills. Buprenorphine will be sold under two names: Subutex for the initial stage of treatment, and Suboxone, which also includes the drug naloxone, for maintenance treatment.

Before dispensing the narcotic, physicians must undergo eight hours of training and register with the federal Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Treatment and the DEA. Under the regulations, doctors are not allowed to provide buprenorphine for pain-only opiate addiction.

Managing the Impaired Driving Risks

The FDA has initiated a risk management program of "active and passive surveillance" to see if the drugs are being abused. According to the FDA, "[t]he surveillance will include interviews with substance abusers, monitoring local drug markets, data collection, and the monitoring of adverse event reports." These reports will enable the FDA to "take appropriate actions to protect the public health."

Impairment Observations: In the meantime, the reality is that law enforcement officers and prosecutors will serve as the front line of protection against abuses. With access to buprenorphine, there will likely be an exponential increase in its abuse, typical of what the law enforcement community has witnessed surrounding methadone clinics. That abuse will lead to impaired driving, sale of narcotics, and other substance abuse crimes. These risks are recognized in other countries where buprenorphine was legalized for heroin dependence years ago. Australia's Department of Human Services warns that buprenorphine overdoses can present symptoms:

- Slurred speech
- Unsteady walking and poor balance
- Drowsiness
- Slowed movement
- Confusion
- Sleeping for prolonged periods

In later stages of an overdose, buprenorphine may cause a person to have floppy limbs, blue lips, and an inability to regain consciousness leading to a coma.

Testing for Methadone or Buprenorphine: Law enforcement officers and prosecutors will also need to make a special testing request to their drug toxicology laboratories. No one should assume that a screen of blood or urine for opiates would detect methadone or buprenorphine. The results of a special test for buprenorphine can help prosecutors secure a conviction and treatment for the offender, and it can allow the offender's physician and other treatment professionals to better treat and monitor the driver.

Enforcement, prosecution, and court-monitored treatment have a major role in keeping drug abuse in check on and the impaired driver off the roads. With the advent of this new heroin treatment program law enforcement and prosecutors need to prepare for the abuse and incidents of impaired driving.

For more information, visit SAMHSA's Web site at www.buprenorphine.samhsa.gov, or visit the American Prosecutors Research Institute in the National Traffic Law Center at www.ndaa-apri.org.

Resources

- For a discussion of prosecuting drug-driven drivers, see National District Attorneys Association, *The Drugged Driver: A Prosecutor's Nightmare or Challenge?*, by E. A. Penny Westfall, May 10, 2004, www.ndaa-apri.org/apri/programs/traffic/penney_westfall_article.html, June 3, 2004.
- American Prosecutors Research Institute, 99 Canal Center Plaza, Suite 510, Alexandria, VA 22314, www.ndaa.org.
- U.S. Department of Health and Human Services, Substance Abuse and Mental Health Service Administration, Center for Substance Abuse Treatment, 11426 Rockville Pike, Rockville, MD 20852, www.samhsa.gov.

Does your agency's equipment pass the test?

Traffic Law Enforcement Technologies



*Photo courtesy
Chad N. Mitchell,
Decatur Electronics, Inc.*

By J. F. Bowman, Captain and Commander, Traffic Division, Fairfax County Police Department, Fairfax, Virginia, and Chairman, IACP Enforcement Technologies Advisory Technical Subcommittee, and P. David Fisher, Ph.D., Professor Emeritus of Engineering Michigan State University

One of the most important and visible components of a comprehensive traffic safety program is the officer actively engaged in traffic enforcement duties. For most citizens, the officer in action on our highways represents the first and only direct encounter with law enforcement. These encounters represent a significant opportunity for the law enforcement community to build public trust. Secondly, the traffic-related vehicle stop often leads to the detection of impaired drivers, stolen vehicles, and other evidence of criminal behavior.

Many jurisdictions across the country are harnessing enforcement technology and employing it in the field to combat aggressive unsafe driving behavior, rising traffic crashes, and fatalities. One of the most common traffic enforcement tools is radar.

Since traffic radar was first introduced as a tool for law enforcement, it has come under countless attacks, tests, and scrutiny. Today, motorists, prosecutors, and judges can be assured that radar, when used in accordance with the manufacturer's instructions by properly trained officers, is a proven, valid, and precise method of determining a vehicle's actual speed. Radar and traffic law enforcement have come a long way, often through the school of hard knocks. We have learned a great deal over the years with traffic radar, and new technologies are quickly coming on the scene at a rate never before experienced. As such this makes the IACP Enforcement Technologies Advisory Technical Subcommittee a valuable resource for the law enforcement executive.

For more than 20 years, IACP has partnered with NHTSA (the National Highway Traffic Safety Administration), NIST (the National Institute for Standards and Technology), and independent testing laboratories to help ensure that enforcement equipment used for highway safety is trustworthy when used by properly trained law enforcement personnel. Trustworthy equipment is essential to ensure both public trust and court acceptance of these technologies. IACP's administrative guide recommends that recertification of speed measuring equipment be accomplished at a maximum of three years. IACP's testing laboratories are available to accomplish testing and recertification at the intervals required by a particular agency.

Current Status

NHTSA provides seed funding for IACP's enforcement technologies program and also publishes model performance specifications. NHTSA has published standards for both police traffic radar and lidar (laser). Before these standards are accepted and published, NIST and IACP technical consultants carefully evaluated each of these technologies. Once the standards have been published by NHTSA, IACP establishes independent testing laboratories to test and certify equipment to ensure that the equipment meets the published standards. These testing laboratories participate in the following activities.

Consumer Product List

The testing laboratories test new device models, as well as modified existing models, to ensure that they meet the published standards. If they meet the standards, then they are placed on the IACP's Consumer Product List (CPL). Law enforcement agencies are encouraged to use the CPL as a guide in purchasing equipment. By purchasing equipment that is listed on the CPL, an agency helps to assure that the device will be trustworthy when used by a properly trained operator.

Critical-Performance Testing

Once a model has been placed on the CPL, law enforcement agencies may elect to have newly purchased equipment test-

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CHIEF OF SECURITY & SAFETY SERVICE, D-1

Deadline For Applications: 20 July 2004
Organizational Unit: Department of Management/New York
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04-SEC-DM-403900-R-NEW YORK (G)

The United Nations Secretariat located in New York, seeks to recruit a highly experienced (15 years minimum) Chief of the Security and Safety Service.

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Interested candidates are invited to visit the UN web site <http://jobs.un.org> under the category "Security" for a detailed description of the position and required qualifications as well as application details.

ed and certified before placing the equipment into service. The testing laboratories perform what is known as critical-performance testing (CPT) on these units and provides the agency procuring the equipment with the Certificates of Calibration. These certificates can be used in court to help establish the legal justification for issuing a particular traffic citation.

Recertification

Motorists and court officials sometimes ask, "How do we know that the piece of radar or lidar equipment that has been in service for a period of time still meets specifications." The IACP testing laboratories are set up to receive equipment from law-enforcement agencies and perform CPT testing and certification for these units. Once again, these certificates can be used in court to help establish the legal justification for issuing a particular traffic citation.

It is important to note that CPL testing is initiated by the equipment manufacturers that wish to have a particular equipment model placed on the IACP's radar or lidar CPL. The cost of this testing is the responsibility of the equipment manufacturer seeking CPL product acceptance. Both critical-performance testing (CPT) and recertification testing are initiated by the law enforcement agency intending to use the equipment, and the cost of this testing is borne by the agency.

Enforcement Technology Outlook

The IACP Highway Safety Committee has a standing subcommittee known as the Enforcement Technologies Advisory Technical Subcommittee (ETATS). ETATS and its various working groups meet periodically throughout the year to review the current status of the enforcement technologies program and to plan future initiatives. ETATS is composed of technical consultants, equipment manufacturers, and representatives from IACP, the Highway Safety Committee, NHTSA, and NIST.

With respect to the existing enforcement technologies initiatives, namely, police-traffic radar and lidar, ETATS reviews and recommends changes in the standards and recommends IACP's procedures for administering the programs. ETATS is also currently working on standards documents for across-the-road radar (photo radar), photo lidar, and photo red light cameras (intersection safety systems).

Across-the-Road Radar: ATR radar deploys the same Doppler radar technology used in traditional police-traffic radar; but the beam of the ATR radar is directed across the road at an angle to the flow of traffic. Target vehicles are only momentar-

ily in the operational area of the beam. This greatly simplifies the target tracking history, especially in areas where there is heavy traffic. Moreover, ATR traffic units capture the infraction on camera; hence, these devices can be used in either attended or unattended operational modes.

Photo Lidar: The photo lidar combines the traditional police-traffic lidar with a camera. The recorded image provides a visual record of the targeted vehicle, the traffic, and the speed-measurement information.

Photo Red Light Cameras: Photo red light cameras monitor traffic flow at intersections that have traffic lights. These cameras can be used to detect red light violations as well as speeding violations at intersections.


The broad deployment of these new enforcement technologies will further enhance highway safety; however, before these technologies can truly become effective tools in the hand of properly trained law enforcement personnel, they must pass the scrutiny of technical experts familiar with the technology. In addition, these technologies must also receive public acceptance, acceptance by the law-enforcement community and acceptance by the courts. IACP is committed to facilitate the continued use of enforcement technologies and the development, acceptance, and use of advanced technologies. The intent is to provide the law enforcement community with the best possible tools to meet its highway safety program needs. Strictly adhering to a policy of initial testing, certification, and timely recertification will ensure that public confidence is maintained at the highest level. Officers in the field deserve and depend on equipment and tools that are able to pass the test.

Resources

- The IACP maintains a Web site (www.theiacp.org/profassist/radar.htm) intended to provide professional assistance to the law enforcement community on matters related to this issue. The Web site contains the latest Consumer Product Lists for radar and lidar. It also provides information for agencies regarding critical-performance testing (CPT) and recertification testing.

- Specific questions or comments about IACP's enforcement technologies program can be directed to the program manager, Rick Larson, at larsonr@theiacp.org or by telephone at 800-THE-IACP, extension 263.



- Specific questions or comments about the IACP Highway Safety Committee and its Enforcement Technologies Advisory Technical Subcommittee (ETATS) can be directed to Captain J. F. Bowman at jf.bowman@fairfaxcounty.gov or by telephone at 703-280-0551.




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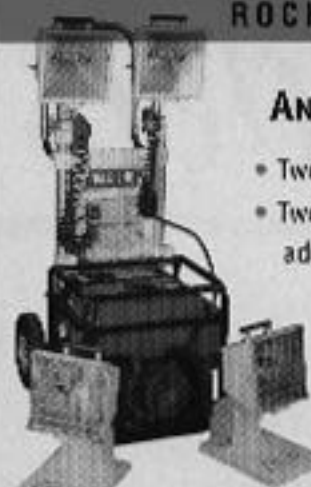





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www.theiacp.org

REMINDER: We cancel or confirm training classes 21 days prior to the start of the event to facilitate travel arrangements. PLEASE register early so we have an accurate count.

September

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 Location: Allison Park, PA</p> <p>13-15 Multi-Agency Incident Management for Law Enforcement and Fire Service (3 Days)
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 Tuition: IACP Member \$495, Nonmember \$595
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**Only sworn officers or full-time employees of law enforcement agencies may attend.*

To register or for more information on these or any other courses, call the IACP Training Division at 1-800-THE-IACP, or check out our Web site at <http://www.theiacp.org>.

Police Traffic Lidar Speed Measuring Devices Consumer Product List (CPL)

March 1, 2004

The International Association of Chiefs of Police (The IACP) has tested and certifies that the following speed measuring instruments meet all requirements of the lidar speed-measuring device model minimum performance specifications, as published by the National Highway Traffic Safety Administration of the USDOT and adopted by the Highway Safety Committee of the International Association of Chiefs of Police. The devices are listed alphabetically, by manufacturer, and listing of the device on the Consumer Products List (CPL) is not to be considered an endorsement of a specific manufacturer or model. For additional information regarding this CPL, refer to the Notes section at the end of this document.

Units Approved and Currently in Production

S=Stationary/M=Moving

<u>Manufacturer</u>	<u>Model</u>
Applied Concepts, Inc.	Stalker
Kustom Signals, Inc.	ProLaser III
Laser Atlanta, LLC	Speedlaser
Laser Technology, Inc.	Marksman 20/20
Laser Technology, Inc.	Ultralyte 100/100 LR
Laser Technology, Inc.	Ultralyte 200/200 LR
Laser Technology, Inc.	Ultralyte LR B
Laser Technology, Inc.	Ultralyte Compact

Units Previously Approved, But No Longer in Production

<u>Manufacturer</u>	<u>Model</u>
Kustom Signals, Inc.	ProLaser II

NOTES:

- 1) Some of the models listed on the CPL may have operational features that are not a part of the model minimum performance specifications. It is important to understand that these features have not been tested or certified, even though the device itself has been certified to meet the model minimum performance specifications.
- 2) CPL certification for any individual lidar device will be voided by any third party modifications not specifically approved by the original equipment manufacturer and the IACP.
- 3) Test results and analysis contained herein do not represent product endorsement by the IACP nor product approval or endorsement by the National Highway Traffic Safety Administration, the U.S. Department of Transportation, the National Institute of Standards and Technology, or the U.S. Department of Commerce.

For updates visit: <http://www.theiacp.org/profassist/viewcpl.html>

Police Traffic Radar Speed Measuring Devices Consumer Product List (CPL)

April 12, 2004

The International Association of Chiefs of Police (The IACP) has tested and certifies that the following speed measuring instruments meet all requirements of the radar speed-measuring device model minimum performance specifications, as published by the National Highway Traffic Safety Administration of the USDOT and adopted by the Highway Safety Committee of the International Association of Chiefs of Police. The devices are listed alphabetically, by manufacturer, and listing of the device on the Consumer Products List (CPL) is not to be considered an endorsement of a specific manufacturer or model. For additional information regarding this CPL, refer to the Notes section at the end of this document.

Units Approved and Currently in Production

S=Stationary/M=Moving

<u>Manufacturer</u>	<u>Model</u>	<u>Band</u>	<u>Mode (S/M)</u>	<u>Handheld</u>	<u>Same Direction</u>	<u>Fastest Target</u>	<u>Discriminate Direction</u>
Applied Concepts	Stalker	Ka	S/M	•		•	
Applied Concepts	Stalker Basic	K	S/M	•			
Applied Concepts	Stalker Dual	K, Ka	S/M			•	
Applied Concepts	Stalker Dual SL	K, Ka	S/M		•	•	
Applied Concepts	Stalker Dual DSR	Ka	S/M		•	•	•
Applied Concepts	Stalker DSR 2X	Ka	S/M		•	•	•
Decatur Electronics	Genesis I	K	S/M				
Decatur Electronics	Genesis I Remote Display	K	S/M				
Decatur Electronics	Genesis GHD	K	S	•		•	•
Decatur Electronics	Genesis GHS	K	S	•			
Decatur Electronics	Genesis II Select	K, Ka	S/M		•	•	
Decatur Electronics	Genesis II Directional	K	S/M		•	•	•
Decatur Electronics	Genesis-VP	K	S	•		•	
Decatur Electronics	Genesis-VP Directional	K	S	•		•	•
Decatur Electronics	Harley-Davidson Genesis VP Directional	K	S	•		•	•
Kustom Signals	Eagle	X, K, Ka	S/M				
Kustom Signals	Eagle Plus	X, K, Ka	S/M			•	
Kustom Signals	Silver Eagle	X, K, Ka	S/M			•	
Kustom Signals	Golden Eagle	X, K, Ka	S/M		•	•	
Kustom Signals	Golden Eagle Plus	Ka	S/M		•	•	•
Kustom Signals	Directional Golden Eagle	Ka	S/M		•	•	•
Kustom Signals	Falcon	K	S	•			
Kustom Signals	HR-12	K	S/M	•			
Kustom Signals	Pro-1000(DS)	K	S/M				
Kustom Signals	Talon II	Ka	S/M	•	•	•	
McCoy's LAW LINE	SpeedTrak Elite	Ka Ka	S/M		•	•	
McCoy's LAW LINE	SpeedTrak Elite	K	K S/M		•	•	
McCoy's LAW LINE	SpeedTrak Elite KD	K	S/M		•	•	•
MPH Industries	BEE III	K, Ka	S/M		•	•	•
MPH Industries	K-55	X, K	S/M				
MPH Industries	Python Series II	X, K, Ka	S/M		• (Ka Only)	• (Ka Only)	
MPH Industries	Speedgun	K	S/M	•	•	•	
MPH Industries	Z-15	K	S	•			
MPH Industries	Z-25	K	S	•		•	
MPH Industries	Z-35	K	S	•		•	
MPH Industries	Enforcer	K, Ka	S/M		•	•	
Municipal Electronics	TS-3	K	S	•			
U. S. Radar	Phantom	K	S	•			

Units Previously Approved, But No Longer in Production

<u>Manufacturer</u>	<u>Model</u>	<u>Band</u>	<u>Mode (S/M)</u>	<u>Handheld</u>	<u>Same Direction</u>	<u>Fastest Target</u>	<u>Discriminate Direction</u>
Broderick Enforcement	BEE 36	X, K	S/M				
CMI	Speedgun Magnum	X	S/M	•			
Decatur Electronics	Genesis I	X, Ka	S/M				
Decatur Electronics	Genesis II	K, Ka	S/M		•	•	
Decatur Electronics	Hunter	X	S/M				
Decatur Electronics	Hunter HHM	X	S/M	•			
Decatur Electronics	MVR-715	X	S/M				
Decatur Electronics	MVR-724	K	S/M				
Decatur Electronics	RA-GUN GN-1	X	S	•			
Decatur Electronics	RA-GUN KN-1	K	S	•			
Federal Signals	Enforcer	K	S/M				
Kustom Signals	HR-8	K	S	•			
Kustom Signals	HAWK	K	S/M				
Kustom Signals	KR-10SP	X, K	S/M				
Kustom Signals	KR-11	K	S/M				
Kustom Signals	Pro-1000	K	S/M				
Kustom Signals	Road Runner	K	S	•			
Kustom Signals	Talon	Ka	S/M	•	•	•	
Kustom Signals	Trooper	X, K	S/M				
Kustom Signals	PRO-1000 (DS)	X	S/M				
MPH Industries	K-15	X, K	S	•			
MPH Industries	K-35	X, K	S	•			
MPH Industries	S-80	X, K	S/M				
MPH Industries	S-80 MC	X, K	S/M				
MPH Industries	Python (Series I)	X, K, Ka	S/M				
MPH Industries	BEE 36A	X, K, Ka	S/M				
Tribar Industries	Muni Quip KGP	K	S	•			
Tribar Industries	Muni Quip MDR	X, K	S/M		•		

NOTES:

- 1) Mode "S" refers to the stationary mode and mode "M" refers to moving mode.
- 2) Some of the models listed on the CPL may have operational features that are not a part of the model minimum performance specifications. It is important to understand that these features have not been tested or certified, even though the device itself has been certified to meet the model minimum performance specifications.

- 3) CPL certification for any individual radar device will be voided by any third party modifications not specifically approved by the original equipment manufacturer and the IACP.
- 4) Test results and analysis contained herein do not represent product endorsement by the IACP nor product approval or endorsement by the National Highway Traffic Safety Administration, the U.S. Department of Transportation, the National Institute of Standards and Technology, or the U.S. Department of Commerce.

For updates visit: <http://www.theiacp.org/profassist/viewcpl.html>

"Police Officers are my heroes. I believe that those who enter the police service are answering a calling to public service. They want to make a difference and improve the quality of life in the communities they serve."

IACP President Joseph M. Polisar

Continue to make a difference to the law enforcement profession: Sponsor new IACP members during the 2004 President's Membership Drive. Learn from the network of 20,000 IACP members about proven techniques successfully serving the public. New and existing members will gain new skills through IACP's programs & services that can be applied in their communities around the world.

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The Posse Comitatus Act

What Does It Mean to Local Law Enforcement?

By John W. Probst, Lieutenant Colonel and Commander, 90th Missile Security Forces Squadron, F. E. Warren Air Force Base, U.S. Air Force

Twenty years ago the Posse Comitatus Act (PCA) was a standard topic of discussion only between civilian and military police and their legal advisors. Today the PCA inspires strong debate about national security. Both civilian and military police agencies continue to point to and use the PCA as rationale for and against military support to civilian law enforcement agencies. Legal writers and activists have dissected the law and its history, debating its continued usefulness and constitutional standing.

Understanding what at first seems to be a simple concept—federal troops are not to be used to enforce civilian law—demands a short review of the PCA's birth, definitions, impact on recent and current events, and present-day standing.

Birth of the Posse Comitatus Act

After the U.S. Civil War, federal troops were routinely posted at polling places to prevent drunks and former Confederate of-

ficers from voting. As Reconstruction ended and the South regained voting strength in Congress, these troops were deemed no longer necessary and withdrawn.¹ At the same time, U.S. boundaries were pushing westward, and frontier fort commanders were the law. Although fast in their responses, often their enforcement was arbitrary at best and sometimes suspect.

Critical Definitions

The original Posse Comitatus Act was a rider to an appropriations bill, Chapter 263, Section 15, approved on June 18, 1878. It read as follows:

From and after passage of this act it shall not be lawful to employ any part of the Army of the United States, as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section, and any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding ten thousand dollars or imprisonment not exceeding two years or by both such fine and imprisonment.

The provision created by "except in such cases and under such circumstances as such employment of said force may be authorized by the Constitution or by act of Congress" allowed the use of federal forces against the 1919 rioters in Chicago, the so-called Bonus Marchers in Washington, D.C., in 1932, and the railroad workers who went on strike during the administration of President Truman, who

Congress passed the Military Cooperation with Law Enforcement Officials Act in 1981 to clarify the Reconstruction-era Posse Comitatus Act statute in key areas, particularly with regard to the use of the military to train civilian law enforcement personnel and to provide such personnel with military equipment and facilities to assist civilian police in enforcing drug laws.

Listed below are the some of the current Department of Defense (DoD) references governing support to civil authorities and their statutory authority:

- **Military Assistance to Civil Authorities**
DoD Reference: DODD 3025.15
Statutory Authority: 10 U.S.C. 375 and 18 U.S.C. 1385
- **Military Assistance to Civil Disturbances**
DoD Reference: DODD 3025.12
Statutory Authority: 10 U.S.C. 331-335
- **Military Support to Civil Authorities (Emergencies (Stafford Act))**
DoD Reference: DODD 3025.1
Statutory Authority: 42 U.S.C. 5121 et seq.
- **DoD Cooperation with Civilian Law Enforcement Officials**
DoD Reference: DODD 5525.5
Statutory Authority: 10 U.S.C. 371-378
- **Military Working Dog Teams to Support Law Enforcement Agencies' Counterdrug Missions**
DoD Reference: DODD 5525.10
Statutory Authority: 10 U.S.C. 371-378

Sources: Charles D. Ayotte, "The Posse Comitatus Act Yesterday and Today," presentation to IACP Civil Law Enforcement Military Cooperation Committee, May 1, 2003; Naval War College, Library Notes, Posse Comitatus, by Alice K. Juda (Newport, R.I.: February 2002)

Author's Note: The views, opinions, or findings described in this article are those of the author and should not be interpreted as representing the official policies, either expressed or implied, of the Department of Defense.

temporarily nationalized the railroads under the Army Corps of Engineers.²

Even after the National Security Act of 1947, which consolidated the War Department and the Department of the Navy under the Department of Defense, the PCA still only mentioned the Army and Air Force by name. The other services were brought under the same prohibitions by instructions. Section 375 of Title 10 of the *U.S. Code* directed the secretary of defense to prescribe regulations restricting to ensure that there is no direct participation by members of the Army, Navy, Air Force, and Marine Corps in search, seizure, arrest, or other activities unless otherwise authorized by law.

Section 1385 forbids the unlawful use of the Army or Air Force as a posse comitatus by prescribing fines of not more than \$10,000 or imprisonment of not more than two years or both for violations of the act.

Neither the Coast Guard nor the National Guard is mentioned in Title 18 of the *U.S. Code*. The Coast Guard falls under the Department of Homeland Security and maintains a day-to-day law enforcement mission. The National Guard is most often in a state status, working under the control of a state governor. "The PCA only applies to forces in federal service, and therefore, the National Guard is not limited by the PCA when its members perform duty in a state status," according to Matthew Carlton

Hammond. "Because the National Guard is a modern militia, this distinction actually follows the intent of the PCA, which was not to limit militias." The National Guard, when under Title 10, is federalized and does answer to the limitations of the PCA.³

Recent Events

In the last 30 or more years, a series of domestic events have fueled the debate over the usefulness and legality of the PCA. Exceptions have been created and used that make federal support appear to be in direct violation of the PCA. Congress permitted federal support in certain situations that were carefully enacted and closely defined exceptions. Those earning the most news media notice include the following: the 1973 standoff between federal troops and the American Indian Movement at Wounded Knee, South Dakota; the 1992 street riots in Los Angeles after the Rodney King verdict; the 1993 standoff with the Branch Davidians at Waco, Texas; the bombing of the federal building in Oklahoma City; and most recently the 2001 suicide attacks on the World Trade Center and the Pentagon. All these events involved federal troops in some manner, and some observers saw too much military involvement or not enough.

Although the public as a whole generally supports and expects federal troops' in-

volvement in some situations, such as evacuations during natural disasters and the protection of property afterward, and replacing coal miners or air traffic controllers during strikes, there exists a fine line recognized by even our forefathers that federal government should not cross—and that is using military personnel to enforce civil laws.

At a hearing on the Posse Comitatus Act before the Subcommittee on Crime of the Committee on the Judiciary in 1981, William H. Taft, general counsel of the Department of Defense, testified,

The [PCA] expresses one of the clearest political traditions in Anglo-American history: that using the military power to enforce the civilian law is harmful to both civilian and military interests. The authors of the [PCA] drew upon a melancholy history of military rule for evidence that even the best intentioned use of the Armed Forces to govern the civilian population may lead to unfortunate consequences. They knew, moreover, that military involvement in civilian affairs consumed resources needed for national defense and drew the Armed Forces into political and legal quarrels that could only harm their ability to defend their country. Accordingly they intended that the Armed Forces be used in law enforcement only in those serious cases to which the ordinary processes of civilian law were incapable of responding.⁴

The Department of Defense itself has been one of the strongest proponents of upholding the PCA limitations. DoD realizes

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that the commitment of resources in support of civilian law enforcement efforts, a commitment that sometimes requires troops to take on unfamiliar roles, jeopardizes not only the safety of the troops and the public but also the overall military readiness.⁵

Those who criticize any loosening of the PCA or the continuation of exceptions believe the fundamental separation between military and civilian spheres of action must be maintained and renewed. They believe federal troops should only be used in natural disasters, civil disturbances, and insurrection and strike replacements. They oppose the use of troops for border duty or in counterdrug roles.⁶

They also fear the standup of new organizations in the wake of September 11, 2001, such as the Department of Homeland Security and the U.S. Northern Command and legislation such as the Patriot Act. They see these as institutions or ways to merely promote the use of federal troops in even larger domestic roles. But ringing just as loudly especially since September 11 is the sentiment that special military assets should be able to complement the local civilian law enforcements agencies in protection against terrorism, making the federal and local efforts more responsive and timely to prevent terrorist acts.

General Ralph E. Eberhart, commander of the new Northern Command, feels decid-

ing how and when to use U.S. military assets during a domestic crisis are not "simple" decisions. "If a state believes it cannot handle a threat, the governor will ask the president to supply military support," he has been quoted as saying. "Only then, if the president agreed, would the secretary of defense direct Northern Command to support the mission." The general went on to say that during the 2002 Washington-area sniper attacks U.S. Northern Command officials coordinated aerial surveillance assistance for the FBI. "We had some surveillance platforms that we operated on a [military] plane and [the law enforcement officials] would be aboard, either operating the sensors and the cameras or they'd be telling us where to go. Then they would be able to download the information to their operations centers and [for] their analysis." General Eberhart later explained that various laws empower the president to allow the military to assist civilian law enforcement, but that the military will never be the lead agency in a civil situation.

Posse Comitatus: How Should It Be Used?

The words used in titles of recent articles on the PCA suggest a wide range of sentiments and viewpoints surrounding the PCA and its application: passé, renewal, caution, repeal, reexamine, review, re-

strictions, overruling, outdated. Commentators argue that there is too little federal assistance or that there is too much federal assistance, with the latter supporting the idea that certain instances of federal aid are direct violations of the PCA.

Clearly, the debate is strong and alive, and it should be, as threats have changed dramatically. Robust and honest discussion can only serve to strengthen the functions of the PCA. General Eberhart said, "We should always be reviewing things like Posse Comitatus and other laws if we think it ties our hands in protecting the American people."⁸

¹ Charles D. Ayotte, "The Posse Comitatus Act Yesterday and Today," presentation to IACP Civil Law Enforcement and Military Cooperation Committee, May 1, 2003.

² Bonnie Baker, "The Orgins of the Posse Comitatus," *Air and Space Chronicles* (Maxwell Air Force Base; November 1, 1999).

³ Matthew Carlton Hammond, "The Posse Comitatus Act: A Principle in Need of Renewal," *Washington University Law Quarterly* 75 (Summer 1997).

⁴ Alice Cherbonnier, "Civics Lesson: Just What Is the Posse Comitatus Act?," *Baltimore Chronicle & Sentinel*, August 7, 2002, available at www.baltimorechronicle.com/posse_aug02.shtml, June 2, 2004.

⁵ Chris Quillen, "Posse Comitatus and Nuclear Terrorism," *Parameters: The Army War College Quarterly* (Spring 2002).

⁶ Hammond, "The Posse Comitatus Act."

⁷ Stacie Shafran, "Northern Command Leader Visits Hanscom," U.S. Air Force News Service release, March 5, 2003.

⁸ Shafran, "Northern Command Leader Visits Hanscom."



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Why Things Go Wrong in Police Work

By Lawrence N. Blum, Ph.D., Police Psychologist, Los Alamitos, California, and Joseph M. Polisar, IACP President and Chief of Police, Garden Grove, California

Police executives face the consequences of mental and tactical mistakes made by police officers during difficult events. Accurate judgment and effective decision making by police officers under stressful conditions—two of the most important elements in successful police performance—are highly perishable skills that are degraded rapidly in the absence of ongoing training and practice. This article discusses the causes of police officer mental or tactical error under conditions of stress and offers police executives tools they can use to fulfill the promise of excellence in law enforcement.

Mistakes will happen and need to be accepted. The objective is not an organizational culture where officers are not allowed to make mistakes; rather the objective is to learn from the mistakes that occur, and prevent their recurrence.

Every law enforcement agency faces the possibility that one or more of its officers could engage in police actions that are found to be improper or incorrect. The consequences of these mistakes can be serious. Officer errors have led to the deaths of officers and others. Some have resulted in complaints and lawsuits alleging misuse or abuse of police powers by officers.

Police executives have not escaped the consequences of things going wrong either. The number of losses among police executives to health problems such as cardiovascular death and disease is high. The stress exposure experienced daily by police executives from political and organizational pressures can be life altering.

It is obvious to all who serve in law enforcement that today's police officers and sheriff's deputies are under the extreme pressure of scrutiny in the performance of their duties. Indeed, never before have greater—and often conflicting—demands been placed upon those who serve in contemporary law enforcement. The past years of fiscal crises coupled with increased demands for homeland security provisions has further complicated how police officers perform their duties. In today's environment the consequences for error in

Leadership Strategies

- Programs to train the trainers (field training officers and supervisors) in tactical decision making under stress can help eliminate many of the errors made in the field by teaching all personnel how to control their judgment and decision making under crisis conditions.
- An ongoing and permanent system to train all agency personnel in stress-exposure management can help prevent stress reactions and posttraumatic stress disorder in police officers and executives.
- Programs in peak performance and mastery training for command personnel, supervisors, and line personnel can help police officials develop an environment where all agency employees drive toward excellence in the performance of their duties.
- To ensure that every employee has the necessary skills to manage crisis incidents and extraordinary events, supervisors and trainers should emphasize adaptive expertise, which allows for the immediate recognition that a change in tactics is required by changes in the conditions encountered, and the alteration of tactics in real time.
- Whereas academy and initial field training typically prepare officers events that are predictable or expected, ongoing training should teach officers and others how to adapt to the unexpected. Officers will then be experts in adapting to both routine and crisis encounters.

police performance or executive decision making have become increasingly severe.

The Decision Process

Although there are many people who can adjust immediately to situations that are predictable and stable, very few can adapt to unanticipated, rapidly changing, or chaotic high-stress conditions, without some degradation in their performance. Called stress-exposure events, problematic encounters have caused things to go wrong for police officers in the field. Stress-exposure events can result in prolonged posttraumatic stress reactions, physical symptoms, family problems, and a shorter life expectancy for those who serve in law enforcement.

Unanticipated encounters, by definition, place the officer in a momentary position of disadvantage and can result in a momentary mental shock reaction in the police officer called perceptual lag. Under conditions of imminent, unanticipated, or rapidly changing threat, the spark and fuel for brain activity in the think-



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ing brain is shifted to the reactive brain, to generate the individual's emergency response (fight, flight, or immobility).

In the moment it takes for police officers to reorient themselves to what they have actually encountered, they are most vulnerable to error or some degradation in their performance. During the unexpected moments of police work, many officers experience a sense of urgency to catch up in order to take control, and may use degrees of force, for example, that are found to be improper or excessive. Still other officers may, in response to the same problematic conditions—for a split-second in time—remain immobile in the face of an imminent threat.

Rapidly changing conditions require an immediate shift in officer tactics under severe time compression. Rapid change in the conditions an officer faces can result in a mental tunnel vision where the officer is less likely to be capable of adapting to changing conditions in real time. Chaotic conditions often create difficulty for police officers in prioritizing the direction, type, intensity, and pace of the actions they will take to effectively control a scene.

Most people, when startled or acutely frightened by something, will spend a moment or more in a shocked reaction, not doing much in the way of analytical thinking or purposeful actions. They cannot immediately act upon the situation, because they are first reacting to it. This occurs because intense startle reactions or shock disrupts the part of the brain that analyzes, appraises, thinks, and decides. Think of a 12-cylinder engine in which suddenly only three cylinders are receiving spark and fuel. The engine will sputter and have gaps or lags that degrade its functioning.

It takes a longer period of time for the brain to register what the eyes are seeing during a perceptual lag event. Unanticipated or uncontrolled conditions may lead officers to take actions outside of department policies because of how the untrained human brain reacts to shock or the perception of imminent threat.

When a police officer experiences a threat he or she did not expect to encounter, the brain is likely, without specific training, conditioning, and practice, to attempt to countermand it, to react with neurochemical, survival-oriented instinct reactions to the perceived threat, as opposed to strategic, purposeful reactions that are based upon the conditions the officer is facing.

The management of a police encounter in the field does not occur with the same stable pattern or predictability and controlled rate of tempo found in the classroom. Proficiency in managing rapidly changing, chaotic, or unanticipated incidents will require that officers develop a skill called adaptive expertise. This term refers to the ability of a person to shift tactics and demeanor in real time in order to meet the conditions encountered during unanticipated, rapidly changing, novel, or chaotic conditions, with no loss of mental accuracy or tactical propriety.

Of course, many situations that officers encounter in responding to a call for service are straightforward in regard to the actions that are required to control the scene or subject. Examples of such a situation would be a consensual contact, arrest or detention, response to a crime-in-progress, felony vehicle stop, search in response to a silent alarm, or controlling traffic. For these situations, the procedures that officers are trained in during the academy and field training programs will normally give the officer success, so long as the officer accurately recognizes what is required of him or her, and has practiced sufficiently so that he or she can successfully apply the relevant skills.

Unfortunately, those procedures may not be viable in conditions where the officer is faced with a situation he or she has never seen before, where there is no time to prepare for an unanticipated lethal assault against the officer, or where what is believed to be a minor call for service suddenly turns into a fight for the officer's life. The ability of the officer to adapt to problematic conditions and manage them effectively will require that the officer's performance not be degraded by internal, uncontrolled reactions that were based upon the brain's reaction to stress-exposure events.

Organizational Influences

Just as importantly, although this is rarely a target for scrutiny, a police officer's performance can be traced in a large number of cases to causal influences that are generated within the police organization—that is, actions and priorities of leadership, command and supervisory practices, the training provided to officers, and how they are influenced in early stages of their careers by their training officers and peers. A deficiency in any of the above sources of influence upon police officers increases the likelihood that some members of the organization could err in the performance of their duties. In addition, dysfunction within a police organization has been demonstrated to increase the incidence, prevalence, and severity of stress-related symptoms in its personnel, up to and including the chief executive officer.

Several programs have been designed to enhance leadership skills and performance in law enforcement. The position of these programs is that every officer is a leader. In order to operationalize this vision steps should be taken to include training and organizational support for simple nuts-and-bolts methods that can be used to prevent errors in judgment and decision making, transient shock reactions, and the loss of concentration and focus of attention during the moment of crisis. For it is the mental errors, the shock reactions, and the loss of concentration or focus of attention during crisis that cause things to go wrong in police work.

An environment must be created within the police agency that fosters, creates, and facilitates continuing and permanent training and supervisory skill building in tactical thinking, decision making, and peak performance when confronted with stress-exposure conditions. There is no valid reason to ignore the individual officer's mental, emotional, and physical fitness, because these areas of work fitness will determine the outcome of his or her work and life.

Comprehensive work fitness must become an emphasis within police training and supervision. If work fitness is not integrated into the ongoing, mainstream training and supervisory emphases, more errors will be made, and this could lead to more officers dying unnecessarily. The majority of those losses can be prevented.

A system of training and practice that makes police personnel expert and well-conditioned in the management of stress-exposure incidents will bring about a substantial decrease in the frequency and severity of errors in their tactical responses, and substantially lower the amount of physical or emotional injury they will suffer from those conditions. The liability costs to the municipality or county for officer actions will also be substantially lowered when law enforcement personnel are experts in managing stress exposure, without any degradation in their performance or health.

When Errors Are Made

In the aftermath of investigations into an officer's actions during a crisis event, a careful police investigation will be able to describe the errors made during a tactical encounter. It is a much more difficult task, however, to explain to the officer or to others concerned with the incident, what had happened in the officer's brain that led to him or her to do what he or she did.

Was the response driven by a conscious decision? Was the officer preoccupied or distracted by concerns external to the tactical encounter? Or were the actions driven by the impulsive, under-controlled discharge of a biological survival instinct triggered by the brain's being shocked? In that instance, an officer is highly likely to engage in a fight, flee, or freeze response that has too often caused the officer to overreact or underreact when he or she was not prepared sufficiently for the encounter.

There has been a historic avoidance in law enforcement of understanding and working with mental conditioning and stress-exposure management as an integral part of police work, even as

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there is general agreement that police officers must be mentally and physically prepared for whatever unexpected conditions they may encounter. It has been left up to the individual, in most cases, to develop and maintain the poise under pressure, the professional mindset, and the common sense that is expected of them regardless of the conditions they encounter.

Police officers and police leadership generally lack any systematic program of mental and emotional—that is, work fitness—conditioning that can carry them through an unexpected crisis without loss of poise or self-control in a tactical (or politically sensitive) encounter. Nor are there systematic in-house training efforts in how to recognize, manage, and control the symptoms generated by work stresses that are inescapable in police work. Police officers are provided little or no training in developing adaptive expertise in their management and control of their bodies' reactions to alarm, threat, and psychosocial stresses encountered over time.

Stress-Exposure Management Training vs. Police Training

The goal of training for police work is skill acquisition and retention of learned material (such as laws and procedures) by trainees. The environment established in most contemporary training programs follows adult learning principles, as adult education or learning is known to enhance the goals of skill acquisition and retention (a quiet classroom, predictable conditions in tasks performed, and so on).

Research was performed 20 years ago that documented limitations on the amount of transfer of learning achieved under actual field conditions, when the learning occurred according to adult education models.¹

Training police officers to effectively manage stress exposure events will require different methods and content than has been traditionally applied to police recruits and trainees. Officers must possess adaptive expertise in managing their minds, emotions, and physiological reactions in real time. The same proficiency that they develop in the use of such important tools as their service weapon, or using arrest and control techniques, can be developed in their immediate adaptation to stressful events with no loss of mental or emotional control, performance, or health.

Stress-Exposure Management Training

SEMT (stress-exposure management training) is founded upon three overriding principles:

- Police officers must develop a working knowledge of, and familiarity with, the reactions of their brains and bodies under stress-exposure conditions. They need to be shown—through the video-recorded reactions they demonstrate in response to, for instance, ambush conditions—how their performance is affected by precisely the same conditions that they would encounter in the field. This task cannot be performed in a classroom setting or in scenarios where the officer may be able to predict the conditions he or she will encounter.

- Officers must be shown how to countermand the negative effects of stress. They must be taught to control and mediate their reactions to stressful events in real time. They must learn to defuse symptoms of stress to prevent any degradation in effective performance or health under stressful conditions.

- All officers, especially those who do not have a great deal of rehearsal experience for police work, must build a great deal of self-confidence in their performance in order to succeed in police work. The lack of mastery learning that currently exists in law enforcement must be changed. Peak performance is a difficult goal to attain under the best of circumstances, but the increase in self-confidence and skill the officers feel as they see themselves con-

trol conditions in which they initially were helpless will be of great benefit in a wide range of work and life tasks.

Although many police commanders will proclaim that they already provide support because they give officers a training class on stress management once every two years or so, or contract with an outside resource for counseling officers and their families, the reality is that effective and poised decision making under stress, and the ability to cope effectively with police work stresses, are highly perishable skills that show a rapid decline in the absence of consistent, monitored practice and repetitive drill. Skills in the management of stress-exposure events must be integrated within the police agency if the promise of excellence in policing is to be fulfilled.

Work Fitness

When one is physically fit, one can adapt properly to many more tasks requiring physical effort than one who is out of condition. Similarly, the individual who is expert, practiced, and conditioned to peak performance in stress-exposure management and work performance under adverse conditions, will respond properly to many more difficult or problematic tasks than one who lacks such expertise. Training and supervision must be applied in mental conditioning activities on a continuing basis, because they, like physical fitness, are highly perishable skills.

Law enforcement now faces the new challenges to homeland security in addition to the normal police responsibilities that must be fulfilled by agencies already cut to the bare bones by fiscal concerns. Woe will be felt by those agencies unprepared for what will be encountered by police officers if the terrorist bombings and ambushes begin in the cities and towns.

The phrase "lead by example" is not a trivial cliché. In crisis situations, each member of the police agency, starting with the chief executive officer, will be presented with tasks they may have never experienced. When, for example, anarchists rioted at a number of World Trade Organization meetings, police executives were confronted with conditions that required police actions that differed in every way from the day-to-day experience of members of those departments. Some were prepared to shift gears and adapt immediately, decisively, and properly to crisis events; others were not. The consequences to the members—at all ranks—of those police agencies that were not, were severe and will be long-lasting, both in work and in health matters.

In crisis situations, the conditions that law enforcement must respond to change from moment to moment. It is therefore critical that decision makers have the capacity, skill, and self-control to adapt their decision making and tactical responses in real time to unexpected, rapidly changing, or overwhelming crisis conditions. Where any facet of a decision maker's mental and behavioral capacity to perform these tasks is disrupted or impaired by some deficit in their ability to manage the stress that they encounter, police performance will suffer in a corollary manner.

It would be irresponsible to accept police agency performance that is merely good enough. With contemporary threats and pressures facing law enforcement, police leaders need now to establish continuing and permanent resources in their own organizations to preempt the likelihood of degradation in police performance and lower life expectancy for law enforcement personnel and the loss of police lives. Leaders must show the way to excellence by developing mastery themselves and then by helping their officers manage the inescapable work threats and pressures they will undoubtedly face.

¹ Lawrence N. Blum, *Stoning the Keepers at the Gate: Society's Relationship with Law Enforcement* (New York: Lantern Books, 2003), 171, 173.

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Automated external defibrillator

The Pride Business Development Group introduces the Smith & Wesson HeartBeat automated external defibrillator (AED) with proprietary impact barrier technology. To make it durable enough for police use, this defibrillator is made with the same impact barrier material used in F-16s. And at 2.8 pounds and three inches high, it is designed to be smaller and lighter than other defibrillators and to fit easily in the glove box of a Ford Crown Victoria, a backpack, or even the cargo pocket located on a police uniform.

For more information, circle no. 110 on the Reader Response Card, or enter it at www.theiacp.org/freeinfo

Hazmat suit

DuPont unveils the Tychem ThermoPro, a single-layer suit designed to protect first responders from both flash fire and chemicals. The suit, designed to be worn more than once, combines the company's patented Tychem barrier technology its fire-resistant Nomex fabric and

is engineered not to burn, melt, or drip. Other Tychem ThermoPro attributes include permanent thermal protection that will not wash out or wear away and resistance to permeation by a broad range of industrial chemicals and chemical warfare agents.

For more information, circle no. 111 on the Reader Response Card, or enter it at www.theiacp.org/freeinfo

For more information, circle no. 112 on the Reader Response Card, or enter it at www.theiacp.org/freeinfo

Guide to wireless systems

Public Technology Incorporated (PTI) announces the release of its "Wireless E 9-1-1 Imple-

The first section of the guidebook outlines the current systems and what implementation of such a system will entail for a local government. The second section is a collection of case studies that focus on 13 jurisdictions that are implementing these systems.

For more information, circle no. 113 on the Reader Response Card, or enter it at www.theiacp.org/freeinfo



GPS vehicle log

The Genius PVM Corporation announces the wayLogger, passive recording device designed to help investigators and supervisors document where a public safety vehicle was at any given time. The log also records speed and direction of travel, the activation and deactivation of emergency lights and sirens, and the opening and shutting of the vehicle's trunk lid and rear doors, among other events. The wayLogger records global positioning system (GPS) data for a vehicle, to include position (longitude and latitude), time, date, speed, and direction, from the time the vehicle ignition is turned on. The system will record and store data for up to seven years.

mentation Guide" for local government officials. The guidebook, funded by the Public Safety Foundation of America (PSFA), was designed to provide the information necessary to understand and implement a wireless emergency system.

Video borescope

Everest VIT, a maker of remote visual inspection (RVI) equipment, announces the Video-Probe XL PRO Plus video borescope with digital video features. Enhancements to this inspection tool include CompactFlash removable storage media, the ability to record and play back more than two hours of DVD format MPEG2 video and a USB streaming digital video port. Like earlier XL PRO systems, the ergonomic handpiece is designed to provide a high-resolution color LCD screen for view and playback and to allow one-handed operation of the joystick to provide All-Way camera articulation and menu control.

For more information, circle no. 114 on the Reader Response Card, or enter it at www.theiacp.org/freeinfo





The U.S. Department of Justice and
The U.S. Department of Homeland Security
jointly present

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IN CRITICAL INCIDENT RESPONSE
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This first ever joint DOJ-DHS 3-day conference will allow the Department of Homeland Security, Science and Technology Directorate and the Department of Justice, National Institute of Justice to highlight the technology and training tools currently available and being developed for the responder community to deal with major threats to lives and property, such as terrorist attacks. The conference offers a unique opportunity for first responders, business and industry, academia and elected Federal, State and local stakeholders to network, exchange ideas and address common critical incident technology needs.

HOSTED BY

DHS's Science & Technology Directorate
and DOJ's National Institute of Justice

THEME

Prevention, Response, Preparedness and Recovery

DATE

September 27-29, 2004

LOCATION

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Commissioner Norman S. Moleboge (seated seventh from the left), IACP world regional chair for Sub-Saharan/Southern Africa, in an effort sponsored by the IACP Ad Hoc Committee on International Initiatives, hosted the region's first IACP strategic planning and training meeting in Gaborone, Botswana, on March 25 and 26, 2004.

IACP Regional Strategic Planning Meeting in Gaborone, Botswana

More than 55 police chiefs, commissioners, and members of the judicial community from five Sub-Saharan/Southern African nations attended an IACP strategic planning and training meeting.

Among the honored guests were the deputy attorney general for Botswana, Mrs. Leatile Dambe; the inspector general of the Zambia Police, Mr. Zonga Siakalima; the commissioner of police for Tanzania, Mr. Laurean Tibasana; the head of the Interpol Sub-Regional Bureau and head of the secretariat for the Southern Africa Regional Police Chiefs Cooperation Organization (SARPCCO), Mr. Kenny Kapinga; and the assistant commissioner of police for the Royal Swaziland Police, Mr. Amos Sithole.

IACP's director of international activities, Paul Santiago, provided an in-depth briefing on the association, its products and services, and the benefits of membership. The U.S. Department of State's Bureau for Diplomatic Security and the U.S. Air Force Office of Special Investigations addressed the training and technical assistance available through the U.S. Department of State and antiterrorism initiatives and cooperation strategies applicable within the region.

The private sector, represented by MZM Incorporated, a national security and technology firm, provided an introduction to partnership with private sector expertise in working solutions to today's security concerns. The dean of the Department of Criminal Justice at Sam Houston University listed training and scholarship opportunities available to Sub-Saharan/Southern African police agencies and their officers.

The attendees felt the two-day meeting was beneficial and called for another one in 2005, with emphasis on such issues as money laun-

dering, identity theft, cross-border crimes, and computer crime investigations.

On the last day, Commissioner Moleboge declared his retirement effective June 1, 2004; the president of Botswana had recently appointed him ambassador to Namibia.

Commissioner Moleboge announced that the inspector general of Tanzania, who was named as the next president of SARPCCO, also declared his willingness to take on the position of IACP world regional chair for Sub-Saharan/Southern Africa.

For more information, call Paul Santiago at IACP headquarters at 800-THE-IACP, or write to him at santiago@theiacp.org.

Motorola Pledges Sponsorship to National Law Enforcement Museum

Motorola has become the first major corporate sponsor to the National Law Enforcement Museum, pledging a \$3 million sponsorship of the national project. The \$3 million sponsorship will include both cash and products and services. The National Law Enforcement Officers Memorial Fund needs to raise \$80 million to build the museum.

"Motorola has long been a partner to the law enforcement community through innovations that include the first walkie-talkie and the first mobile radio for police cruisers," said Craig Floyd, chairman and executive director of NLEOMF. "As our first founding partner, they are in a unique position to lead this museum effort from the cor-

porate sector, and they are setting a powerful example that we hope others will follow."

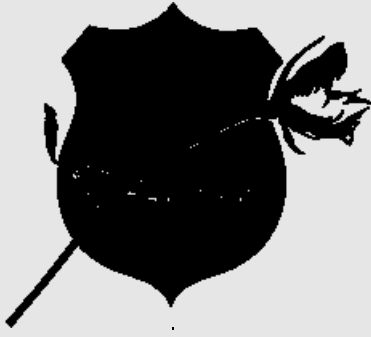
Scheduled to open in 2009, the 90,000-square-foot National Law Enforcement Museum in the nation's capital will celebrate the vital contributions of America's law enforcement officers. It will be filled with hands-on activities, state-of-the-art interactive technology, and rotating educational exhibits that will explore the past, present, and future of law enforcement in America. More than 500,000 visitors from around the world are expected yearly.

"Motorola has been a proud partner of the National Law Enforcement Officers Memorial since 1988, and we look forward to helping build this wonderful testament to the brave men and women who protect and serve all of us," said Jim Sarallo, senior vice president and general manager of Motorola's North America Group. "We have enjoyed a partnership with the law enforcement community for over 65 years and are pleased to serve them with mission-critical communications vital to the awesome responsibility they take on every day."

In November 2000, Congress passed and the president signed a law authorizing a national law enforcement museum to be built on federal property across from the National Law Enforcement Officers Memorial in Judiciary Square in Washington, D.C.

The NLEOMF is a nonprofit organization established in 1984 to generate increased public support for the law enforcement profession by permanently recording and appropriately commemorating the service and sacrifice of law enforcement officers, and to provide information that will help promote law enforcement safety. The NLEOMF operates and maintains the National Law Enforcement Officers Memorial, which contains more than 16,500 names; is an organizer of the annual National Police Week tribute each May; runs the Officer of the Month Program; and serves as a clearinghouse of information about law enforcement officers killed in the line of duty. For more information on the NLEOMF, visit www.nleomf.com.





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.

Patrol Officer James Lewis
Tacoma, Wash., Police Dept.
Date of death: April 27, 2004
Years of service: 19

Trooper Kurt David Knapp
Texas Highway Patrol
Date of death: May 8, 2004
Years of service: 5

Trooper Anthony Jones
Maryland State Police
Date of death: May 9, 2004
Years of service: 6

Chief Douglas A. Shertzer Sr.
Littitz Borough, Penn., Police Dept.
Date of death: May 11, 2004
Years of service: 23

Deputy Sheriff John N. Wiberg II
Washoe County, Nev., Sheriff's
Office
Date of death: May 11, 2004
Years of service: 14

Officer Donald Schultz
Phoenix, Ariz., Police Dept.
Date of death: May 12, 2004
Years of service: 19

Officer Gary Davis
Bloomfield Township, Mich., Police
Dept.
Date of death: May 13, 2004
Years of service: 12

Officer Timothy Shane Miller
Tabor City, N.C., Police Dept.
Date of death: May 15, 2004
Years of service: 4

\$167 Billion For Criminal and Civil Justice Services

Local, state, and federal governments spent \$167 billion on direct expenditures for police protection, judicial and legal services, and corrections activities during 2001 according to the Bureau of Justice Statistics (BJS) of the U.S. Department of Justice.

In 2001 the national per capita justice expenditures were \$586. Police protection accounted for \$254 per person, judicial and legal services for \$130 per person, and correctional services in the community and in detention facilities accounted for roughly \$200 per person.

Local governments funded almost half of the expenditures, while the states spent 35 percent and the federal government spent 15 percent. Criminal and civil justice activities made up about 7 percent of all state and local government spending. A quick comparison to selected other government spending shows that nationwide 30 percent of state and local government spending went to education, 14 percent to public welfare, 7 percent to health and hospitals, and 4 percent to the interest on government debt.

As of March 2001, the nation's justice system employed almost 2.3 million persons, with 1.1 million working in law enforcement, just under half a million in courts, prosecution, and public defense services, and nearly three-quarters of a million in corrections. The March 2001 payroll at all levels of government totaled \$8.1 billion.

About 60 percent of all justice personnel worked at the local level, and nearly two-thirds were employed by law enforcement agencies. Local police and sheriff's department employees accounted for 80 percent of all law enforcement personnel nationwide.

On average, there were about 23 sworn state and local law enforcement officers per 10,000 persons. An additional eight employees per 10,000 persons were civilian nonsworn personnel).

The report, *Justice Expenditure and Employment in the United States, 2001*, is available at www.ojp.usdoj.gov/bjs.

Guide to Providing Police Service to International Community

There probably isn't a law enforcement agency in the country that isn't affected in some way by a growing international population. Obstacles to communication between internationals and police can include language barriers, cultural differences, and some internationals' fear of arrest and deportation due to their illegal status.

The Charlotte-Mecklenburg Police Department's International Relations Unit may be able to help police departments overcome some of those obstacles by distributing its newly developed *Law Enforcement Services to a Growing International Community—An Effective Practices Guide*.

The CMPD's International Relations Unit was created in 2000 to deal with the rapidly growing international community in Charlotte. The unit has won a local community relations award and an award from the North Carolina Governor's Crime Commission, and

it was one of five finalists for the Herman Goldstein Problem-Solving Award in 2003. The Governor's Crime Commission awarded the International Relations Unit a grant in 2003 to develop the effective practices guide to help other law enforcement agencies.

Topics covered in the guide include the process of developing an International Relations Unit, evaluating the effectiveness of efforts directed toward the international population, and solving problems related the international communities.

Law Enforcement Services to a Growing International Community can be found on the Charlotte-Mecklenburg Police Department's Web site, www.cmpd.org.

Detering Vehicle Insurance Fraud

A new informational Web site geared to vehicle antifraud programs is now available for law enforcement. According to Carco Group Incorporated, a significant percentage of reported vehicle thefts—between 15 and 25 percent—are attempts to defraud an insurer.

Presented under the banner "Winning the Battle Against Vehicle Insurance Fraud," This Web site can be found at www.preinsuranceinspection.org. The site provides information about vehicle crime and vehicle insurance fraud. From an economic perspective vehicle-related crime, including insurance fraud, represents a \$7 billion problem in the United States.

For more information, please go to www.preinsuranceinspection.org, or call Pamela Hoffman, senior vice president, at 800-969-2272, extension 333, or write to her at phoffman@carcogroup.com.

David A. Espie, 1928-2004 IACP Employee

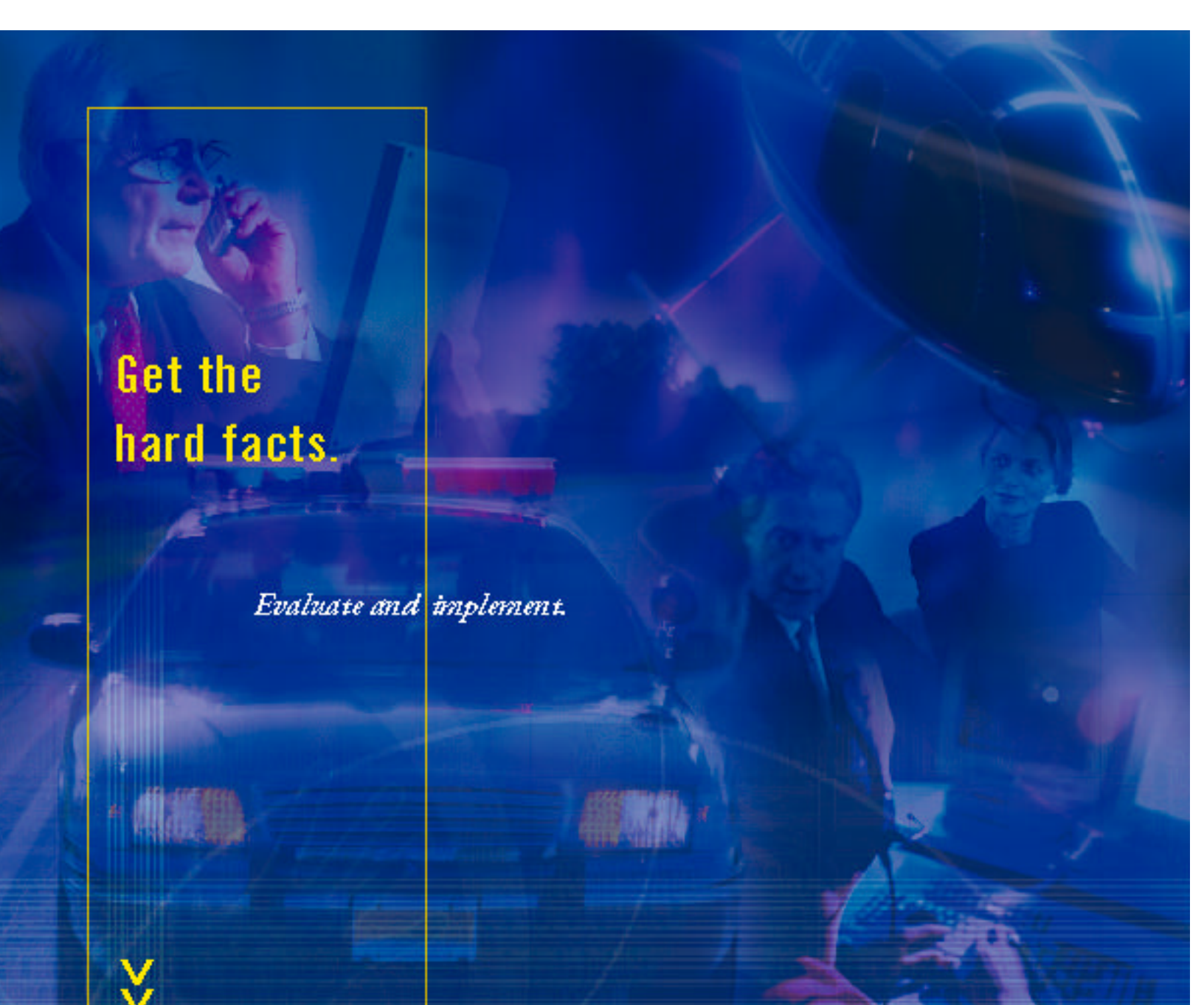
David A. Espie Jr. of Crofton, Maryland, a former IACP employee, died April 3, 2004 at his home after a lengthy illness. He was 76.

Espie was a member of the Kentucky State Police; he began as a trooper and rose to the rank of colonel. He served as vice president of the Kentucky Peace Officers Association and president of the Southern Police Institute Association.

His IACP employment was with the State and Provincial Police Division, serving as an assistant director in the division. He also was vice president of the American Association of Motor Vehicle Administrators.

He joined the Anne Arundel, Maryland, Country Police Department in 1983 and later became that agency's first civilian personnel manager. Subsequently he joined the county Office of Personnel, where he was a project manager and grievance adjudication officer.

Services were held in Crofton, Maryland, and the burial was in Louisville, Kentucky. He was survived by his wife Virginia Franzman Espie, son David A. Espie III of Columbia, South Carolina; daughter Deborah Rolfe of Mitchellville, Maryland; and daughter Marsha Burden of Arnold, Maryland.



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IACP Net gives you the hard facts to solve the problems you're facing. "Our pursuit policy burdened our officers with too many decisions about traffic conditions, time of day, and other factors," says Chief Daniel Gooris of the Lincolnwood, IL, Police Department. "So I logged onto IACP Net, reviewed the policies of other agencies and found the facts I needed to implement a more effective pursuit policy."

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Saved by the Belt

**By Steven R. Casstevens,
Assistant Chief, Hoffman Estates,
Illinois, Police Department, and
Coordinator of the Illinois Traffic
Safety Challenge**

How many citations do law enforcement officers around the country issue each and every day for motorists not wearing their seat belts? Thousands. Why do we enforce belt laws? For one simple reason: they are the single best protection against injury or death in a traffic crash. Law enforcement officers should set the example by always wearing safety belts.

As officers on the street, we have heard all of the reasons why motorists choose not to wear their seat belts: *They are uncomfortable. They wrinkle my clothes. I'm only going down the street. I just got back in my car. We don't listen to the excuses; we write the citations.*

But many police officers still don't routinely wear their seat belts when driving their squad cars. We have our own excuses: *The shoulder belt catches on my uniform. The lap belt could tangle on my weapon if I tried to exit the squad car quickly.* Every officer should be wearing a seat belt every time he or she gets into a squad car for any reason.

Recently, Officer Paul Bartkowiak of the Hoffman Estates, Illinois, Police Department was glad he had made it a habit to always wear his safety belt while on patrol, even if he was merely sitting in his vehicle doing paperwork or running radar.

One afternoon in early May, Bartkowiak was parked in his fully marked black and white 2004 Crown Victoria on the median on Illinois Route 59. He was monitoring passing traffic when his vehicle was struck from behind by a 2004 Jeep Cherokee that was traveling an estimated 50 miles per hour. The impact crushed the entire rear end of the cruiser and forced portions of the trunk into the cruiser's back seat. There was no fuel leak or subsequent fire. Bartkowiak, who was wearing his lap and shoulder belt, was transported to the local hospital and treated and released a few hours later.

Bartkowiak credits the seat belt with keeping him in position in the driver's seat and saving him from serious injury. "As the squad [car] rotated after the impact, I guarantee I would have been more seriously injured if I hadn't been buckled up" he said.



Photographs courtesy Hoffman Estates Police Department

He is not alone. There are officers all over the country who can tell you their stories of being saved by the belt.

Officer Bartkowiak has been nominated for the Saved by the Safety Belt Award in Illinois. This renewed program, made possible through a partnership with NHTSA Region 5, the Illinois Department of Transportation's Division of Traffic Safety, and the Illinois Association of Chiefs of Police, is demonstrating to the driving public in Illinois that seat belts do save lives.

When Illinois Governor Rod Blagojevich signed primary seat belt enforcement into law in Illinois last July, he declared that this law would save 150 lives in Illinois in one year. Officer Bartkowiak is a living example.

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