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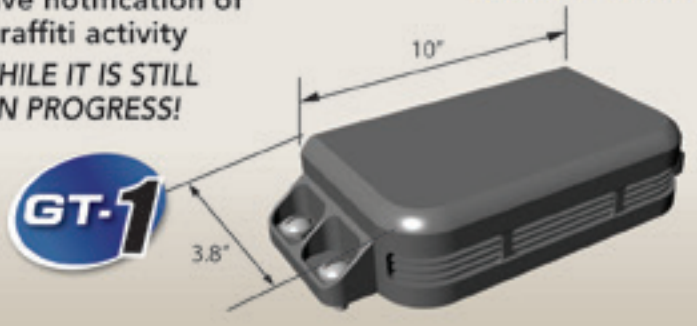

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IACP Constitutional Review: Time to Make Your Voice Heard

At the beginning of my term as President and with the concurrence and approval of the Board of Officers and Executive Committee, I convened a committee to review the IACP Constitution. This committee was tasked with performing an in-depth review of the association's governing document. Such a review ensures that the goals of our organization remain clear and consistent with the desires of the membership, and at the same time, that modern, professional and meaningful business practices are at work in support of our goals. The general accepted practice for nonprofit associations is to have their constitutions reviewed every three to five years. The last comprehensive review of the IACP constitution was in 2001–2002 more than twelve years ago.

The members of this committee were carefully selected to reflect the geographic and demographic diversity of our membership as well as to provide a variety of perspectives and experience. The committee was chaired by IACP Parliamentarian Ellen Hanson and its members were selected for this committee because of their long association with the IACP, their exposure to its operating principles, and their dedication to ensuring the association's future success.

The following members of the IACP Board of Officers and the Executive Committee served on the review panel: Chief Ronal Serpas, Third Vice President, Chief Dwight Henninger, Vice-President Treasurer, Colonel Nelson Garcia, International Vice President, Chief Russell Laine, Chair of the IACP Past Presidents Committee, Chief Susan Riseling, and Chief Randy Lane. In addition, I also asked Ms. Leslie McGill, Executive Director of the California Police Chiefs Association, and Chief James McLaughlin (retired) Executive Director of the Texas Police Chiefs Association in order to benefit from their perspectives as the leaders of two of the many successful state police chief associations. The Committee was staffed by IACP Executive Director Bart Johnson and Gene Voegtlin, director of the IACP Division of State Associations of Chiefs of Police.

During their deliberations, the committee was guided by two key principles:

- The IACP Constitution must support our efforts to streamline the IACP and usher in contemporary, 21st Century Policing and successful nonprofit association practices; and,
- Remove any bureaucratic processes and rules that inhibit the ability of the association to meet its objectives.

At the same time, the committee also worked to ensure that it kept in place safeguards that are afforded by a modern constitution and set of rules.

The committee members met several times throughout the year, invited comments and suggestions from the membership, and provided the Executive Committee with updates on their deliberations. Throughout the process, all parties involved were focused on the potential impact that these changes could have on our association and its future.

I am pleased to report that the work of the committee is now complete, and they have recommended that 12 proposed amendments to the IACP Constitution be placed before the membership at the Philadelphia conference. As required by the IACP Constitution, the proposed amendments have been reviewed and approved by the IACP Executive Committee at their August board meeting in Alexandria. In addition, a copy of these proposals has been mailed to all active members. (They are also available for review on the IACP website.)

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

Each of these proposed amendments represents an opportunity to ensure that the IACP adopts modern, professional, nonprofit association business practices; provides for greater representation of the membership; and allows our association to adapt its operations to reflect the needs and concerns of the membership. I, along with the Board of Officers and Executive Committee, am fully supportive of all 12 amendments and believe that their adoption is essential to the future growth and continuing success of the IACP. I urge you to support them as well.

In order to be adopted, a proposed amendment to the IACP Constitution must receive the affirmative vote of two-thirds of the active membership present and voting during the annual conference. Voting on proposed amendments will take place on Monday, October 21. The polling booths will open at 8:00 a.m. and close at 4:00 p.m.

If you are attending the 2013 IACP Annual Conference in Philadelphia, I encourage you to make your voice heard by taking the opportunity to vote on these important amendments. It is my firm belief that approval of these proposed amendments will enhance the governance and operation of our association, ensure the continuing success of the IACP, and allow us to fulfill our vision of "Serving the Leaders of Today and Developing the Leaders of Tomorrow." ❖

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IACP Meets with Vice President Biden on Immigration Reform

By Sarah Guy, Manager, Legislative and Media Affairs, IACP

IACP Leadership was asked by Vice President Biden to attend an intimate meeting at the White House in order to gain some insight from the law enforcement community on immigration reform and the law enforcement elements in the recently passed Senate bill (S. 744) Border Security, Economic Opportunity, and Immigration Modernization Act.

The IACP did not take a position on the Senate-passed bill, largely because of its complexity and the breadth of its components—many of which fall outside the scope of public safety issues. We are supportive of many of the law enforcement elements in the bill, but still have a few outstanding concerns as Congress and the Obama administration move forward in passing immigration reform legislation.

In the meeting with the vice president, IACP leadership was able to discuss some areas of potential concern on immigration and the role of state and local law enforcement. Those apprehensions included (1) limited cooperation and trust by immigrant communities, effecting elements of community oriented policing if state and local police are mandated to conduct immigration enforcement; (2) the ability to provide proper resources, manpower, and training for law enforcement agencies; and (3) the need to provide a clear statement on the authority of state and local law enforcement in immigration matters.

The Senate bill awaits House action. Speaker John Boehner (R-OH) has repeatedly said that the House will not consider the Senate's comprehensive immigration reform bill it passed in June. However, Republican leaders have said that should they pass a package of bills, they could conceivable work with the Senate to appoint a conference committee and complete a final bill for consideration by both chambers in December or early 2014.

The IACP looks forward to working with members of Congress as they move forward—making sure that the voice and needs of the law enforcement community are heard and met.

IACP Submits Testimony for House Homeland Security Committee Hearing on Attacks on the Homeland

In mid-July, the House Homeland Security Committee held a hearing entitled, "Assessing Attacks on the Homeland: From Fort Hood to Boston." IACP Executive Director Bart Johnson submitted testimony for the hearing. Witnesses included Rudy Giuliani, former mayor of New York; Michael Leiter, former director of the National Counterterrorism Center; Dr. Bruce Hoffman, professor and Director of the Center for Peace and Security Studies and Security at Georgetown University; John Cohen, deputy counterterrorism coordinator and senior advisor to the secretary of the U.S. Department of Homeland Security; and Matthew G. Olsen, director of the National Counterterrorism Center.

The hearing focused on U.S. counterterror efforts since 9/11. As the committee members took a closer look at the last five attacks on the United States, they focused on how far we have come and what must be done in order to better protect the United States.

The crux of the hearing was the issue of collaboration: information and intelligence sharing among federal, state, tribal, and local law enforcement agencies.

In his testimony, Mr. Johnson elaborated on the successful investigation that followed the Boston Marathon bombing, and shared an email from Colonel Tim Alben of the Massachusetts State Police that described the collaborative efforts and partnerships that occurred between local, state, and federal law enforcement.

IACP Supports the End Sex Trafficking Act of 2013

At the end of July, Senators John Cornyn (R-TX) and Amy Klobuchar (D-MN) along with Representatives Ted Poe (R-TX), Carolyn Maloney (D-NY), Kay Granger (R-TX) and Richard Nolan (D-MN) introduced the bipartisan and bicameral End Sex Trafficking Act of 2013 (H.R. 2805/S. 1354). The legislation strengthens the Trafficking Victims Protection Act by adding the words "solicits or patronizes" to the sex trafficking statute, making it absolutely clear that criminals who purchase sexual acts from trafficking victims can and should be arrested, prosecuted, and convicted as sex trafficking offenders.

Every year, thousands of criminals prey on children and trafficking victims in the United States by purchasing illicit and coerced sexual acts in communities, places of business, and on the Internet. This legislation targets the source of the human trafficking problem and aims to reduce and eliminate the demand.

IACP President Craig Steckler sent a letter to the bill's sponsor in support of this legislation.

Law Enforcement Agencies Respond to House Permanent Select Committee on an Intelligence Proposal on Fusion Centers

The IACP, in conjunction with the Association of State Criminal Investigative Agencies, Major City Chiefs Association, Major County Sheriffs' Association, National Fusion Center Association, and the National Sheriffs' Association, sent a letter to the chairperson and ranking members of the House Homeland Security Committee and the House Permanent Select Committee on Intelligence in response to a proposal that would dramatically change the relationship between the Department of Homeland Security and the National Network of Fusion Centers and negatively impact the ability of the Office of Intelligence and Analysis (I&A) to support the U.S. homeland security mission.

In the letter, the associations express specific concern about proposals to redeploy DHS Intelligence Officers (IOs) from individual fusion centers to the 12 DNI (Director of National Intelligence) regions, and to restrict I&A's ability to develop certain analytical products that are consumed by fusion centers and state and local law enforcement.

The joint letter further explained how the proposals would decrease analysis and information sharing on threats on the state, local, and federal level as well as inhibit investigative efforts.

Nominations Update

Mr. James Comey has been confirmed by the Senate as the new FBI director, replacing Robert Mueller. In addition, B. Todd Jones was also confirmed as the first permanent director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since 2006.

The IACP supported both nominations with President Craig Steckler submitting letters of endorsement to the White House and members of the Senate Judiciary Committee. ❖

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Compassion in Law Enforcement

By Mike Force, Chief of Police, Lake Saint Louis Police Department, Lake Saint Louis, Missouri

The burden of dealing with tragedies associated with the day-to-day duties by police officers often remains unspoken and follows the officers into their off-duty and personal lives. Failure to recognize and provide an acceptable outlet for the disappointment and frustration felt by officers at the end of their shifts can lead to alcohol abuse, problems with personal relationships, self-rejection, disillusionment, and even suicide.

If asked what bothers them the most about their profession, many officers will offer concerns such as a lack of public respect, lack of manpower or equipment to do their job effectively, or a general frustration over the perceived ineffectiveness of the judicial system. Seldom will officers open their hearts to discuss the pain and frustration that stems from dealing with the injury, anguish, and distress suffered by the victims. Many officers are haunted by the effects of trying to resolve problems they encounter in their communities and with their victims only to find that the solution is beyond their control.

Officers do not discuss the sorrow they feel after having to notify loved ones about the loss of their spouse or child because of a vehicle collision. Nor do they discuss the tears that follow officers after having held an infant in their hands trying to breathe life back into the tiny body only to find that despite all of their training and practice their efforts are futile. Or the frustration of dealing with the children of a crack addict or an abusive parent who time after time evades the help of a system overburdened with cases that, left unresolved, ensure continued problems for generation after generation to come.

What Is Compassion?

Compassion is not a singular thing. Rather it is composed of five mental and emotional states.

- **Respect and Caring** – these are mental and emotional attitudes associated with commitment, responsibility, and reverence towards others.
- **Empathy** – is a deep understanding of the emotional state of another. It is what enables an officer to connect with others, which can lead to compassionate feelings.
- **Selfless and Unconditional** – this is placing others' before your own needs; this mental and emotional state does not expect reciprocity or equal exchange. It is giving un-selflessly.
- **Committed Action** – for compassion to exist, it must be characterized by a helping action, a willingness to act on the mental and emotional state.
- **Benefitting Others** – this is action given without any thought of gain; an act to alleviate suffering and providing help without recognition.

The core of compassion is a heartfelt connection in situations where others are suffering and need help and the taking of action to provide help.

A 19-Year-Old Boy Commits Suicide

A police sergeant in a small department had responded several times to the calls from the parents and neighbors of a 19-year-old boy troubled by fits of psychotic behavior. The boy had seen frequent involvement with the sergeant as well as other members of the department. Many of these calls involved the threats of suicide. Officers dreaded the call that would eventually come to announce his successful completion of the act.

The call came, and the sergeant answered it. The boy had left a note to family members apologizing for his actions and reassuring them that this was the only way to escape the torment that engulfed his life. Knowing that the police and other emergency service personnel had tried hard to help him in the past and sensing that they would be upset by the decision he had made, he also left a note to the police. Carefully folded and placed under the rope around his neck that he would hang himself with, the note asked for forgiveness and thanked the police for all that they had done.

The suicidal boy had a twin brother and the sergeant often thought about the surviving brother and the sorrow that would ensue. Others did not know that the sergeant himself had lost a brother to suicide and knew firsthand the torment that would follow the death of this 19-year-old boy. The sergeant knew his role could not end here. He contacted the surviving twin and spent many days helping the young man to find answers to many questions that only another who had lost someone in this way could understand. They are friends today, and, although each still has demons that haunt their lives, together they help each other in a way that no one else can.[1]

The Murder of a Young Girl

Sometimes compassion takes a more subtle path, as in the officer who apprehended and helped prosecute a crack addict who had raped and murdered a young woman. A seasoned officer, he knew from past experience that most parents have no idea of the complexity of the U.S. judicial system, and he also knew the despair that victims encounter as they traverse the complex maze of prosecution and judicial review.

The perpetrator was very familiar with the life that he would spend in correctional institutions—having spent time in them, on and off, throughout his life. The case was solid, and his conviction was inevitable. After numerous cautions by the judge and strenuous objections from his attorneys, the man pleaded guilty to first-degree murder knowing that he would receive the death penalty. The parents of the murdered girl thought justice now would be sure and swift. But the officer knew that this was only the beginning of a long arduous road to justice. Appeal after appeal followed—and with each appeal came another disappointment accompanied by a new hope on the part of the parents.

Through the next 17 years of quagmire, the officer remained at the parents' side. He was with them as they waited through each appeal and shared their feelings of disappointment and frustration and felt their renewed hope as each one was rejected. Throughout the trials, testimony of the details of the murder and the lack of remorse on the part of the perpetrator forced the parents to re-live the horror of their daughter's murder. During the appeals, the officer was always there with the girl's family.

Knowing that her parents had become so fixated on the execution of the man who had murdered their daughter, the officer did all he could to help them remember the wonderful times that they had spent with her in hopes that would enable the parents to recapture their lives and move beyond the tragedy of her death. Throughout the many years following the murder, he laughed with them, cried with them, shared their hope and their despair, all the while, wishing he could do more but knowing that the fate of this case and the closure sought by the parents may never be seen.

Years went by, and the family eventually moved to another state—in part, to escape the daily reminder of their lost child. But even distance did not release the officer from his dedication to helping the family through their torment. He speaks to them often through email and on the phone. He sometimes visits the grave of their daughter calling them to comfort them at what always seems to be just the right time. Now, 17 years later, the officer has become part of their extended family as they wait for justice to finally be served.[2]

A Pair of Boots

Compassion is not limited to small town policing. While in small towns there are more chances for the officers to know the victims and residents needing help, compassion is found throughout law enforcement.

The November 2012 action of New York City police officer Larry DePrimo went viral when a passing tourist captured a video of Officer DePrimo giving a homeless man a pair boots and helping him to put them on his feet. The tourist filmed the action with her cellphone camera and then shared the experience. News organizations worldwide picked up the story.[3] Throughout the coverage of this act of compassion there were additional stories published giving local accounts of officers buying meals, pitching in to help put gas in cars, paying for bus tickets, hotel rooms, groceries, all without asking for recognition or public acknowledgement of their kindness and compassion.

A Bicycle

In March 2013, a Phoenix police sergeant stopped to talk with a young man walking late at night. The sergeant learned the 18-year-old had missed the last bus home. He was walking and traveling over six miles to his job at a fast-food restaurant, because he did not have a bicycle.

The police sergeant and her spouse decided to help the young man out; they bought him a bicycle. Since he did not know how to ride the bicycle, squad members taught him to ride in the parking lot of the precinct and donated a bicycle helmet.[4]

Positive Effects of Compassion

When speaking about their acts of kindness, officers will often relate that there is recognition on their part that they have made a small difference in the lives of others through a chance meeting. That they, themselves, are better persons and better officers because of the impact they had on each other's lives. That is why they dedicated themselves to the policing profession where they have a purpose and cause. They will say they care.

Negative Effects of Compassion

Some consider compassion fatigue as an occupational hazard in police work. Most likely everyone who cares about the community they serve will develop a varying degree of compassion fatigue. In highly stressful work environments, facing increasing workloads and dwindling resources and at risk of being physically assaulted, fatigue will develop in varying degrees. The signs of compassion fatigue follow:

- Exhaustion
- Difficulty separating work life from personal life
- Hypersensitivity or insensitivity
- Increased cynicism at work
- Loss of enjoyment in their career
- Anger and irritability
- Increased use of alcohol and/or drugs
- Absenteeism, missing work, taking excessive sick days
- Problems with intimacy and personal relationships
- Depression
- Suicidal thoughts

Learning to recognize compassion fatigue symptoms serves two purposes. First it enables the employees to do their own compassion fatigue check and secondly, it enables the administrators to recognize officers approaching the danger zone and take positive action.

Individual Checkup: When officers feel or express that they have developed feelings of being unhappy and dissatisfied but are unable to explain or describe why, this condition could be a warning that they are experiencing compassion fatigue. By borrowing a simple scale of 1 to 10 used by many physicians to evaluate pain, (with 10 being the worst they have ever felt and 1 being the best they have ever felt) officers can recognize their level of compassion fatigue and if it is creeping up to the danger zone. For example,

What Chiefs Can Do

Promoting Compassion

The most important step a chief can take is to lead with compassion. The compassionate leader is one who can inspire people with purpose, hope, and optimism. Compassionate leaders generate energy in others because they resonate, empathize, and connect with them.

People follow leaders for very specific reasons. Gallup has been researching what makes a great leader for over 30 years. Over 3 million people have taken the company's StrengthsFinder assessment. When asked, followers were able to describe exactly what they need from a leader with remarkable clarity: trust, compassion, stability, and hope.[i]

To lead with compassion, leaders should undertake the personal practices of kindness, thoughtfulness, and courteousness and compliment others. As a practice, these actions are infectious and will spread throughout the organization.

Organizationally, the department should share information about appropriate acts of compassion as human interest stories with others, including the media. The organization should formally acknowledge the officers to demonstrate the department's support of compassionate action. By communicating to the community the compassion showed by officers, the policing image can change from one of enforcement to a helpful police image.

Watching for Compassion Fatigue

The chief should ensure that the supervisors and commanders have been trained to recognize compassion fatigue. When an officer reports "feeling burnt out," it means they are not taking good enough care of themselves. Because emotions are contagious, a dispirited attitude can quickly spread and permeate the organization. It is essential that the organization is prepared to meet this challenge.

Note:
[i]Tom Rath and Barry Conchie, *Strengths Based Leadership: Great Leaders, Teams, and Why People Follow* (New York: Gallup Press, December 2008).

if an officer registers a 7 in thinking about calling in sick when they are not, they are approaching the danger zone of compassion fatigue. Individuals can recognize what is happening and implement strategies to correct their fatigue before it gets worse.

Organization: Organizational strategies can be implemented to protect officers from compassion fatigue. Compassion fatigue exists on a continuum; at various times the organization's actions may help the officers to mitigate its damaging effects and at other times make them feel very beaten down by it. Often the stress is found not in dealing with victims but in the amount of paperwork required or the need to learn a new computerized system, the lack of equipment, or the case load; all brought on by the administration not properly planning an implementation strategy.

An easy but effective organizational strategy to protect officers is to openly discuss and recognize that compassion fatigue exists in policing. The organization can develop a supportive environment that will encourage proper debriefing after traumatic incidents, as well as formalize a peer support program. Officers should be encouraged to use the employee assistance program for professional help when "small matters" affects them. Compassion fatigue is a gradual, cumulative developing process, and, if the original small matters are handled, it could well prevent the development of serious compassion fatigue.

The agency's leadership can demonstrate and encourage a balance of work and life effort to break the repeated exposure to traumatic incidents and engage in pleasant activities, such as volunteering in community activities or recreational leagues. Prevention and recovery are not achieved by just taking an occasional holiday; rather, they result from a well-thought-through plan by the department and the individual officer to have work and life balance so they can continue to help others. ❖

Notes:

[1]Sergeant Kyle Dooley, personal interview, September 7, 2012.

[2]Unnamed officer, personal interview, June 28, 2013.

[3]Vera Chinese, Rocco Parascandola, and Joe Kemp, "NYPD Officer Larry DePrimo, Who Gave Homeless Man a Pair of Boots, Shares 'Once in Lifetime' Moment," *New York Daily News,* November 30, 2012, http://www.nydailynews.com/new-york/shoe-giving-shares-lifetime-moment-article-1.1211335 (accessed June 13, 2013).

[4]Deborah Stocks, "Phoenix Teen Gets New Wheels from Police," ABC 15, May 9, 2013, http://www.abc15.com/dpp/news/region_phoenix_metro/north_phoenix/phoenix-teen-gets-new-wheels-from-police (accessed June 13, 2013).

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imagination at work

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

Eyewitness Identifications: A National Survey on Procedures

By Nyerere Davidson, NIJ Communications Specialist; and Brett Chapman, PhD NIJ Research Analyst; Washington, D.C.

To learn what agencies across the United States are doing about eyewitness identification, the National Institute of Justice (NIJ) awarded the Police Executive Research Forum (PERF) a grant to develop and conduct a nationally representative survey. The survey collected statistical data and descriptive information on current policies, practices, and training protocols related to the eyewitness identification process. The purpose was to describe the state of the field with respect to eyewitness identification procedures and to assess agency progress and change since the 1999 publication of NIJ's *Eyewitness Evidence: A Guide for Law Enforcement (Eyewitness Evidence Guide)*.

The PERF research had three components: A review of the research literature on eyewitness identification procedures, a national survey of a stratified random sample of law enforcement agencies in the United States, and a series of in-depth follow-up interviews of officials in 30 selected agencies.

The results clearly show that law enforcement agencies employ a variety of eyewitness identification procedures with photo lineups by far being the most common. A significant number of agencies have not fully implemented the recommendations from the 1999 NIJ research report related to interviewing witnesses, training officers on how to implement a lineup, and instructing witnesses before the lineup.

Variety across the United States

The survey examined five critical eyewitness procedures: photo lineups, show-ups, live line-ups, mug shot searches, and composites. In general, when agencies use a particular procedure, they use it for most if not all Part I offenses in the Federal Bureau of Investigation's (FBI's) Unifrom Crime Reporting (UCR) system.

Following is a list of the procedures, the percentage of agencies that reported using them, and the percentage without written policies related to the procedures.

- Photo Lineups
  - » Used by 94.1 percent of the responding agencies
  - » 64.3 percent of which report no written policy
- Show-ups
  - » Used by 61.8 percent of the responding agencies
  - » 76.9 percent of which report no written policy
- Composites
  - » Used by 35.5 percent of the responding agencies
  - » 90.6 percent of which report no written policy
- Mug shot searches
  - » Used by 28.8 percent of the responding agencies
  - » 92.1 percent of which report no written policy
- Live Lineups
  - » Used by 21.4 percent of the responding agencies
  - » 84 percent of which report no written policy

Although most agencies do not have written policies, many do provide training on how to conduct eyewitness procedures:

- 68 percent of agencies that conduct photo lineups provide training on photo lineup procedures.
- 44 percent of agencies that conduct live lineups provide training on how to administer a live lineup.

Large agencies (500 or more sworn officers) are more likely to provide training on both photo and live lineup procedures than small agencies (25 or fewer sworn officers). Of the agencies that provide training, half provide their own training, and more than a quarter receive training from prosecutors.

Witness Instructions

More than 80 percent of agencies that use photo lineups and 88 percent that use live lineups tell witnesses and victims that "the perpetrator may or may not be present" before viewing the lineup as recommended by the 1999 NIJ *Eyewitness Evidence Guide*. Just over half provide several additional instructions recommended by the *Eyewitness Evidence Guide*, including telling witnesses that it is as important to clear innocent persons from suspicion as to identify guilty parties. More than half of the agencies train administrators to "avoid saying anything that may influence the witness's selection." Fewer than 10 percent of all the responding agencies reported having training for how to compose live lineups.

While agencies use a number of different approaches to give instructions to eyewitnesses, standardized instructions (either written or verbal) are more likely to be used when officers administer photo and live lineups. Just over 40 percent of agencies reported using standardized written instructions for photo lineups. Agencies also regularly provide witnesses with additional types of specific instructions.

Size of Lineups

Photo lineups: Of agencies that use photo lineups, nearly 70 percent allow only one suspect in each lineup; 14.4 percent do not have a clear policy on the number of suspects allowed in the lineup. Most agencies (82.6 percent) use five fillers in photo lineups.

Live lineups: Of agencies that use live lineups, 60.8 percent allow only one suspect per lineup; 27.8 percent of the agencies reported that they have no clear policy on the number of suspects that should be in the lineup.

Ninety-six percent of agencies use four or more fillers in live lineups.

Blind versus Non-blind

A non-blind administrator knows which of the photographs or individuals in the line is the suspect. Most agencies reported using non-blind administrators for both photo and live lineups. For photo lineups, 69 percent of responding agencies said they used a non-blind administrator. For live lineups, 92 percent reported using a non-blind administrator. However, in in-depth interviews with 30 agencies following the survey, several agencies reported adopting blind procedures and found the implementation to be straightforward with minimal resistance from sworn personnel.

Sequential versus Simultaneous

The most common procedure for administering both photo lineups and live lineups is the simultaneous presentation of suspects, which is used by 65.2 percent of agencies, rather than presenting photos of individuals or presenting individuals one by one.

Witness Viewings

Less than half of the agencies—41.9 percent—had a clear policy for the number of times a witness could view a lineup. Just over a quarter of the agencies allow witnesses to see photographs only once, and approximately 10 percent allow witnesses to see the photographs twice. ❖

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Recommended Actions

- Review the IACP's upcoming publication detailing outcomes from the recent national Wrongful Conviction Summit, *National Summit on Wrongful Convictions: Building a Systemic Approach to Prevent Wrongful Convictions*. The publication offers a number of recommendations on investigative best practices including the use of eyewitness ID to avoid wrongful arrest.
- Attend the October 19, 2013, NIJ plenary session at the 120th Annual IACP Conference where the recommendations of the Wrongful Conviction Summit will also be discussed by attendees of the summit.
- Review the IACP's Model Policy on Eyewitness Identification here http://www.policechiefmagazine.org/magazine/issues/72013/pdfs/IACP_PolicyCenter_Eyewitness_Identification_Policy.pdf
- Read "A National Survey of Eyewitness Identification Procedures in Law Enforcement Agencies," Police Executive Research Forum here http://www.policeforum.org/library/?folderPath=/library/eyewitness-identification/#documents

Maryland v. King—*The Constitutionality of DNA Collection for Law Enforcement Purposes*

By Gerald M. Bender, Litigation Division Manager, City Attorney's Office, Tulsa, Oklahoma; and Jason T. Seay, Assistant City Attorney, Litigation Division, City Attorney's Office, Tulsa, Oklahoma

The effect of DNA evidence upon the criminal justice system cannot be understated. It has revolutionized criminal investigations and adjudications—through both exoneration and conviction.[1] Every state in the United States, and the federal government, has some statutory body creating and regulating the administration of, and sampling for, DNA[2] databases used in solving various classes of criminal offenses.[3] Every state requires the collection of DNA from felony convicts.[4] Despite such statutory databases existing since 1989,[5] the U.S. Supreme Court did not weigh the constitutionality of them until June 2013, in the seminal case of *Maryland v. King*.[6] Before then, the nation's courts reached no unanimous finding as to the constitutionality of such statutory regimes.[7] The *King* case, a 5-4 decision, presents the first glimpse of what law enforcement may expect from future rulings regarding the constitutionality of taking DNA evidence from an arrestee—and by implication the admissibility of such evidence in a criminal proceeding.[8] This article introduces the *King* case and some issues that will arise from it.

The Case

The Facts: In *King,* the Court considered a constitutional challenge to the Maryland DNA Collection Act. King was arrested for the criminal offense of threatening "a group of people with a shot gun."[9] He was booked into jail, and, as part of the normal booking routine, a DNA sample was taken from him with a buccal swab.[10] That sample was uploaded into Maryland's DNA database and came back as a match to a sample taken from a rape victim in 2003.[11] A grand jury indicted King for the 2003 rape based upon that evidence.[12] He sought to suppress the evidence on the grounds that the DNA collection was an unconstitutional search.[13] The trial court overruled the request, and King was ultimately found guilty of the 2003 rape. The U.S. Supreme Court accepted the case to address a singular, novel issue: whether the Fourth Amendment prohibits the collection and analysis of DNA samples from persons arrested on, but not yet convicted for, felony charges.[14]

The Majority's Reasoning: In addressing this issue, the majority weighed the government's interests at stake in collecting an arrestee's DNA sample against the individual's privacy rights.[15] In doing so, the Court narrowed its considerations based on two key observations. First, "the fact that [the] intrusion [for obtaining a DNA sample] is negligible . . ., although it is still a search as the law defines the term."[16] In this regard, the Court repeatedly analogized DNA sampling to taking an arrestee's fingerprints.[17] Second, the "proper processing of arrestees is so important and has consequences for every stage of the criminal process," and, therefore, " 'the governmental interest underlying a station-house search of the arrestee's person . . . may in some circumstances be even greater than those supporting a search immediately following arrest.' "[18]

The Court identified five governmental interests:

1. Law enforcement must know the identity of the person being arrested and to be tried for the offense of which a person's prior criminal activity, as reflected by a DNA database, forms part.
2. Law enforcement must ensure the custody of an arrestee does not create inordinate risk to facility staff or other detainees, and DNA identification serves as a powerful tool to search prior criminal records to mitigate such a risk.[19]
3. The government has a "substantial interest in ensuring that persons accused of crimes are available for trials[,]" since, the Court reasoned, arrestees awaiting trial for one offense knowing "he has yet to answer for some past crime may be more inclined to flee the instant charges[.]"[20]
4. The government has an interest in knowing the threat an arrestee poses to the public for purposes of determining if, and if so what amount of, bail is appropriate.
5. "[T]he identification of an arrestee as a perpetrator of some heinous crime may have the salutary effect of freeing a person wrongfully imprisoned for the same offense."[21]

The key theme among these considerations is the notion that the term "identification" is a robust term, encompassing more than just a name, date of birth, weight, and height.[22] Rather, it also includes substantive information used to solve crimes. In this regard, and in light of the minimal invasion required to take a DNA sample, the collection of DNA samples as part of a post-arrest booking routine is " 'no more than an extension of methods of identification long used in dealing with persons under arrest.' "[23]

In contrast to the compelling government interests in possessing a more robust understanding of the identity of arrestees, one which includes substantive evidence of criminal conduct, the Court considered private interests through a narrow lens. The Court justified its myopic view on the grounds that "a valid arrest for a serious offense is [a] fundamental" and "necessary predicate" to its analysis.[24] Although the privacy concerns at issue are "weighty enough" to invoke constitutional scrutiny, "unlike the search of a citizen who has not been suspected of a wrong, a detainee has a reduced expectation of privacy."[25] As such, "particularized suspicion is not categorically required" and mere "diminished expectations of privacy and minimal intrusions" are considered only for purposes of the Court's analysis.[26] The Court reasoned that the collection method at issue is not so intrusive as to violate constitutional proscriptions,[27] and arrestees have no constitutionally protected privacy interest in their own DNA in light of the fact that no information "revealing anything beyond identification" may be found in the particular area of DNA analyzed for such

purposes.[28] The Court therefore held that the taking of the DNA of King after his arrest for a serious offense, as part of a normal, post-arrest booking routine, was not violative of the U.S. Constitution's Due Process Clause.

The Vigorous Dissent: The dissent, to the point of condescension, strongly disagreed with the majority's major premise—its understanding of the term "identify."[29] The minority rejected the majority's robust notion of "identity" as encompassing more than mere identification of an individual through non-genetic means. At bottom, the difference between the justices turns upon for what the DNA sample is used. To the minority, the concept of "identity" does not include evidence taken in order to "identify" arrestees for crime-solving purposes but only for information taken for purposes of ensuring the person arrested is the person who allegedly committed the crime. In parroting the majority's analogy to fingerprinting arrestee's, the minority stated that "law enforcement post-arrest use of fingerprints could not be more different from its post-arrest use of DNA. Fingerprints of arrestees are taken primarily to identify them . . .; the DNA of arrestees is taken to solve crimes . . ."[30] On this basis, the minority would have found the search at issue unconstitutional.

The Implications and Consequences: The *King* holding is narrow. First, it concerns only DNA samples taken after an arrest. It does not sanction the warrantless taking of DNA samples prior to arrest. Second, it concerns only "those arrested 'for serious offenses' "[31] —in the case before the Court, an assault with a shotgun. As such, the Court left open the possibility that a warrantless search for DNA from an arrestee's body may be unconstitutional if the crime for which the arrest was effectuated is not "serious." The *King* opinion should therefore not be read to permit DNA collection by law enforcement for any reason, or no reason at all, or from just anyone. The holding is properly understood in its narrowest sense, that is, to facts exceedingly similar to those before the Court.

The Court's analysis leaves open gaps to be further explored by U.S. courts. For example, it leaves open the logical possibility that the privacy interests of a person arrested for a non-violent misdemeanor are greater than one arrested for a serious offense. If so, it is unclear whether a routine, post-arrest booking procedure that includes collecting a DNA sample, regardless of the offense for which the person is arrested, may be unconstitutionally invasive. In addition, it is unclear under *King* whether more invasive DNA sampling techniques are constitutional as part of a routine, post-arrest booking procedure—such as taking a blood sample, a hair sample, or a skin scrapping. Although the Court made it clear that the minimally invasive collection procedure at issue was ultimately dispositive to its analysis, the Court left open the question as to whether more invasive DNA collection techniques require a warrant, or more, even if such is part of a normal, post-arrest booking procedure.

The Court's holding also leaves open the question of whether a DNA sample may be taken from an arrestee under similar conditions without statutory authority to do so. For example, some states may statutorily permit the collection of DNA samples from arrestees only for sex crimes but not for other felonious offenses. Extreme caution should be exercised in reading the *King* opinion broadly enough to permit such a warrantless search outside of statutory authority. First, the offense must be *serious* and practically mirror the factual scenario faced by the Court in *King,* rendering the application of such a booking procedure impracticable and subject to an individual officer's interpretation of the "seriousness" of the offense. Second, in some states, the state constitution provides a greater degree of protection from warrantless searches than the U.S. Constitution. Serious consideration of substantive state law should be made before determining whether such warrantless taking of DNA samples is put into effect as part of a booking procedure in the absence of statutory authority to do so.

Finally, the Court's analysis leaves open the question of whether other non-invasive techniques for collection of identifying information from the human body may be permissible without a warrant. For example, a retina scan is minimally invasive and involves an external apparatus to map the unique blood vessel patterns in a person's retina.[32] Yet, unlike DNA identification analysis, a retina scan is a biometric identifier that could be correlated with drug use or serious medical conditions.[33] As such, it is unclear under the Court's analysis in *King* whether warrantless, post-arrest retina scans—or some other non-invasive method of identification—would be constitutional, even if the person was arrested for a "serious" offense.

Conclusion

It is beyond dispute that DNA analysis has revolutionized crime fighting in the United States. The scope and speed of the technological advances in this scientific field, breathtaking at times, will provide further tools for law enforcement to identify perpetrators, convict the guilty, exonerate the innocent, and prevent further crime. *King* presents a much-needed, but narrow, ruling on when and how such evidence may be gathered for investigative purposes. Yet, the Court's analysis leaves open significant unresolved questions lower courts and law enforcement will be forced to grapple with for decades to come. Law enforcement agencies should be guardedly hopeful that their current booking routines pass constitutional muster must be reticent to assume the *King* Court's narrow holding will be expanded in the near future. However, the expansion of the concept of *identity* to include substantive information for crime-solving purposes will inform the future of search and seizure law for years to come as the concept is applied to information other than DNA that potentially could be collected post arrest. ❖

Notes:

[1]See *Dist. Atty.'s Office for Third Jud. Dist. v. Osborne*, 557 U.S. 52, 55 (2009). Also "The Use of DNA identification in Trials Begins with the Rape and Murder of Two Teenage Girls in 1986 in the Small English Village of Narborough." Aaron P. Stevens, "Arresting Crime: Expanding the Scope of DNA Databases in America," 79 Tex. L. Rev. 921 (2001).

[2]DNA is the acronym for deoxyribonucleic acid. *Assn. for Molecular Pathology v. Myriad Genetics, Inc.*, ___ S. Ct. ___, 106 U.S.P.Q.2d 1972, 2013 WL 2631062, 3 (U.S.). DNA "takes the shape of a 'double helix.' Each 'cross-bar' in that helix consists of two chemically joined nucleotides. Sequences of DNA nucleotides contain the information necessary to create strings of amino acids used to build proteins in the body." *Id.*, 2013 WL 2631062 at 1 (Syllabus); see *U.S. v. Detroit Timber & Lumber Co.*, 200 U.S. 321, 337 (1906) (stating syllabus is not part of Court's opinion). The part of DNA not used for protein coding provides evidence of identity, with near certainty, and is the focus of DNA testing for identity purposes. See *Maryland v. King*, 569 U. S. ____ (2013), 133 S. Ct. 1958, 1966, 1968, 1979 (2013), http://www.supremecourt.gov/opinions/12pdf/12-207_d18e.pdf (accessed June 24, 2013).

[3]See Stevens, "Arresting Crime," [AU: Police Chief style eschews using supra and instead uses shortened citations for mentions of documents in succeeding notes. Changes OK?] 922-23; Robin Cheryl Miller, "Validity, Construction, and Operation of State DNA Database Statutes," 76 A.L.R.5th 239 (Supp. 2013).

[4]See *King*, 133 S. Ct. at 1968.

[5]"Virginia developed the nation's first state forensic DNA database in 1989." Stevens, "Arresting Crime," 925. The federal CODIS (combined DNA identification system) became active in 1998. Ibid. at 926-27.

[6]*King*, 133 S. Ct. 1958.

[7]*Id.* at 1966; See also Stevens, "Arresting Crime," 936-42 (explaining the various legal challenges made to DNA databases over the years).

[8]There are legitimate concerns over the propriety and efficacy of DNA evidence, which are not presented for purposes of this article. See generally Kristen Bolden, "DNA Fabrication, A Wake Up Call: The Need to Reevaluate the Admissibility and Reliability of DNA Evidence," 27 Ga. St. U. L. Rev. 409 (2011) (discussing current admissibility standards for DNA evidence and the problems that arise from regarding such evidence, including, significantly, the need for DNA authentication measures); see also Kimberly A. Polanco, "Constitutional Law-the Fourth Amendment Challenge to DNA Sampling of Arrestees Pursuant to the Justice for All Act of 2004: A Proposed Modification to the Traditional Fourth Amendment Test of Reasonableness," 27 UALR L. Rev. 483 (2005).

[9]*King*, 133 S. Ct. at 1966.

[10]The collection method is known as a buccal swab. "Buccal cell collection involves wiping a small piece of filter paper or a cotton swab similar to a Q-tip against the inside cheek of an individual's mouth to collect some skin cells." *Id.* at 1967-68, quoting *Winston v. Lee*, 470 U. S. 753, 760 (1985).

[11]*King*, 133 S. Ct. at 1966.

[12]*Id.* A subsequent DNA sample was taken from King, which was used as evidence in the rape trial, as well. However, the Court did not find this fact dispositive, as the warrantless taking of the DNA is what formed the basis for the criminal charges.

[13]*King*, 133 S. Ct. at 1966.

[14]*Id.*

[15]*Id.* at 1969-80.

[16]*Id.* at 1969.

[17]*Id.* at 1972, 1974, 1976-77, 1980.1974.

[18]*King*, 133 S. Ct. at 1974, quoting *Illinois v. Lafayette*, 462 U. S., 640, 645.

[19]*King*, 133 S. Ct. at 1972-73, quoting *Florence v. Board of Chosen Freeholders of County of Burlington*, 566 U. S. ___ (2012), (quotes omitted).

[20]*King*, 133 S. Ct. at 1973-74.

[21]See *Id.* 133 S. Ct. at 1977: "[T]here can be little reason to question 'the legitimate interest of the government in knowing for an absolute certainty the identity of the person arrested, in knowing whether he is wanted elsewhere, and in ensuring his identification in the event he flees prosecution.' " quoting Wayne LaFave, *Search and Seizure: A Treatise on the Fourth Amendment* 5th ed. (St. Paul, Minnesota: West, 2012), 216.

[22]*King*, 133 S. Ct. at 1977.

[23]*King*, 133 S. Ct. at 1978, quoting *U.S. v. Kelly*, 55 F.2d 67, 69 (2nd Cir. 1932).

[24]*Id.*

[25]*Id.* at 1979.

[26]*Id.*

[27]*Id.* at 1979-80.

[28]*Id.* at 1980-87 (Justice Scalia dissenting; joined by Justices Ginsburg, Sotomayor, and Kagan).

[29]*King*, 133 S. Ct. at 1982-87.

[30]*Id.* at 1987.

[31]The Court took pains to reiterate this fact. *Id.* at 1965, 1967, 1970, 1973, 1978, 1980.

[32]See Addie S. Ries, "Comment: America's Anti-Hijacking Campaign: Will It Conform to Our Constitution?," 3 N.C. J. L. & Tech. 123, 147 (2001).

[33]See Eric P. Haas, "Back to the Future? The Use of Biometrics, Its Impact on Airport Security, and How This Technology Should Be Governed," 69 J. Air L. & Com. 459, 476 (2004).

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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.

COPsync Arms Law Enforcement and Teachers with Technology

COPsync, Inc. operates the largest law enforcement real-time, in-car information sharing, communication and data interoperability network in the United States. The COPsync system through its COPsync911 module, now enables campuses, government buildings, and businesses to automatically and silently summon law enforcement assistance in the event of a crisis situation.

The COPsync911 emergency alert service enables school personnel to instantly and silently send emergency alerts directly to local law enforcement officers and local agencies with the mere push of a button. The COPsync911 service is expected to reduce school emergency response times by five to seven minutes, since the communication occurs instantly with the five closest patrol cars. The alert is also sent to the cellphones of teachers and administrators at the school.

The service uses global positioning system (GPS) technology to instantly locate and silently send a distress alert from the school to the nearest patrol vehicles and agencies on the COPsync Network. Once the alert is sent, a 'chat room' is established among the school, the responding patrol vehicles, and the local law enforcement dispatch office. This enables the school to silently communicate with responding officers and the dispatch office about the nature of the threat, whether it is an active gunman, fire, suspicious person, or other emergency. The chat room includes a link to a diagram of the school.

The COPsync Network also enables officers to report and share actionable mission-critical data in real-time. Officers are also able to obtain instant access to local, state, and federal law enforcement databases. The system eliminates manual processes and increases officer productivity by enabling officers to electronically write tickets, accident reports, DUI forms, arrest forms, and incident and offense reports.

For information, please visit www.copsync911.com.

New "Instant Notification System" App for Bomb Squad Response and Investigation Now Available for Free Download

The app streamlines improvised explosive device (IED) response communication among bomb technicians and improves access to incident information for investigations.

The App designed by the Force Protection product group of Applied Research Associates, was unveiled during the April gathering of the National Bomb Squad Advisory Board (NBSCAB), as well as to representatives from the ATF, FBI, DHS, DoD, and the Technical Support Working Group (TSWG). The TSWG IED Instant Notification (INS) App is now available free to all U. S. bomb technicians.

The INS App provides a way for bomb technicians responding to a suspect device or vehicle to share relevant information with fellow bomb squads while en-route or at the incident site. Information can be updated with a few clicks on a smartphone dropdown menu upon resolution of the incident or during ongoing investigations.

"Enabling consistent communication is a challenge that our bomb squads face daily." said Dr. Ed Bundy, Program Manager for Improvised Device Defeat at the Technical Support Working Group. "The INS App provides bomb technicians the ability to quickly and efficiently share information while remaining focused on their real mission, which is dealing with the device and returning the scene to normalcy. Rather than having to answer their phone in the middle of an incident to field questions, the App makes their smartphone work for them, pushing out relevant information to those who really need it. The day will soon be over where bomb technicians on the East Coast only find out about an incident on the West Coast days later, and only because it made the nightly news."

There are currently 467 active bomb squads in the United States. TSWG has licensed the INS App for download by every certified Public Safety Bomb Technician and NBSCAB account user. The App is available for download on the Google Play store and on the iPhone. The App allows users to define in what geographic area they receive alerts, over what period of time, with what other squads they want to collaborate (mutual aid with other agencies), and what additional information (event category, event location, instant messaging notes, etc.) they wish to share. INS not only supports the teams directly involved in a response by providing a consistent electronic record of incidents and events, but also notifies the Bomb Arson Tracking System (BATS) database, making this information more readily available to investigators nationwide.

For information, please visit www.araforcepro.com.

City of Fife, Washington Police Department Selects Tiburon's Integrated CAD and RMS for Cloud Deployment

Tiburon, Inc., the industry's leading provider of integrated Computer Aided Dispatch (CAD) and records management public safety software for on-premises and secure cloud solutions, announces that the City of Fife, Washington, Police Department selected Tiburon to upgrade its current CAD and records management system (RMS) to the multi-agency, multi-jurisdictional, cloud-enabled platform –Tiburon's CAD and RMS.

The City of Fife Police Department selected the secure-cloud deployment model because of the technological, proven security, and cost-saving benefits that are leading many public safety and 9-1-1 agencies worldwide to migrate to the cloud. "We are seeing agencies of all types and sizes benefiting from moving CAD and RMS systems to the cloud, which also falls in line with many U.S. State CIO technology initiatives," said Kirke Curtis, Vice President of Marketing, Tiburon Inc. "The Annual 2012 State CIO Survey conducted by the National Association of State Chief Information Officers (NASCIO) ranked Cloud Computing as their number two top policy and technology priority for 2013."

The Tiburon cloud solution upgrade includes a 4-position CAD system with 67 Mobiles and 120 RMS users and features interfaces to the State of Washington and APCO Advisor and also includes remote upgrades, services, and training.

Fife is a city in Pierce County, Washington and is a suburb of Tacoma. The Fife Police Department's Emergency Communications Center serves as the primary answering point for all emergency services calls in the cities of Fife, Milton, Buckley, Orting, Eatonville, and Normandy Park – serving a combined population of approximately 37,000 residents. Across these cities, Fife Emergency Communications supports 10 local agencies including law enforcement agencies, fire departments, rescue squads, and an array of other service agencies. ❖

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Product Feature:

Forensics and Investigation Tools Flourish in the Field

By Scott Harris,
Freelance Writer

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

Make it fast. Make it inexpensive. Keep it simple. Those three tenets are driving much of the innovation around investigation and forensics tools.

Given dwindling budgets and capabilities in agencies around the country, law enforcement professionals—many of whom do not have extensive forensics training—are being asked to do more on their own and in the field, even as they are compelled to use resources more judiciously.

Device manufacturers and service providers, however, are responding to these and other needs with a raft of technologies that raise the bar for what can be done in the field, while lowering the threshold of knowledge one needs to use them.

"Products that come out of the laboratory need to be smaller and easier to use," said Aaron Gagnon, director of product management for Smiths Detection, a threat-detection equipment maker. "It comes down to time. The world is operating at 1,000 miles per hour. Information spreads quickly. Doing more in the field puts more into the hands of scientists quicker. It's all about time, and I see that trend growing."[1]

That is the essence of the new approach in forensics and investigation. No one is expecting police officers to double as scientists, but with smaller, easier-to-use tools in hand, they can be a faster and better conduit for information. This is particularly true when it comes to devices that help officers identify substances like narcotics or explosives. Some law enforcement agencies may feel stuck with devices that are difficult to use. This can lead to inaccurate results and slow down investigations.

Smiths, a British company with American offices in Maryland and Connecticut, has released the HazMatID Elite and SABRE 5000, both newer, sleeker generations of handheld devices that can detect and identify explosives, chemical warfare agents, toxic industrial materials, and narcotics in the field more quickly and more accurately.

"You have suspicious powders at the crime scene, and you need to get a very quick ID in the field instead of bagging it up and sending it to the lab," Gagnon said. "This gives scientists more information. Instead of waiting hours or even days, it gives them something immediately."

The latest SABRE model includes more of an ability to detect trace particles and vapor, thus expanding its range of substance identification. The SABRE 5000 can identify more than 40 threat substances in approximately 20 seconds.

The HazMatID Elite is Smiths' newest iteration of a device using Fourier Transform Infrared Spectroscopy (FTIR), a common field-portable substance detection technique. HazMatID Elite is 10 times smaller and 4 times lighter than previous models, and personnel can train to use the system in under an hour—far less time than required for comparable equipment, particularly when considering that the device allows officers to identify tens of thousands of substances in real time.

"Whether you're talking about C4, baking powder, or ammonium nitrate, all have their own fingerprints," Gagnon said. "We have an onboard library containing more than 30,000 materials."

According to Gagnon, the New Jersey State Police is among the agencies that have ordered the HazMatID Elite this year. In addition, Smiths also offers ReachBackID Support, a support service that gives users round-the-clock access to scientists dedicated to spectral interpretation, chemical classification, and hazardous materials.

Laboratory expertise is, of course, ultimately necessary. As a result, law enforcement and public safety agencies that face greater budget constraints are forced to outsource laboratory services when public laboratories lose funding. That can be an expensive proposition.

It is a good thing, then, that field detection devices are increasingly sensitive. This can reduce the need for laboratory services, and provide scientists with a greater baseline of information, thus making their work more efficient.

Maryland-based RedXDefense offers the XCAT (Capillary Analysis Test)—a one-step detection of narcotics, explosives, and gunshot residue. The device is streamlined and cost-effective.

"There really hasn't been a solution available to many agencies that they can afford. It can cost $15,000 or even $20,000 for a system," said Christina Ellis, vice president of sales and marketing for RedXDefense. "That's a good price for a laboratory, but it doesn't always make sense for a police department. You'd rather buy a car with that."[2]

According to Ellis, the XCAT prices out at around $1,895. The device can help fill the "capability gap" that exists as labs are downsized.

"It has multiple capacities. Most labs are discontinuing gunshot residue, so law enforcement would need to engage a private laboratory for $1,200," Ellis said. "With XCAT, there is low opportunity for making a mistake. It's more sensitive than what officers typically have. It's down to micrograms instead of milligrams."

The XCAT comes equipped with six different detection cards, each specially formulated to identify characteristics unique to a different category of substances that can be detected.

Despite these innovations for field work, outsourcing forensics work to external laboratories remains a common reality. As such, demands on those labs are going up. Utah's Sorenson Forensics lab has responded by instituting new practices that help the work get done faster and more efficiently, without sacrificing quality. Their secret is Laboratory Lean Six Sigma, a set of organization and management processes based on those first championed by the business world, most notably Motorola. The concept generally focuses on eliminating waste by focusing resources entirely on efforts that create value for the end customer. According to Sorensen data, since implementing their approach in the lab, the number of cases the lab completes each month has skyrocketed by 505 percent.

Other laboratories and tools that can assist with forensics and investigation efforts include West Virginia firm Backbone Security's Steganography Analysis and Research Center, which analyzes hidden meanings in physical or digital messages and other forms of encryption, and the Tarantula 2.0, a resource from California-based EDEC that has the ability to extract and analyze data from just about any Chinese-made cellphone.

Motorola and Six Sigma

In 1981, Motorola, a leading provider of mission-critical communication products and services for government customers, pioneered the quality program Six Sigma. Six Sigma improves the quality of process outputs by identifying and removing the causes of defects or errors and minimizing variability in the manufacturing and business processes. At Motorola, Six Sigma has evolved into DSS, a business improvement methodology that focuses on customer requirements, process alignment, analytical rigor, and timely execution—all using applied technology. Whereas these tools have been used traditionally in business, recent years have shown the benefit of applying them to the public safety sector.

Another key piece of investigation, of course, is surveillance. New York company ELSAG North America provides advanced Automatic License Plate Recognition Technology. The Trackstick from California-based Telespial Systems provides advanced GPS-based tracking tools.

One aspect of surveillance that is rapidly changing is video and audio recording. More and more, recording applies to the suspect and the law enforcement professional alike.

"The biggest change facing many law enforcement agencies is recording," said Radhika Anand, senior manager of products and marketing at Arizona-based For The Record. "Not all states mandate that you record interviews, but more are moving toward that. For those that do it, it's becoming digital. You want to not just record but find solutions to manage the content more easily."[3]

This change is spurred in large part by a 2011 report released by the Better Government Association in Illinois and the Northwestern University Law School Center on Wrongful Conviction. The report, based on a seven-month investigation, revealed that, between 1989 and 2010, the state of Illinois wrongfully convicted 85 individuals, at a cost of $214 million and 926 total prison years for innocent persons. The report detailed several overlapping reasons for the wrongful convictions, but alleged police error or misconduct played a role in 66 of the 85 convictions, while alleged prosecutorial error and false confessions were reportedly involved in 44 and 33 of the cases, respectively.

"When you record something, you have tangible evidence," Anand said. "There is a push from DAs to get things captured."

The FTR Interrogator from For The Record enables officers to record any interview they choose, and an individual link to each interview allows easy access. According to Anand, the DVR option is a common recording tool, but can be harder to manage.

"Our technology allows you to save, share, and access specific parts of an interview more easily," Anand said. "It's as easy as accessing a web page and that makes for easy training."

Also in the recording realm, Canada's CVDS Inc. offers the ComLog, a line of devices that can record on as many as 192 channels and store up to 1 million hours of communications. The Georgia-based Documentation Services Group (DSG) provides recording technology for the workforce side, with voice-activated transcription services that eliminate the need for typing. In addition, DSG's RODI Enterprise Software coordinates all of an agency's audio and video sources (interview room video, in-car video, 9-1-1 tip lines, etc.) into one network. That means quicker correlations, connections, and, ultimately, case resolutions.

Certainly, as long as crimes take place in a tangible world, physical solutions will remain a key pillar of law enforcement. High-tech solutions play an ever-larger role, but there are some links in the chain that will always be of the brick-and-mortar variety.

For example, evidence lockers from Colorado-based DeBourgh Manufacturing Co. offer secure and tamper-resistant evidence storage before or after processing.

Doxtech, headquartered in Oregon, manufactures high-security containers for the collection, transport, and storage of specimens for drug testing, forensic evidence, food samples, and potable water samples. Doxtech comes with an irreverisble positive lock and label to prevent tampering. ❖

Notes:

[1]Aaron Gagnon, phone interview with the author, June 28, 2013.
[2]Christina Ellis, phone interview with the author, July 1, 2013.
[3]Radhika Anand, phone interview with the author, June 28, 2013.

Product Feature:

Source list for Investigation and Forensics

For contact information, view this article in the September 2013 issue online at http://www.policechiefmagazine.org.

3rdTech
AccessData Group
Adams Industries Inc
Aerovironment Inc
AirClean Systems
American Safety Vest
American Science & Engineering Inc
ARC- Astra Radio Communications
ATN Corp
Banner Guard/Div of Reef Industries
Beechcraft
Bode Technology
BriefCam Ltd
BrightPlanet
Cardinal Peak
Cellular Mapping
Clarity Aerial Sensing
ClueFinders Inc
Coherent Inc
CovertTrack Group
Crash Data Group
Crime Point
Criminalistics Inc
CSI Forensic Supply
CVDS Inc/ComLog
Datrend Systems Inc
DeBourgh Mfg Co
Documentation Services Group (DSG)
Doxtech LLC
EarthCam Inc
EDEC Digital Forensics
EdgeCoAmerica
Electronic Tracking Systems
ELSAG North America
Eventide Inc
Fluidmesh Networks
Foray Technologies
Forensic Telecommunications Svcs Ltd.
FTR Ltd
Garrett Metal Detectors
GE Healthcare, Life Sciences
GraffitiTech Inc
Hie Electronics Inc
illuminationGear
Integenx Inc
Intl Truth Verification Technologies
JLG Forensics LLC
JusticeTrax Inc
Kustom Signals Inc
L-3 Communications Klein Associates Inc
Larson Electronics LLC
LENSEC-VIDEO Management Solutions
Leupold & Stevens Inc
Lifeloc Technologies Inc
Micro Systemation (MSAB)
Mistral Security Inc
Morovision Night Vision
MorphoTrak Inc
Mystaire Misonix
New World Systems
OTTO
Panasonic System Communications Co of NA
Panoscan/General Robotics
Pro-Vision Video Systems
ReconRobotics Inc
RedXDefense
Reveal Media Ltd
Satare
Sirchie
Small Pond LLC
Smiths Detection
Sofradir EC
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The Changing Face of Forensic Science:

What Police Chiefs Need to Know about National Forensic Science Initiatives

By Dean M. Gialamas, Director, Los Angeles County Sheriff's Department, Scientific Services Bureau

Latent Fingerprint Processing

Photos courtesy of the Los Angeles County Sheriff's Department, Scientific Services Bureau, Photo-Digital Imaging Section

Since the introduction of modern sciences into law enforcement in the late 1920s with what is called today "crime labs," a tremendous revolution in the application of technology to fight and prevent crime has occurred. Much like the advent of advanced radio and GPS technology in patrol cars, forensic science has become an essential tool and aids in solving investigations in ways traditional approaches could not. Tremendous change has occurred in the forensic sciences in the decades that have passed—the two recently most notable areas are forensic DNA analysis and the investigation of computer crimes using digital forensics.

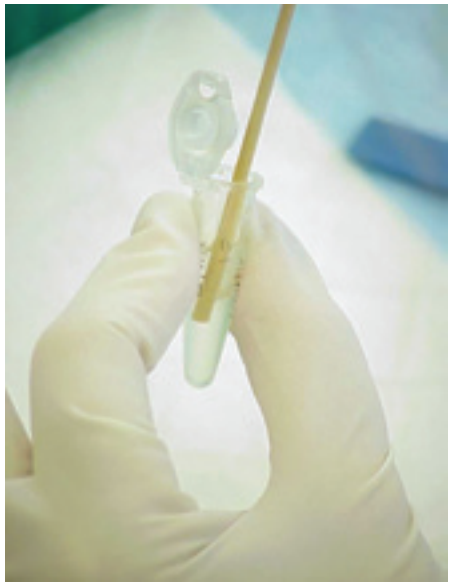
With these technological changes, however, has come greater scrutiny of forensic science. The fascination with crime scene investigations puts additional focus on those who are "in the trenches" day in and day out. With this increased attention, law enforcement executives and administrators need to be aware of some key changes that could affect the future of forensic science—whether the agencies provide their own forensic services or not.

The National Academy of Sciences (NAS) Report on Forensic Science

In February 2009, a landmark report issued by the National Academy's National Research Council entitled *Strengthening Forensic Science in the United States: A Path Forward* created significant focus on forensic science. A great deal of interest and activity has been seen by professional organizations, including the IACP and the National Sheriff's Association (NSA), as well as by legal scholars, judges, attorneys, academics, media, and the public. Furthermore, it has garnered the attention of Congress, the White House, and federal agencies, all of which have embarked on parallel tracks in an attempt to deal with the 13 recommendations in the NAS report. Ultimately, this report brings opportunities to make unprecedented changes to the structure and delivery of forensic science in the United States.

Although it is not within the scope of this article to repeat the details of the NAS report recommendations, it is worthy to summarize its key 13 recommendations here.

1. Create a National Institute of Forensic Science (NIFS), which will provide independent federal oversight of all forensic operations.



DNA Extraction

2. Establish standard terminology and report writing.
3. Conduct research into the accuracy, reliability, and validity of forensic science disciplines.
4. Remove all public forensic operations from administrative control of law enforcement and prosecutor's offices.
5. Conduct research into human observer bias and sources of error in forensic testing.
6. Develop tools for standards and best practices.
7. Require mandatory laboratory accreditation and individual certification.
8. Develop established quality assurance and quality control procedures.
9. Create a national code of ethics for forensic professionals.
10. Improve and develop national standards for education in forensic science.
11. Enhance medico-legal death investigation through
    a. replacing all coroner systems with medical examiner systems;
    b. providing research, education, and training in forensic pathology;
    c. developing standards for death scene investigation and post-mortem examinations;
    d. requiring mandatory accreditation of medical examiner offices; and
    e. requiring that all autopsies be performed by board-certified forensic pathologists.
12. Provide funding for nationwide fingerprint data interoperability.
13. Provide funding for preparing forensic professionals to train for roles in homeland security.

Overall, these recommendations were embraced by the leadership in the forensic community. However, there were two that particularly stood out as more controversial than the others and have been the focus of many discussions: The creation of NIFS and the removal of all public forensic operations from the control of law enforcement and prosecutors' offices. Its context addresses congressional concerns, and it was not designed as a thorough scientific review or a treatise for admissibility practices or decisions in court. The complexity of the report leads to two fundamental concepts to create positive change: **standardization** in education, training, research, and forensic science delivery; and adequate, sustainable, and predictable **funding** and resources.

Since the publication of the NAS report, Congress, the White House, and federal agencies have taken action to address the charge on forensic science initiatives.

Federal Legislation

The first attempt to respond to the NAS report was created under Senator Patrick Leahy (D-VT) in the Senate Committee on the Judiciary. In January 2011, S. 132, the Criminal Justice and Forensic Science Reform Act of 2011, was introduced. The bill details the creation of a national body and a support arm—an oversight body called the Office of Forensic Science (OFS) under the Office of the Deputy Attorney General and an advisory body called the Forensic Science Board within the National Institute of Standards and Technology (NIST). The OFS would determine the national forensic science agendas and standards and would issue a short-term road map to Congress.

A second, similarly worded draft legislative bill was introduced by Senator John D. Rockefeller, IV (D-WV) in July 2012, S. 3378, the Forensic Science and Standards Act of 2011. This bill establishes the National Forensic Science Coordinating Office (NFSCO) within the National Science Foundation and a Forensic Science Advisory Committee that would serve to advise the NFSCO, NIST, and the Department of Justice. The NFSCO would determine national forensic science research and standards agendas and issue a five-year road-map to Congress.

White House Interagency Working Groups

The second major effort toward forensic science initiatives came from the White House under the direction of President Obama through the Office of Science and Technology Policy (OSTP). Several committees are under the OSTP, ultimately reaching the level of forensic science: the Subcommittee on Forensic Science (SoFS). (See figure 1.) The SoFS was "charged with developing practical and timely approaches to enhancing the validity and reliability of the federal government's forensic science activities."[1] The SoFS was chartered in March 2010 under the directive of the president and reached its sunset in December 2012.

Under the SoFS structure, five interagency working groups (IWGs) addressed key areas of forensic science as delineated in the NAS report, which included

- Standards, Practices and Protocols;
- Accreditation and Certification
- Outreach and Communication
- Research, Development, Testing and Evaluation
- Education and Ethics.

The IWGs comprised more than 200 representatives from federal, regional, state, and local entities to facilitate coordinated efforts to address concerns raised in the NAS report at the federal, state, and local level. These topics included, but were not limited to, scientific integrity, uniform code of ethics, forensic science standards development, accreditation, certification, proficiency testing, cognitive bias, research and development, report writing, education and training, AFIS interoperability, and uniform vocabulary. The five IWGs convened with the purpose of exchanging views, information, and advice relating to the management and implementation of federal programs relating to forensic science. Although the SoFS and its IWGs have been diligently working on 12 policy recommendations, none have been published for public dissemination.

Figure 1: The Organization of the Subcommittee on Forensic Science and the Interagency Working Groups under the White House Office of Science and Technology Policy

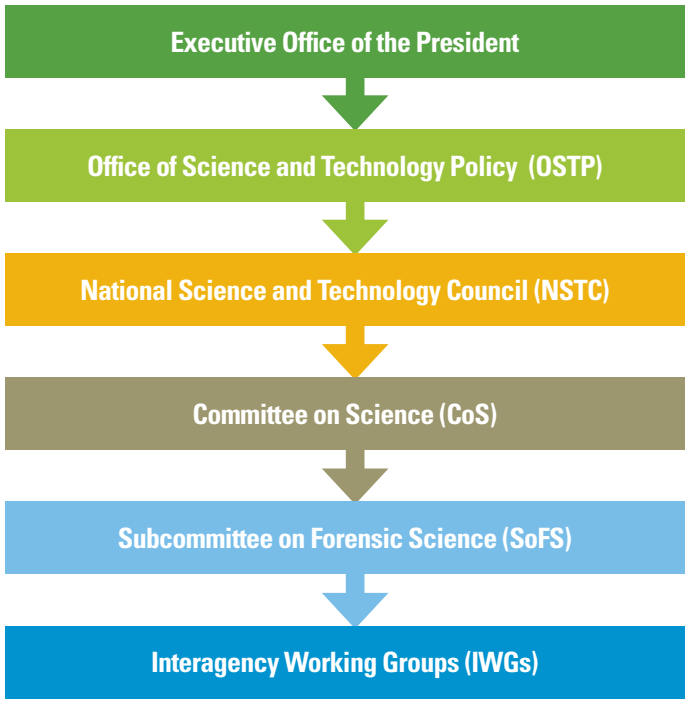
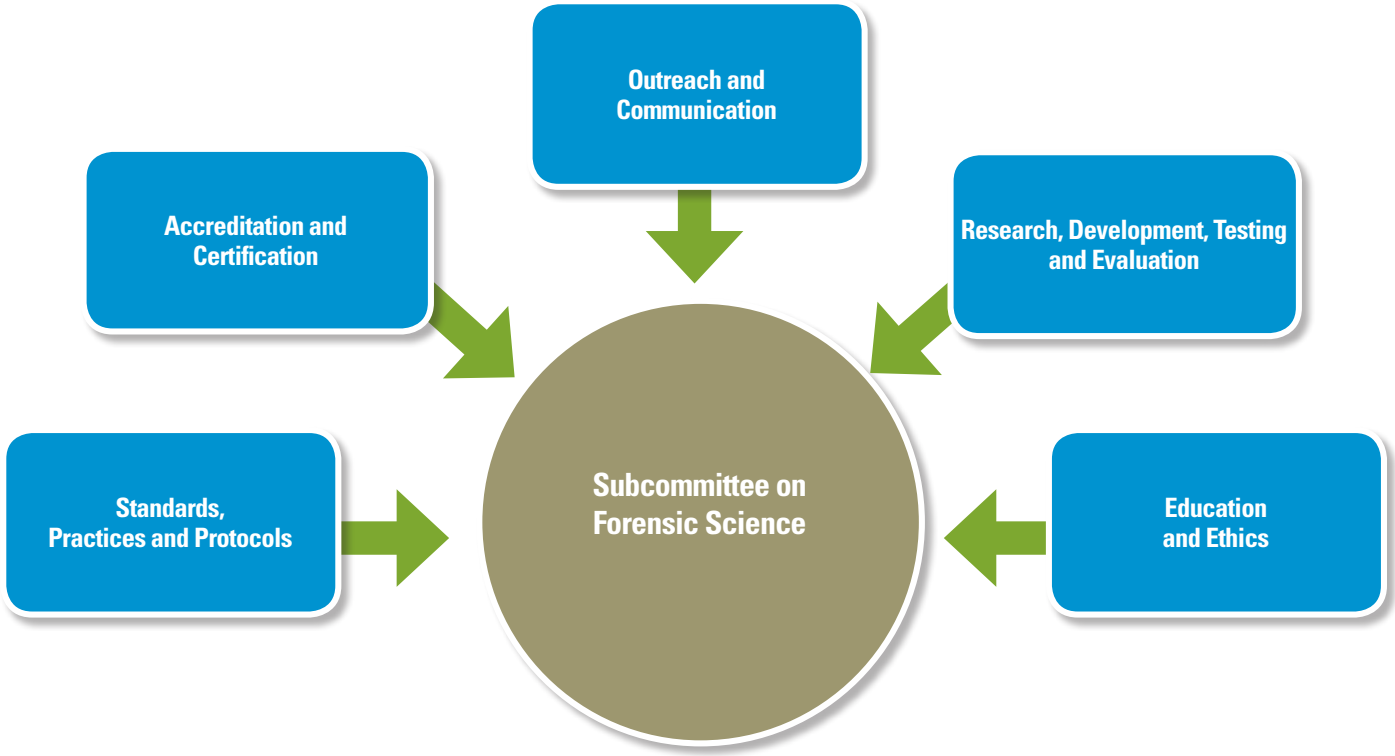


Figure 2: The Five Interagency Working Groups under the Subcommittee on Forensic Science



National Commission on Forensic Science

The third effort toward forensic science initiatives came from the U.S. Department of Justice (DOJ) and NIST. In February 2013, these two agencies announced the establishment of the National Commission on Forensic Science (NCFS) as part of a new initiative to strengthen and enhance the practice of forensic science, strikingly similar to the proposed structure under Senator Leahy's draft legislation (S. 132). The NCFS will comprise "approximately 30 members" from forensic science, "including Federal, State, and Local forensic science service providers; research scientists and academicians; Federal, State, Local prosecutors, defense attorneys and judges; law enforcement; and other relevant stakeholders [to develop policy recommendations for the Attorney General]."[2] Membership selection for the NCFS was achieved by a formal application process, and member selection is currently pending.

Firearms Cartridge Case Search

It is expected that the NCFS, via DOJ, will be responsible for developing national guidance and framework coordination for all forensic science disciplines. It is also expected that the NCFS, via NIST, will host and administer "discipline-specific guidance groups"[3] that will assist in developing guidelines. The proposed structure of these groups likely will be similar to the already existing scientific and technical working groups in the forensic community.

What Law Enforcement Executives Should Expect and Do Next

First and foremost, forensic operations and agencies need to *prepare their staff* for the issues raised in the NAS report and how these will influence and drive questions from stakeholders, especially from attorneys in the courtroom. Do written protocols for evidence handling and analysis exist? Are the methods used by forensic personnel properly validated? Does the forensic operation have a robust quality program? Problems and challenges have appeared in news articles about the St. Paul Police crime lab.[4] Is your agency ready to defend its forensic operations?

Second, the forensic science community will experience an *intense focus on the science* behind what they do. There has been a great deal of recent debate addressing some of the long-standing disciplines of forensic science—in particular fingerprints, firearms,

The Hertzberg-Davis Forensic Science Center, Los Angeles, CA

and questioned documents. This focus will continue to expand and get more vigorous with time. Attorneys are learning about the science. Some are challenging whether or not fingerprint comparisons are a science and a valid method for identification.

Finally, the forensic operations regardless of size *need to work toward standardization, laboratory accreditation,* and *individual examiner certification*. For example, most small- and medium-sized forensic service providers are about 10 years behind the full-service crime lab community with accreditation. Although it will take some work, commitment, and resources, forensic service providers can catch up quickly. Accreditation help is available through labs that have been through the process or from accrediting agencies. A majority of the work in accreditation preparation is creating standardized written protocols, following them, and then auditing them.

The national forensic science initiatives are about improving the forensic sciences in the United States. The drive is not necessarily about changing or challenging what forensic service providers do, but it might be if an agency is not prepared. ❖

For more information, please contact Director Gialamas at (323) 260-8502 or dmgialam@lasd.org.

Dean Gialamas is the director of the Los Angeles County Sheriff's Department Scientific Services Bureau, an ASCLD/LAB-International / ISO 17025-accredited laboratory that employs more than 300 technical and support personnel, serves a population of more than 6 million residents and more than 150 agencies, and operates out of eight laboratory facilities within Los Angeles County. He holds dual majors in Chemistry and Biology from the University of California–Irvine and a master's degree in Criminalistics from California State–Los Angeles. He is professionally certified in forensic science by the American Board of Criminalistics and is a proud graduate of the West Point Leadership and Command Program.

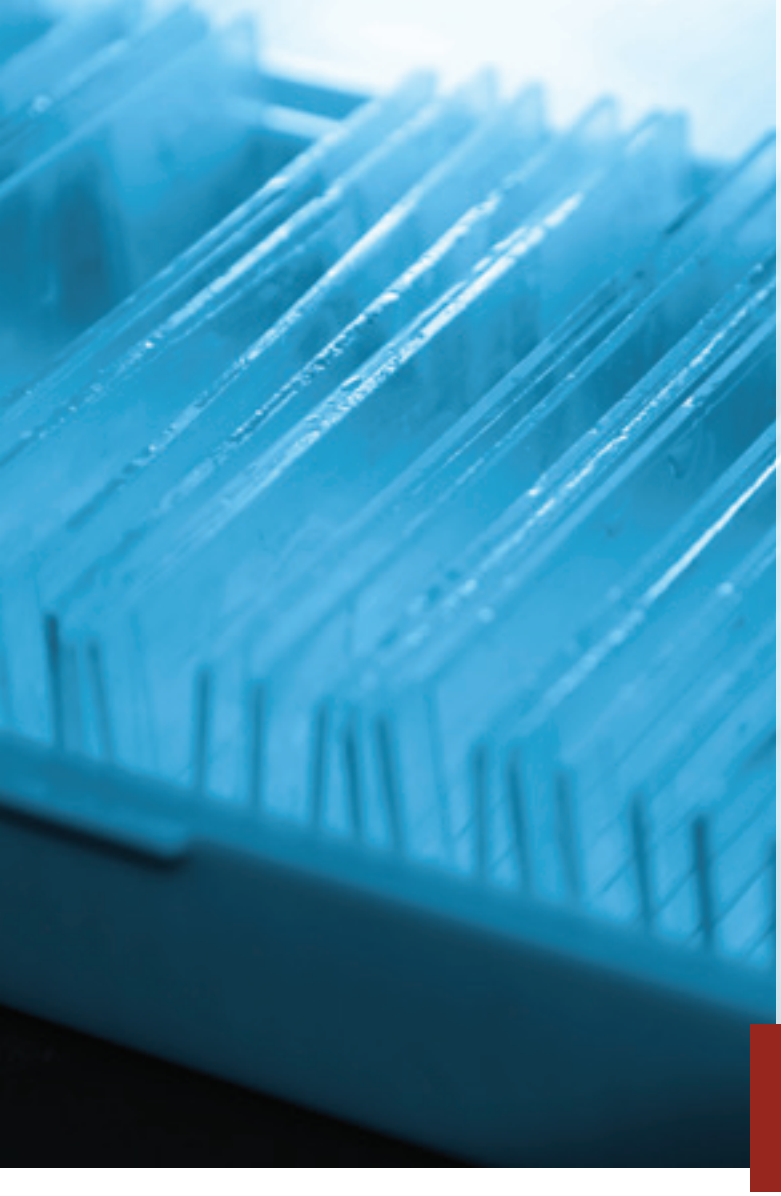
Notes:

[1]"Charter of the Subcommittee on Forensic Science," Committee on Science, National Science and Technology Council, http://www.whitehouse.gov/sites/default/files/sofs_charter_2012_signed.pdf (accessed May 15, 2013).

[2]U.S. Department of Justice, Notice of Establishment of the National Commission on Forensic Science and Solicitation of Applications for Commission Membership, 78 Fed. Reg. 12355 (February 19, 2013), http://www.gpo.gov/fdsys/pkg/FR-2013-02-22/pdf/2013-04140.pdf (accessed July 15, 2013).

[3]Elana Tyrangiel, speech at the American Academy of Forensic Sciences Annual Meeting (Washington, D.C., February 21, 2013), http://www.justice.gov/iso/opa/doj/speeches/2013/olp-speech-130221.html (accessed July 15, 2013).

[4]See for example, Chao Xiong, "Reviews Fault St. Paul Crime Lab in Many Areas," *St Paul Star Tribune,* February 14, 2013, http://www.startribune.com/local/stpaul/191234941.html (accessed July 15, 2013).



Rethinking the Ownership of Crime Labs

No Matter Who Is in Charge, Jurisdictional Commitment Is Key

By John M. Collins, Advisor, Forensic Science Policy and Management, RTI International, Research Triangle Park, North Carolina

It is doubtful that any police chief would agree to run a hospital or an engineering firm. Hospitals and engineering firms are not police business, and they require skill sets and value systems unique to those professions. But then again, most police chiefs are not trained or experienced in forensic science yet are entrusted to manage hundreds of crime laboratories across the United States. So what is the difference?

Forensic science, and the sensitivity of the work taking place in U.S. crime laboratories, is an entirely different profession that has almost nothing in common with policing. For those who disagree with this assessment, they might believe that forensic science is, in fact, police business or that it really is not as unique or nuanced as it is made out to be. Both arguments would be entirely false. Rest assured that this article is not an argument to suddenly extract crime laboratories out of police agencies. Instead, it is a call to police administrators to rethink what it means to manage today's crime laboratories. Despite the vast differences between policing and forensic science, police chiefs should know just how well

Father of American Policing—August Vollmer

August Vollmer pioneered many of the innovations that continue to define police work. In 1905, he was appointed town marshal of Berkeley, California. In 1907, Vollmer enlisted the aid of a biologist from the University of California at Berkeley to analyze blood, fibers, and soil in the Kelinschmidt murder case.

In 1909 Vollmer was appointed the first chief of police in Berkeley. While he was chief of police in Berkeley, California, Vollmer promoted the use of new forensics technology—including fingerprinting, polygraph machines, and crime laboratories. He served as the IACP president from 1921 to 1922. He also contributed to the development of radio communications and improvements in crime analysis and is credited with creating a "Code of Ethics" that forbade gratuities and favors.

positioned they are to give crime laboratories exactly what they need—jurisdictional collaboration and commitment.

There is a very good reason that the vast majority of public crime laboratories in the United States operate under the command of police agencies, which dates back to the early half of the 20th century. Law enforcement recognized the need for science to solve crimes; no one else was willing to invest the resources needed to make forensic science more accessible. But in the last 90 years, very little about this arrangement has changed, with the exception of two things—the enormity of the responsibility and the explosion of the demand.

The metamorphosis of crime laboratories from simple evidence processing units to full-scale scientific laboratories has been remarkable. Forensic techniques that were once considered advancements in police technology have now evolved into a bona fide profession beholden to the standards and codes of conduct of a greater scientific community. Just this year, for instance, a major article on the potential for bias and errors in forensic science was published in the *Journal of Applied Research in Memory and Cognition*.[1] This article will be referenced in courtrooms across the United States.

In recent years, the evolution of forensic science has begged some difficult questions about whether or not it is being accompanied by an equally impressive metamorphosis in how police commanders manage and support their scientific personnel, or if forensic science management is *really* emerging as a discipline or area of expertise taken seriously within the law enforcement community. Making matters worse, some horrific, catastrophic failures in crime laboratories have recently harmed public perceptions about the reliability of forensic science across the board. The criminal justice systems in Boston, Detroit, Houston, and St. Paul, to name a few, have suffered immeasurably from the discovery of widespread quality assurance problems or outright misconduct that cost taxpayers millions of dollars.[2] Although the problems in those jurisdictions were isolated, the effects reverberated nationally.

Forensic science is a credibility business; therefore, every laboratory suffers from the malpractice of a few.

To categorically blame crime laboratory failures on police leadership, however, is unfair and distracts attention from the real problem that must be fixed. After a century of knowledge gained about forensic science and its role in the criminal justice system—and having witnessed what happens when things go very bad, an entirely new priority must be pursued by police administrators.

There has never been a better time for police chiefs to help forensic science become what it needs to be—an interagency *jurisdictional* priority where individual agencies, including crime laboratories, work together to meet their collective responsibilities. In the absence of this collaboration, the backs of crime laboratories will continue to be broken under the weight of increasing demand, growing work volumes, and pressure to complete testing within short periods of time. Nothing would do more to solidify the police chief's role in protecting the forensic science enterprise than brokering and negotiating the necessary solutions. Nothing would do more to improve forensic science in the United States.

Ultimately, the authors are talking about police chiefs as *custodians* of forensic science holding its owners accountable for conducting business the right way. Forensic science does not belong to the police, nor does it belong to prosecutors, judges, or defense attorneys. In fact, forensic science does not even belong to the crime laboratory. Forensic science belongs collectively to the jurisdiction being served; therefore, each jurisdiction has responsibilities to meet.

In Massachusetts, a scientist in one laboratory (a crime laboratory, incidentally, run by the Department of Public Health—not law enforcement) caused widespread chaos as a result of her misconduct.[3] On April 1, 2013, another person who worked at the

same laboratory was charged with four counts of tampering with evidence.[4] No one agency can clean up the mess, which suggests that no one agency should have been left to prevent it in the first place; it should have been a jurisdictional priority.

Few services in the criminal justice system are more sensitive to discord among stakeholders than forensic science. And the effects of this discord can be seen, for example, in the national epidemic of crime laboratory backlogs. Crime laboratories can no longer afford to conduct tests that produce redundant, confusing, or irrelevant results. They can no longer waste time and taxpayer dollars trying to satisfy every request that comes through the door when many of those requests do not justify the costs. There needs to be a balance, and police chiefs should focus on producing this balance in their jurisdictions.

When this balance does not exist, crime laboratory administrators are forced to act as referees to compensate for the lack communication, a role that many would prefer to avoid, so they simply allow backlogs to skyrocket until someone with sufficient authority does something about it.

Although controversial, the 2009 National Research Council report *Strengthening Forensic Science in the United States: A Path Forward* made at least one bold statement that resonated with crime laboratory administrators. "The adversarial process relating to the admission and exclusion of scientific evidence," the authors noted, "is not suited to the task of finding 'scientific truth.'"[5] Unfortunately, this adversarialism does not occur only in the courtroom, it also plagues our criminal justice system, eroding the professional relationships between public officials and their agencies, which compete against one another for political leverage and increasingly scarce funding.

This political nightmare is the part of forensic science that is rarely talked about. Forensic science has few champions and many critics. Worse, its basic needs are sometimes viewed as a threat by some parent agencies that would rather spend the money on something else.

Police chiefs who are interested in supporting forensic science can begin to do so in many ways. The following two recommendations are provided as good starting points:

- Consider forming a forensic science advisory team made up of representatives of the jurisdiction's criminal justice system who meet periodically to discuss policies, work volume, backlogs, or any other issues deemed important to your jurisdiction. It is critical that this team function collaboratively and its members hold each other accountable for participating in good faith. Check the egos and adversarialism at the door.
- Help the laboratory develop monthly performance statements that document incoming work requests, completed testing, backlogs, and staffing levels in real time. There should be absolutely no ambiguity about the laboratory's work capacity or its demand for services. With a reliable system of reporting the performance of the laboratory, each agency in the jurisdiction will be better positioned to participate more effectively in team discussions.

Two states are making news in the world of forensic science. Ohio and Wisconsin, both of which have crime laboratories that are managed by the states' attorney general offices, have made significant progress in eliminating long-standing backlogs and directing resources to fix critical shortfalls in areas of their laboratories. As time passes, it will be interesting to learn if there is something about the authority possessed by an attorney general that gives his or her crime laboratories more leverage and independence to control backlogs and conduct business in a way that keeps the laboratory's capacity in balance with the demand for its services.

In the end, it is probably not necessary to debate who are the rightful owners and custodians of forensic science. Those responsibilities are best left to those who demonstrate, through their own words and deeds, their willingness to support forensic science–and be willing to accept responsibility if things go wrong. Police chiefs who want to be in the forensic science business have a great opportunity to demonstrate their willingness to support forensic science and to be accountable. ❖

John M. Collins is a Forensic Science Policy and Management advisor at RTI International in Research Triangle Park, North Carolina. He is the former Director of Forensic Science for the Michigan State Police and the Chief Managing Editor of *Crime Lab Report* (www.crimelabreport.com). Collins has a master's degree in organizational management and is certified as a Senior Professional in Human Resources (SPHR). Opinions expressed in this article are solely those of the author and do not necessarily represent those of RTI International, a trademark of the Research Triangle Institute.

Notes:

[1]Saul M. Kassin et al., "The Forensic Confirmation Bias: Problems, Perspectives, and Proposed Solutions," *Journal of Applied Research in Memory and Cognition* 2, no. 1 (March 2013): 42–52.

[2]See for example, "Behind Boston Crime Lab Chemist's Alleged Deceptions," *CBS This Morning,* December 14, 2012, 8:26 a.m., http://www.cbsnews.com/8301-505263_162-57559175/behind-boston-crime-lab-chemists-alleged-deceptions (accessed July 22, 2013); Steve Neavling et al., "Dangerous Debris, Evidence Left in Closed Detroit Police Crime Lab," *Detroit Free Press,* May 27, 2011, http://www.freep.com/article/20110527/NEWS01/105270414/Dangerous-debris-evidence-left-closed-Detroit-Police-crime-lab (accessed July 22, 2013); Jim Vertuno, "Texas Forensics Panel Gets Report on Houston Crime Lab," Associated Press, April 5, 2013; and Madeleine Baran, "Troubled St. Paul Crime Lab Problems Even Worse Than First Thought, Probe Reveals," *Minnesota Public Radio News,* February 14, 2013, http://minnesota.publicradio.org/display/web/2013/02/14/news/saint-paul-crime-lab-major-errors-found (accessed July 22, 2013).

[3]Tovia Smith, "Crime Lab Scandal Leaves Mass. Legal System in Turmoil," NPR, March 14, 2013, http://www.npr.rg/2013/03/14/174269211/mass-crime-lab-scandal-reverberates-across-state (accessed July 22, 2013).

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[5]Committee on Identifying the Needs of the Forensic Sciences Community, National Research Council, *Strengthening Forensic Science in the United States: A Path Forward* (August 2009), 12, https://www.ncjrs.gov/pdffiles1/nij/grants/228091.pdf (accessed July 22, 2013).

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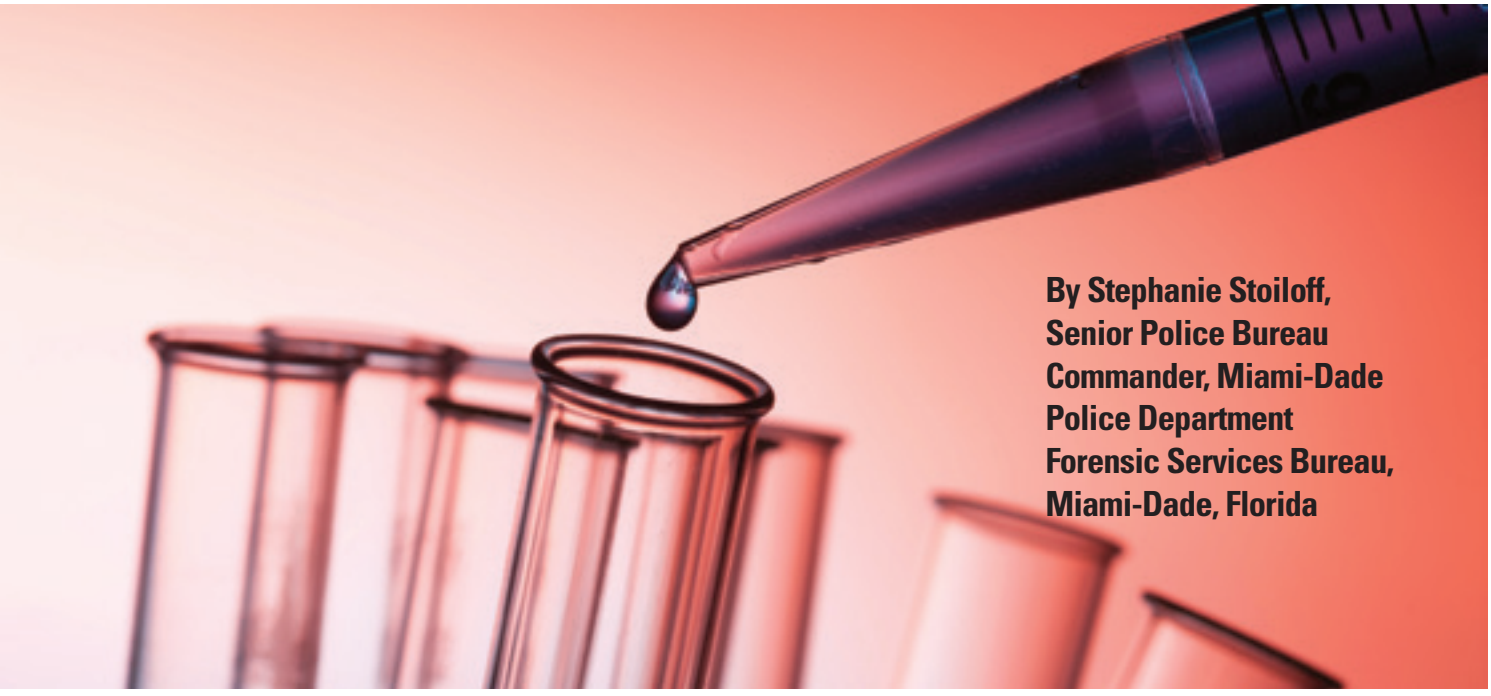
Are You Running a Quality Forensic Science Operation?

What Chiefs Need to Know about QA and Accreditation



By Stephanie Stoiloff, Senior Police Bureau Commander, Miami-Dade Police Department Forensic Services Bureau, Miami-Dade, Florida

Why do forensic service providers need a quality assurance program? What is a quality assurance program? If an agency does not have a crime laboratory, why worry about it?

First and foremost, law enforcement executives must work collaboratively with their forensic service operations. Without support at the executive level, laboratory services, instead of flourishing, can quickly become a liability. The recent example of what occurred in St. Paul, Minnesota, is enough to make any police chief stop and take notice.[1]

The city of St. Paul's crime laboratory analysts testified that they were performing testing without written standard operating procedures. Two independent reviews of the St. Paul Crime Laboratory found sloppy documentation, faulty techniques, and ignorance of basic scientific principles, among other issues. In fact, *the crime lab was never accredited.* The lab director was reassigned after these facts unfolded.

The new laboratory director is a trained scientist who now must implement a quality assurance program, including a written quality manual and proper training. Not all areas of the crime laboratory will reopen. How this will affect past convictions is still playing out in the courtroom.

Many problems that arise in public crime laboratories result from a lack of support from upper management. As a law enforcement executive, are you doing everything you can to ensure the best possible forensic services are being provided?

In the same way that the Commission for the Accreditation of Law Enforcement Agencies (CALEA) accredits law enforcement agencies, forensic services can also be accredited by an external agency.

These accrediting bodies are nonprofit agencies that assess forensic service providers to ensure that a quality system, with written policies and protocols, is implemented, followed, and maintained to ensure quality results.

A quality system is a rigorous process that includes a quality manual, administrative manual, procedures manual, safety manual, and the appropriate technical manuals. Accreditation covers all forensic disciplines including fingerprints, firearms and tool marks, drugs, trace evidence, digital evidence, DNA, crime scene, and toxicology. Accreditation is formal recognition by a nonprofit professional association of persons actively involved in forensic science that a forensic service provider meets or exceeds a list of standards to perform specific tests. In addition to these standards, forensic service providers that perform DNA analysis must also adhere to standards in accordance with the provisions of the Federal DNA Identification Act (42 U.S.C. § 14132) or subsequent laws.

Trust, but Verify—Validating Your Procedures

A quality assurance program can be implemented at any time and must be implemented before seeking accreditation. While accreditation is critical and should be the goal of any forensic service provider and its parent agency, it does cost money. Until a funding source can be identified for accreditation, a quality program should be implemented and can be accomplished at minimal cost. For example, common sense should dictate that any time evidence is analyzed a validated, written procedure should be followed. One common misconception is that, when a vendor validates a procedure, the technology is automatically ready to be used by the forensic service provider. A vendor performs developmental validation; that is, the vendor determines the conditions and limitations of a new or novel methodology for use on forensic casework samples. A crime laboratory must then validate the process within its own laboratory. In other words, the procedure must first be evaluated to determine its efficacy and reliability. Until that evaluation, commonly called validation, is complete, the procedure cannot be implemented for forensic casework analysis.

For example, a vendor sells radar guns to law enforcement to be used to determine the rate of speed of a moving vehicle. Law enforcement does not assume that the radar guns work out of the box. The radar guns must be tested and determined to be operating as the manufacturer intended before they are distributed. Officers must then demonstrate proficiency with the radar gun, typically by successful completion of a 40-hour course, in order to enforce traffic laws.

In another example, hospitals routinely use instruments and procedures to analyze body fluid samples taken from patients. Without demonstrated proficiency of the instruments and procedures within a hospital laboratory by its staff, how could we place any value on the results? Life-changing decisions are made based on this information. Similarly, instruments that analyze forensic samples submitted to a crime laboratory, including drugs or DNA from crime scene evidence, must also be validated using documented protocols. Each analyst must demonstrate competency as well as ongoing proficiency with these procedures. The judicial system relies on the information reported by forensic service providers to make decisions that affect lives every day.

The Essential Qualities of a Quality System

The components of a quality system must be implemented prior to accreditation. At its heart, a quality system is about the organizational structure, responsibilities, procedures, processes, and resources for implementing quality management. A quality system should be documented in a written manual that addresses elements such as organization and management, personnel, facilities, evidence control, validation, analytical procedures, equipment calibration and maintenance, reports, review, proficiency testing, corrective action, and safety. Further, as part of accreditation, laboratories must implement, follow, and maintain procedures for document retention to include proficiency tests, corrective action, audits, training records, continuing education, case files, and court testimony monitoring. Few personnel outside the crime laboratory environment realize just how comprehensive the accreditation standards actually are that must be met by forensic service providers.

In addition to the requirements for accreditation set forth by the external accrediting bodies, a DNA unit must also comply with the Quality Assurance Standards for Forensic DNA Testing Laboratories.[2] If these additional standards are not met, the laboratory cannot enter DNA profiles into the Combined DNA Index System (CODIS) and the laboratory would be ineligible to receive federal funding for conducting DNA analysis.

The crime laboratory director, or equivalent management of forensic services, is also required to conduct an annual management review. This review includes, but is not limited to, the following:

- reviewing management support;
- documenting regular communication within the agency and its relevant units;
- reviewing the current analysts and/or examiners within its purview;
- updating analyst and/or examiner information;
- reviewing each analyst and/or examiner's statement of qualifications;
- reviewing the volume of work and services provided; and
- addressing customer complaints.

This annual review ensures the continuing suitability and effectiveness of the forensic services provided as well as ensures that necessary changes and improvements are implemented.

Forensic Science Is under the Microscope

The forensic science disciplines are currently under more scrutiny than ever before. Members of Congress as well as the courts, independent experts, lawyers, and other members of the criminal justice system are weighing in on how the "business" of forensic science operates and are questioning credentials and procedures. Now is the time for law enforcement executives to become proactive and take a leadership role. Executive managers need to take a greater interest in their forensic personnel as well as their crime laboratories and other forensic operations with regard to funding, staffing, training, and equipment. Quality assurance programs and accreditation are additional tools needed for forensic service providers to ensure that the forensic units are performing their work in conformance with accepted standards.

Upper management must recognize that its input and involvement in forensic science operations are critical to the capability of these operations to provide quality services and, more importantly, to provide services that can withstand being challenged. If quality assurance programs—including accreditation—are not implemented, law enforcement as a whole will be diminished. As forensic science plays an increasingly critical role in the investigation of criminal cases, upper management needs to oversee these forensic operations with a "failure is not an option" mentality to ensure success. ❖

Notes:

[1]Mara H. Gottfried and Emily Gurnon, "St. Paul Crime Lab Errors Rampant, Reviews Find," *Twin Cities Pioneer Press,* February 14, 2013, http://www.twincities.com/old/home/ci_22590272/most-st-paul-crime-lab-files-reviewed-had (accessed July 23, 2013).

[2]Federal Bureau of Investigation, *Quality Assurance Standards for Forensic DNA Testing Laboratories,* http://www.fbi.gov/about-us/lab/biometric-analysis/codis/qas_testlab.pdf (accessed July 23, 2013).

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Video Evidence Is Everywhere:

Training and Respect Are Needed

By Scott Kuntz, Deputy Sheriff III, Dane County, Wisconsin, Sheriff's Office

A popular refrain from comedian Rodney Dangerfield is "I don't get no respect." Rodney made millions laugh at his never-ending examples of trying to gain acceptance and well…respect.

In the world of modern criminal investigations and police training, proper video evidence collection, and forensic video analysis seem to be in the same predicament. They either fail to get recognized as specialty areas worthy of specialized training, or are rarely treated with well-deserved respect as a legitimate forensic science discipline. Forensic video analysis is the scientific examination, comparison and/or evaluation of video in legal matters.[1]

The vast majority of today's felony investigations involve digital multimedia evidence (DME). It describes the video, audio, and metadata that permeate modern society. Closed-circuit video and cellphone video, audio, and GPS data are examples. It is commonplace for criminal investigators to mine Facebook and YouTube to find video and audio evidence of crimes. This article focuses on the challenges encountered when dealing with video evidence.

Would Your Officers Pass the Test?

Do police officers know how to properly *identify, preserve, collect, process, report,* and *present* this type of valuable evidence? Is it part of the curriculum at state police recruit academies? Is it taught in most four-year criminal justice programs at colleges and universities? Could most police officers withstand a strenuous cross-examination related to the collection or processing of video evidence?

Is it possible that police officers are just guessing how to handle this fragile type of evidence? If police administrators are honest, the answer to this final question is "Yes."

Police agencies all over the United States require officers to complete specialized training to perform emergency ordnance disposal, computer examinations, cellphone examinations, canine handling, expert drug recognition, crime scene processing, and so forth.

Police officers and crime scene investigators handling video evidence need to be properly trained as well. Prevailing attitudes in the police community suggest that because most officers are television watchers, DVD users, smartphone owners, and so on, they can properly handle digital video evidence. But this is far from true. To illustrate, a short true/false quiz follows.

1. True or false? Infrared lighting at a crime scene ensures accurate reproduction of clothing with synthetic fibers on closed circuit video.
2. True or false? The aspect ratio of standard definition television is 4:3.
3. True or false? Most closed circuit television (CCTV) digital video recorders (DVRs) utilize FIFO (first in, first out) to manage the storage of data.
4. True or false? Lossy data compression is the key to quality video evidence images.
5. True or false? Reliability and authenticity do not affect the admissibility of video evidence at trial.
6. True or false? Industry standards have made the recovery of CCTV evidence much easier than VHS videotape.
7. True or false? Reverse projection at a crime scene can be performed only by the FBI.
8. True or false? Video projectors are the best way to show visual evidence to a jury.

The answers provide clues to why digital video evidence is complicated.

1. **False:** Infrared lighting is commonly present at crime scenes that have CCTV cameras. This lighting has a dramatic effect on the way brightness and colors appear on video. Dark objects may look light. Light objects may look dark. Colored objects most likely will not look like they do under natural or incandescent light. Synthetic fibers in clothing and chemicals in hair can affect the appearance of these objects tremendously. If an eyewitness provides a description of a suspect's clothing based on their observations, it will most certainly not match what is seen on video. This can be a huge problem in catching or convicting a suspect.

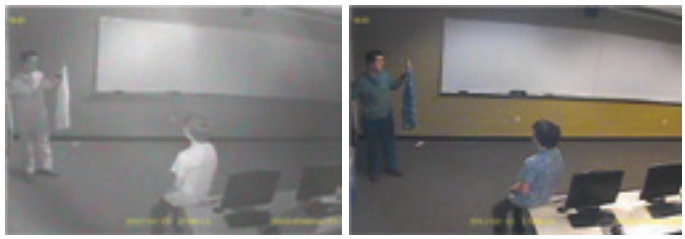

Image under infrared lighting (L); image under visible light (R). The author (pictured) demonstrates the dramatic change infrared lighting has on image appearance.

2. **True:** Aspect ratio has to do with the ratio of picture width to picture height. Standard definition video is 4:3. High-definition video is 16:9. CCTV video is often inaccurate and recorded at aspect ratios somewhere in between. This error can cause people to look taller or shorter than they really are and look thinner or heavier than they really are. It is essential for the forensic video analyst doing comparison work and trial presentation to correct for aspect-ratio problems.

Video with correct aspect ratio (L); video that has been vertically stretched (R). The image on the right makes the subject look thinner than he really is.

3. **True:** Most DVRs do utilize the FIFO method of recording. This means that when the DVR is brand new, plugged in, and begins recording, the hard drive(s) begin filling up with video information. As the hard drive(s) get full, the oldest or first information recorded on the drive gets recorded over first. In other words, the oldest video is the first "out." If a law enforcement officer is not aware of this concept, valuable CCTV evidence may get erased before it is identified, collected, and preserved.
4. **False:** Lossy data compression is a process utilized by most DVRs to reduce file sizes. Reduced file sizes allow for video to be saved on the DVR for a longer period of time. This is a perceived benefit to the DVR owner because they can keep more video on the DVR. However, it is a detriment to criminal investigation because the lossy data compression reduces the capacity of the video to show details such as license plates, scars, marks, tattoos, and so forth.

Video image with heavy compression, which can obscure crucial details such as license plate information.

5. **False:** Reliability and authenticity of the video evidence at trial can be a huge hurdle for the attorney introducing the evidence. If the technology of the DVR used to record the video evidence produces inaccurate color, unreliable frame rates, distorted pixel shapes, or inaccurate motion reproduction, the footage derived from the DVR might have problems being admitted as evidence. Especially if a foundational witness cannot adequately explain why the deficiencies exist in the video evidence or what their real meaning is.
6. **False:** A lack of industry-wide standards in the CCTV industry has turned proper recovery of digital video evidence into a research project. Proprietary video codecs and software interfaces have facilitated manufacturer innovation but have also created a barrier to investigators trying to recover and work with the best evidence possible.
7. **False:** The FBI is very good at using this investigative technique. Others who have received proper training can perform this type of work as well. Reverse projection, related to video evidence, is a process of superimposed images or video from a crime scene over live images or video from the same source. Once this is done properly, all sorts of information can be learned about people and objects by examining size, position in the scene, and speed and direction of travel. When performed properly, this is one of the most powerful forensic video techniques available.
8. **False:** Video projectors are probably the most commonly used method for presenting visual evidence to a jury, but in many cases, they are not effective and accurate in how they display that evidence to the jury. Many video projectors are incapable of showing small, critical details in video or still imagery. Many older projectors found in courtrooms cannot accurately display high-definition video. When projectors are used, jurors have to look across a room to see the details in an exhibit. Ambient room lighting and visual distractions in the courtroom can be a significant barrier to seeing key details.

Available Training for Forensic Video

These simple questions scratch the surface of the knowledge needed to properly identify, preserve, collect, process, and present video evidence. Since a large percentage of today's cases involve video evidence, it is imperative that police agencies worldwide train their officers to understand this area of evidence. What guidance is there for police agencies to get their personnel trained?

- LEVA, Law Enforcement & Emergency Services Video Association–International has a comprehensive list of training classes conducted at the University of Indianapolis, Indiana. Police from all over the world travel to the lab for three- to five-day classes conducted there year-round. From beginner to advanced, LEVA's training classes prepare students for real-world video evidence interaction. The classes provide a path toward earned certification either as a forensic video technician or as a forensic video analyst. More information can be found at www.leva.org.
- IAI, the International Association for Identification, offers training seminars regarding video evidence. IAI also offers an earned certification as a forensic video examiner. More information can be found at www.theiai.org.
- Quality training is also offered by private companies, some universities, and some technical colleges.
- Quality best practices documents authored by the Scientific Working Group on Imaging Technology (SWGIT) and the Scientific Working Group on Digital Evidence (SWGDE) can be found at www.theiai.org/guidelines.

As methods of criminal investigation adapt to an ever-changing world, training should also adapt. One of the most influential changes can occur at the state police academy and police in-service levels. Police academies focus on so many different disciplines for new officers, but not often on the training for this ubiquitous form of evidence. Officers will encounter video evidence constantly. They need to know how to interact with it. It is time to show it some respect. ❖

Note:

[1]The International Association For Identification and The Law Enforcement/Emergency Services Video Association International, Inc., *Forensic Imaging And Multi-media Glossary Covering Computer Evidence Recovery (CER), Forensic Audio (FA), Forensic Photography (FP), And Forensic Video (FV)*, s.v. "forensic video analysis," http://www.theiai.org/guidelines/iai-leva/forensic_imaging_multi-media_glossary_v7.pdf (accessed July 26, 2013).

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Communication, Context, and Crime Scenes:

Enhancing Opportunities to Identify and Collect Touch DNA Evidence

By Ted R. Hunt, Chief Trial Attorney, Jackson County Prosecutor's Office, Kansas City, Missouri

Advances in DNA technology over the last decade require police departments to take a new approach to how potentially critical evidence at a crime scene is located and identified. Cellular DNA, or "touch DNA," as it is commonly referred to, is now routinely collected by many police agencies during the course of their investigations. Touch DNA consists of skin cells shed by a suspect during the commission of a crime on surfaces that were touched. It is now possible for investigators or scientists to collect cellular material at a crime scene and identify a suspect through subsequent DNA analysis.

The critical question, however, is how can evidence that is invisible to the naked eye be located and collected before the scene is released and the evidence is forever lost? The answer to that question is based on understanding the basic components of physical evidence; asking victims, witnesses, and suspects the right questions during an investigation; and sharing that information with crime scene investigators before the evidence is lost, diminished, or destroyed.

What Makes Something Physical Evidence?

Physical evidence is composed of three separate elements: (1) its contextual characteristics and circumstantial significance at a crime scene; (2) what those in a position to know—witness(es), victim(s), or suspect(s)—say (or do not say) about it; and (3) the forensic testing results, conclusions, and weight (quantitative or qualitative) that can be attributed to a match or association.

These three elements correlate with the work performed by three types of investigative assets employed by most departments to identify, collect, and analyze such evidence—crime scene investigators (CSIs), detectives, and forensic scientists.

Challenges to Identifying Relevant Touch DNA Evidence

There are a number of challenges inherent in the identification, designation, and collection of touch DNA evidence. One challenge relates to the division of labor assigned to investigative assets within most police agencies (CSIs, detectives, DNA analysts). Although these assets may work on the same investigation, they may not be aware of information possessed by the other assets involved, leading to gaps in understanding. A second and related problem occurs when time-sensitive and location-specific information is not immediately shared among those investigative assets. A third challenge relates to the nature of touch DNA evidence itself—which cannot be observed by the naked eye and for which no preliminary test exists to determine its presence.

A brief analysis of how the traditional investigative process works (and does not work well at times) highlights some of the difficulties encountered with the identification, designation, and collection of touch DNA evidence.

Crime Scene Investigators

Crime scene investigators typically respond to scenes for the purpose of documenting and collecting evidence. Unlike case detectives, their contact and interaction with victims, witnesses, and suspects is often very limited or non-existent. Any preprocessing information about the scene or its contents typically comes second-hand. In addition, CSIs working a scene may have little opportunity to provide detectives—who are concurrently interviewing victims, witnesses, and suspects—with information about the scene and its contents. Thus items with unclear significance—those that outwardly do not appear to be "out of place" or related to the crime—may go uncollected by crime scene investigators who have no information to the contrary.

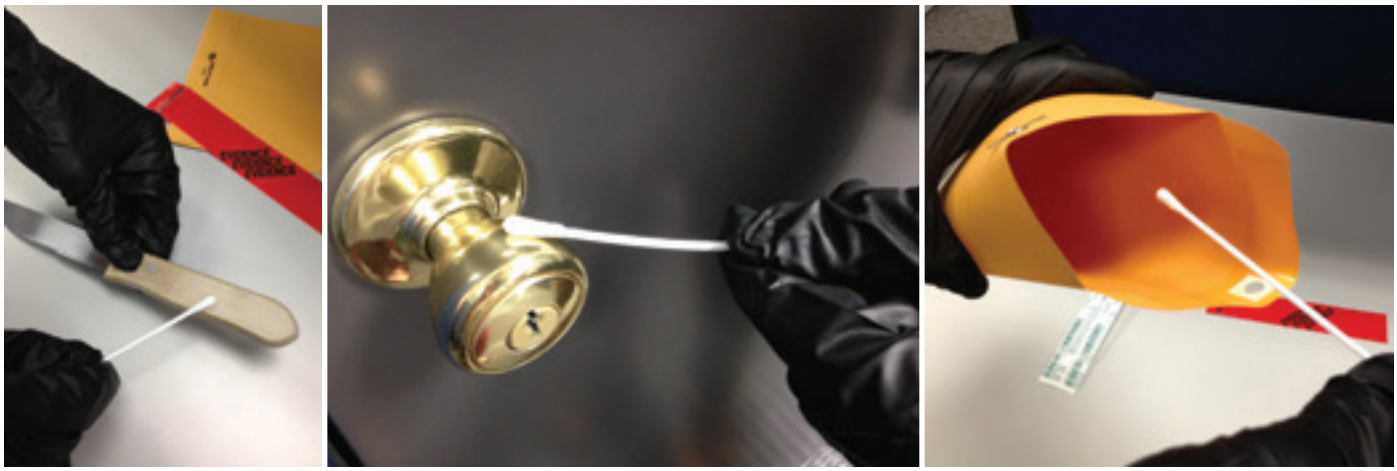
In reality, a select number of those items may have critical significance to the case. However, that information may be known only to detectives and may not become known to crime scene investigators (if at all) until after the scene is released and the relevant items are lost, compromised, or destroyed. As a result, CSIs often make important decisions regarding probative evidence based on logical inferences and observation rather than case-specific information. Accordingly, due to this lack of information regarding circumstantial significance, crime scene investigators will typically (and understandably) over-collect items of potential evidence.

In fact, much of what crime scene investigators routinely collect is not actually "evidence" in the true sense of the word. Rather, these items are recovered in the event that new information may establish relevance. In the absence of time-sensitive and location-specific information from investigative interviews, CSIs are largely confined to an informational vacuum when assessing the value of items or surfaces that may contain probative cellular material.

As a result of this communication deficit, touch DNA samples with no connection to the crime may be collected. Their subsequent analysis may result in false investigative leads or worse—reasonable doubt at trial. Equally troubling is the fact that a touch DNA sample that might have associated the true perpetrator with the crime may never be identified, located, or collected.

Detectives

Detectives are normally responsible for acquiring information from persons' of interest; those who were in a position to provide information about the events that occurred during a crime. Typically, however, these individuals are quickly removed from the crime scene and taken to a separate location, such as a hospital or police headquarters to be treated or interviewed.



Left: *Using a swab to collect trace amounts of cellular material, or touch DNA, from the handle of a knife.* ***Middle:*** *Swabbing a doorknob for cellular material.* ***Right:*** *The collection device is packaged in a paper envelope to avoid degrading or destroying the cellular material.*

In an effort to quickly develop a lead and make an arrest in unknown suspect cases, the focus of investigative questioning is likely to center on "whodunnit" rather than "howdunnit." Although these questions are certainly a critical and necessary part of an investigation, they are not, standing alone, sufficient to effectively solve crimes in this post-DNA era.

Another difficulty brought about by investigative division of labor is that, in many cases, the detective(s) who interviewed the victim, witnesses, and/or the suspect may have never set foot inside the crime scene. As a result, those officials may be completely unaware of the existence or significance of the physical items or surfaces discovered. Therefore, critical questions about items of potential interest at the scene—known at that time only to crime scene investigators—may go unasked and unanswered.

Lab Analysts

Laboratory analysts typically receive physical items submitted by the case detective who may request testing of one or more (and possibly dozens) of submitted items. However, in cases involving complex forensic scenes, the detective may have little, if any, information about *why* certain objects, items, or substances were collected or processed by CSIs in the first place, or *how* they relate to the crime under investigation.

This information, which provides contextual relevance to the submitted items, will likely not be known to the DNA analyst. Analysts typically do not respond to the scene, read the investigative reports, or interview the witnesses. Thus, DNA analysts may be asked to perform DNA testing on swabs recovered from items or surfaces about which they have little, if any, specific information. The net effect is that the investigative value of information derived from unfocused analysis of numerous touch samples may be at best unclear and at worst misleading.

Proposed Solutions

Police agencies can take a number of actions to improve their chances of identifying and collecting relevant touch DNA evidence before it is lost or destroyed. First, they should develop an intra-agency protocol that sets forth written guidelines to be followed by each investigative asset—crime scene investigators, detectives, and lab analysts—when attempting to identify, designate, and collect potential touch DNA evidence.

Second, in addition to questioning aimed at describing the suspect, detectives must also routinely ask victims, witnesses, and suspects questions that focus on what particular items, objects, or surfaces may have been touched or handled by the suspect during the commission of the crime.

Third, information derived by detectives from investigative interviews should be immediately relayed—in real time—to crime scene investigators before the scene is released to the owner or the public. This will allow items or surfaces that may otherwise appear insignificant to be collected and processed. In this way, crime scene investigators will have the opportunity to collect and process all items that have been *transformed* into evidence based on information that lends context. Expedited use of this information will facilitate intelligence-based crime scene processing that will enhance the identification, collection, and preservation of probative touch DNA samples.

Fourth, crime scene investigators must communicate with detectives and share information about the presence of items and surfaces that appear to possess either obvious or ambiguous significance. This may generate further investigative questioning that may, in turn, lead to the identification, collection, and processing of additional probative crime scene samples.

Fifth, crime scenes should not be released until detectives have fully advised crime scene investigators of relevant scene-specific information derived from witness interviews.

Sixth, detectives, crime scene investigators, and laboratory analysts should routinely meet during and/or immediately at the conclusion of an investigation. The purpose of this meeting is to collectively make informed, targeted DNA testing decisions based on

- the investigative question in need of an answer;
- the relevance of available samples;
- intelligence gathered by detectives—which may enhance, diminish, or negate the relevance of those samples; and
- an assessment of both the capabilities and the limitations of available DNA technologies.

Conclusion

In conclusion, better coordination and real-time communication among key investigative assets are essential to maximizing opportunities for the identification, designation, and collection of relevant touch DNA evidence at crime scenes. Coordination and communication are best facilitated by departmental procedures that promote the targeted acquisition and immediate sharing of time-sensitive and location-specific information among investigative partners. This information must be shared before a crime scene is released and potential evidence is compromised, lost, or destroyed. Follow-up meetings between detectives, CSIs, and lab analysts should provide a forum for making informed testing decisions. These decisions should focus on identifying the most probative and scientifically promising samples available—in light of existing forensic technologies and capabilities—with an eye toward answering the critical investigative questions. ❖

NEW MEMBERS

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IACP Membership Application

International Association of Chiefs of Police
P.O. Box 62564
Baltimore, MD 21264-2564
Phone: 1-800-THE IACP; 703-836-6767; Fax: 703-836-4543

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I am applying for the following category of membership: ❑ Active ❑ Associate

Name: _____ (*Please Print*)

Title/Rank: _____

Agency/Business Affiliation: _____

Business Address: _____

City, State, Zip, Country: _____

Residence Address: _____

City, State, Zip, Country: _____

Business Phone: _____ Fax: _____

E-mail: _____

Web Site: _____

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

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

Number of sworn officers in your agency (*if applicable*) ❑ a. 1 - 5 ❑ b. 6 - 15 ❑ c. 16 - 25
❑ d. 26 - 49 ❑ e. 50 - 99 ❑ f. 100 - 249 ❑ g. 250 - 499 ❑ h. 500 - 999 ❑ i. 1000+

Approximate pop. served (*if applicable*) ❑ a. under 2,500 ❑ b. 2,500 - 9,999 ❑ c. 10,000 - 49,999
❑ d. 50,000 - 99,999 ❑ e. 100,000 - 249,999 ❑ f. 250,000 - 499,999 ❑ g. 500,000 +

Education (*Highest Degree*): _____

Date elected or appointed to present position: _____

Law enforcement experience (*with approx. dates*): _____

_____

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

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

Sponsor Name: _____ Membership number: _____

Membership Dues – $120 (*U.S. dollars only* – includes subscription to *Police Chief* magazine *valued at $25.*)

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

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

PC 9/13

Membership Requirements

Active Membership

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

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

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

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

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

Associate Membership

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

Superintendents and other executive officers of prisons.

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

Prosecuting attorneys, their deputies, and deputy sheriffs.

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

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

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

Employees of companies providing services to law enforcement agencies.

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

Minnesota

St Louis Park—Harcey, Michael, Lieutenant, St Louis Park Police Dept, 3015 Raleigh Ave S, 55416, (952) 924-2600, Fax: (952) 924-2676, Email: mharcey@stlouispark.org

Missouri

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Jefferson City—Thurston, Leslie D, Lieutenant/Assistant Director, MO State Hwy Patrol, PO Box 568, 65102, (573) 526-6101, Email: leslie.thurston@mshp.dps.mo.gov

Nevada

Carson City—Johnson, Gina M, Captain, NV Hwy Patrol, 555 Wright Way, 89711, (775) 684-7392, Fax: (775) 684-7359, Email: gmjohnson@dps.state.nv.us, Web: www.nhp.nv.gov

—Lawson, Tom, Lieutenant, NV Hwy Patrol, 555 Wright Way, 89711, (775) 684-7394, Fax: (775) 684-7359, Email: tlawson@dps.state.nv.us, Web: www.nhp.nv.gov

New Hampshire

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New Jersey

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Cape May Court House—Edwards, John, Captain, Middle Twp Police Dept, 31 Mechanic St, 08210, (609) 465-6654, Fax: (609) 465-9503, Email: edwards@middletownship.com

Little Egg Harbor—Buzby, Richard J, Chief of Police, Little Egg Harbor Police Dept, 665 Radio Rd, 08087, (609) 296-3666, Fax: (609) 812-1069, Email: rbuz@aol.com, Web: www.lehpolice.com

Oceanport—Barcus, Daniel W, Chief of Police, Oceanport Police Dept, 222 Monmouth Blvd, 07757, (732) 222-6301, Fax: (732) 222-0945, Email: dbarcus@oceanportboro.com, Web: www.oceanportboro.com

Parsippany—*Anspaugh, Jeff, Director of Investigations, Pinkerton, 2 Campus Dr, 07054, (425) 533-7242, Email: v-jeansp@microsoft.com

Pemberton—Hunter, Edward, Chief of Police, Pemberton Borough Police Dept, PO Box 261, 50 Egbert St, 08068, (609) 894-2632, Fax: (609) 894-9682, Email: ehunter20@pembertonborough.us

Pennsville—Cummings, Allen J, Chief of Police, Pennsville Twp Police Dept, 90 N Broadway, 08070, (856) 678-3089 ext. 526, Fax: (856) 678-8961, Email: pvpdchief@pvtwp.com

Randolph—*Timmerman, Marjorie, Adjunct Professor, County College of Morris, 214 Cedar Grove Rd, 07869, (862) 222-6986, Email: mtimmerman@ccm.edu

Rutherford—Russo, John, Chief of Police, Rutherford Borough Police Dept, 184 Park Ave, 07070, (201) 460-3044

New Mexico

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—Kenyon, Laura, Captain, Fairfax Police Dept, 3730 Old Lee Hwy, 22030, Email: laura.kenyon@fairfaxva.gov

Manassas—Braun, Heidi B, Captain, Prince William Co Police Dept, 8900 Freedom Center Blvd, 20110, (703) 792-6542, Fax: (703) 792-6510, Email: hbraun@pwcgov.org

Nokesville—Cox, William M, Academy Director, Prince William Co Police Dept, 13101 Public Safety Dr, 20181, (703) 792-4525, Fax: (703) 792-4495, Email: wcox@pwcgov.org

Richmond—Gooch, Mark A, Director, VA Dept of Juvenile Justice, PO Box 1110, 600 E Main St 20th Fl, 23218-1110, (804) 588-3903, Fax: (804) 371-6497, Email: mark.gooch@djj.virginia.gov, Web: www.djj.virginia.gov

Stafford—O'Leary, Timothy D, Captain, Stafford Co Sheriff's Office, PO Box 189, 22555, Email: tdoleary@staffordcountyva.gov

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Kirkland—*Rusk, James, Chief Security Operations, bgC3, 4110 Carillon Point, 98033, (425) 497-4410, Email: jim.rusk@bgc3.com

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Wisconsin

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Oconomowoc—Herro, Jeffrey P, Chief of Police, Village of Summit Police Dept, 2911 N Dousman Rd, 53066, (262) 567-1134, Fax: (262) 567-0413, Email: chief@summitpolice.org, Web: www.summitpolice.org

The IACP notes the passing of the following association member with deepest regret and extends its sympathy to the family and coworkers left to carry on without him.

James B. Boyd Jr., Chief of Police (ret.), Columbia, Tennessee

Product update

The **Police Chief** *keeps you on the cutting edge of law enforcement technology with monthly product announcements. For* **free,** *in-depth information, visit us online at http://www.policechiefmagazine.org. Items about new or improved products are based on news releases supplied by manufacturers and distributors; IACP endorsement is in no way implied.*

MOOC Survey of Forensics

Stevenson University's School of Graduate and Professional Studies is entering the new online educational territory of MOOCs, free massive open online courses. Stevenson will offer a MOOC, Survey of Forensics, for individuals who want an introduction to the science and discipline of forensic investigation and gathering legal evidence. The course will provide an overview of three important forensics areas of study: Forensic Science, Cyber Forensics, and Forensic Studies. The free 10-week online course opens on September 30 and ends on December 8, 2013, and will be taught by faculty from Stevenson's School of Graduate and Professional Studies.
To register, visit http://accelerate.stevenson.edu and click on the "Stevenson's MOOC" icon.

Tactical glove

Bionic Gloves released its first tactical glove for military and first responders through an exclusive partnership with KGLOVES. It is the only tactical glove designed with Bionic technology and field-tested by military in Afghanistan and Iraq. Designed with strategically placed pads to help even out the surface of the palm by filling the valleys between the hand's natural peaks, the Bionic KGLOVES tactical glove provides greater comfort, gripping ability, and flexibility. The Bionic KGLOVES tactical glove improves flexibility and promotes the natural closure of the hand in the patented pre-rotated finger design and motion zones. The anatomical relief pad system helps absorb shock and minimize hand fatigue, an important feature for personnel.
For information, please visit www.kgloves.com.

Economy power feature

California-based Crime Point, Inc., manufacturer of law enforcement surveillance technology, has introduced a new feature that extends the operating time of its vehicle-based systems when managed remotely via the Internet. The new product is part of the company's IP Complete Surveillance Vehicle line. Called Economy Power, the product allows the police investigator to select via a single master switch either full-system operation for use when the vehicle is occupied or streamlined operation for use when unoccupied. Economy Power eliminates the need for the operator to manipulate multiple on/off controls when preparing to drop off the vehicle, while at the same time leaving operational only those functions necessary for local or web-based remote control. The new feature optimizes the vehicle's 12-volt battery bank, allowing run times of up to three days on a single charge.
For information, please visit www.crimepoint.net.

Forensic data FieldStation

CRU, with its industry-leading WiebeTech line of forensics and eDiscovery products for digital data capture and digital investigation, announces the new CRU Wiebe Tech Ditto Forensic FieldStation, the first digital imaging device to be configured, administered, and operated over a network via computer, tablet, or smartphone. In addition, networked preview simplifies forensic acquisition to provide sophisticated remote examination of data sources so only pertinent data is acquired. Ditto Forensic FieldStations can be deployed by non-forensics experts and administered and operated remotely by forensics specialists, saving time and money in data acquisition and transport. It has standalone drive imaging features that require no host computer to acquire data from many types of sources and file systems residing on hard disk drives, network file shares, and media cards. Data sources can be cloned or imaged to a variety of destinations, as well as to multiple target drives or network locations simultaneously.
For more information, please visit www.cru-inc.com/ditto.

Trunk organizer

Pro-gard Products, LLC is offering trunk organizers for the Ford Police Interceptor sedan that nest in the spare tire well. The organizer is designed to snuggly fit the contours of the spare tire well. The PI Sedan Trunk Organizer is also designed with an accordion style lid and easy grip handle that allows easy, one-handed access to contents in the organizer. Pro-gard also offers these organizers for other police package vehicles.

For more information, please visit www.pro-gard.com

Crime Scene Investigation online

Crime scene investigators, agencies and those interested in forensic skills across the country can purchase Introduction to Crime Scene Investigation, a 16-hour online course developed by experts at the National Forensic Science Technology Center (NFSTC). The convenient and highly-rated course provides a consistent training base to get new investigators up and running quickly. By using a single source of training that was developed to meet widely accepted guidelines, investigators can begin or advance their careers with a solid understanding of theories, techniques and best practices. The course includes nine modules covering crime scene management, evidence collection and handling, and documentation.

For more information, please visit www.nfstc.org/service/forensics-training/online-course-intro-to-csi.com.

Holsters

CrossBreed Holsters offers the Inside Waist Band line. The "soft" side of the leather faces the body. Over time the holster forms to fit to the individual body for a secure fit and comfort. The Inside the Waist Band or IWB series consist of the SuperTuck Deluxe, the MiniTuck, the MicroClip, the QwikClip and the all new Appendix Carry. Each holster is hand-molded specific for the firearm. Crossbreed makes holsters to custom fit nearly any handgun with or without laser additions. Holsters are available for both left and right hand users.

For more information, please visit www.crossbreedholsters.com.

Forensic coding theft deterrent SmartWater

SmartWater is a proven forensic coding theft deterrent in the form of a clear liquid that can be applied to virtually anything: jewelry, iPad, car, large metal cables, rails, air-conditioning units. Each bottle contains the owner's unique forensic formula that is logged into a secure database. The solution is designed to be non-hazardous and invisible, yet virtually impossible to remove and last a minimum of five years. It is detected under UV light, with only a speck required to identify the property's owner.

For information, please visit www.SmartWaterCSI.com.

Biometric technology

FBI's Next Generation Identification (NGI) system improvements that became operational in May include a threefold increase in latent fingerprint search accuracy and create the first nationwide palm print identification system thanks to biometric technology developed by Morpho (Safran) and supplied by its U.S. subsidiary, MorphoTrak. This workstation software will be used by FBI and other government agency latent examiners. Morpho's latest algorithms will change the face of crime-solving by greatly improving the volume, speed, and accuracy of matching latent and other crime-scene prints against the FBI's database of finger and palm prints.

For information, please visit www.morphotrak.com.

Hard drive crusher

The new Model 0101 Sledgehammer Hard Drive Crusher from Security Engineered Machinery (SEM) is engineered to destroy all computer hard drives regardless of their size, format, or type, including 3.5 inches and 2.5 inches technology. A drive (or multiple laptop/notebook drives) is placed in the crusher, the safety door is closed, and at the touch of a button a conical punch inside the unit delivers a staggering 12,000 pounds of hydraulic force, causing catastrophic trauma to the hard drive's chassis while destroying its internal platter. Destruction takes only 10 seconds. It is compact and portable (22 inches x 10 inches x 19 inches and 105 pounds). A standard 120V wall outlet is adequate for its extremely low power consumption. ❖

For more information, please visit www.semshred.com.

No Rape Case Goes Unanalyzed:

A Rapid Approach to Sexual Assault Evidence

By Eva Steinberger, PhD, Assistant Bureau Chief; Julie Renfroe, MBA, Criminalist Supervisor; Meg Aceves, MS, Criminalist Supervisor; and Gary Sims, MPH, Casework Laboratory Director, California Department of Justice, Bureau of Forensic Services, Richmond, California

In many cases of sexual assault, crime laboratories have generally lacked the resources needed to use forensic DNA within the short response time that is most beneficial to a criminal investigation. This lack creates problems in the system by slowing investigations and preventing justice for many victims. A solution to this emerged when forensic scientists at the California Department of Justice (DOJ) Jan Bashinski DNA Laboratory in Richmond developed a DNA processing method that is fundamentally different from the traditional approach. This rapid approach method, which combines innovative evidence triaging with a redesign of the evidence submission route, provides a sustainable process for a high-throughput program with a 15-day turnaround time.

As part of a pilot program, four California counties adopted Rapid DNA Service (RADS). Forensic hospital staff, law enforcement, and the laboratory staff spent 22 months using the method to analyze DNA in all cases where sexual assault evidence (SAE) was collected in a hospital. The methodology of RADS and the results from the four California counties' initial adoption of the method follow.

Evidence Triage and Submission to the Laboratory

In the traditional approach to sexual assault cases, evidence is collected by forensic hospital personnel into a rape kit, which is stored by a law enforcement agency. Once a case is assigned, an investigator decides whether the evidence warrants a DNA analysis, then the kit may be submitted to a crime laboratory. Under RADS, two significant departures occur.

First, RADS uses evidence triage to identify the best evidence—the evidence most likely to yield the DNA profile of the perpetrator. As many as three evidence swabs, each taken from areas of the victim's body most likely to yield probative results, are submitted for analysis. Which swabs are chosen is based on the professional judgment of the forensic hospital staff after evaluation of the victim and the incident history. The RADS swabs are in addition to the items included in the traditional rape kit collected according to established state procedures.[1]

Second, RADS swabs are packaged in a RADS envelope. (See figure 1.) This envelope is sent directly to the crime laboratory via overnight courier for processing and typing within 15 workdays from the start of batch analysis. The rape kit and any additional evidence are stored at the law enforcement agency until the results of the RADS process are known. (See figure 2.)

Evidence Processing and DNA Analysis at the Laboratory

Most sexual assault evidence involves the separation of sperm cell DNA from all other cellular DNA. The traditional method for extracting sperm cell DNA is one of the most time-consuming, limiting factors in a high-throughput laboratory approach. In response to this major challenge, the DOJ Jan Bashinski DNA Laboratory dedicated time and personnel toward streamlining the analysis of sexual assault evidence. The result is a novel and very efficient process that is almost completely automated and does not rely on time-consuming microscopic examination.[2] Using the RADS process, one individual can analyze as many as 20 cases simultaneously; complete

Figure 1: Contents of the RADS Envelope

Figure 2: RADS Work Flow

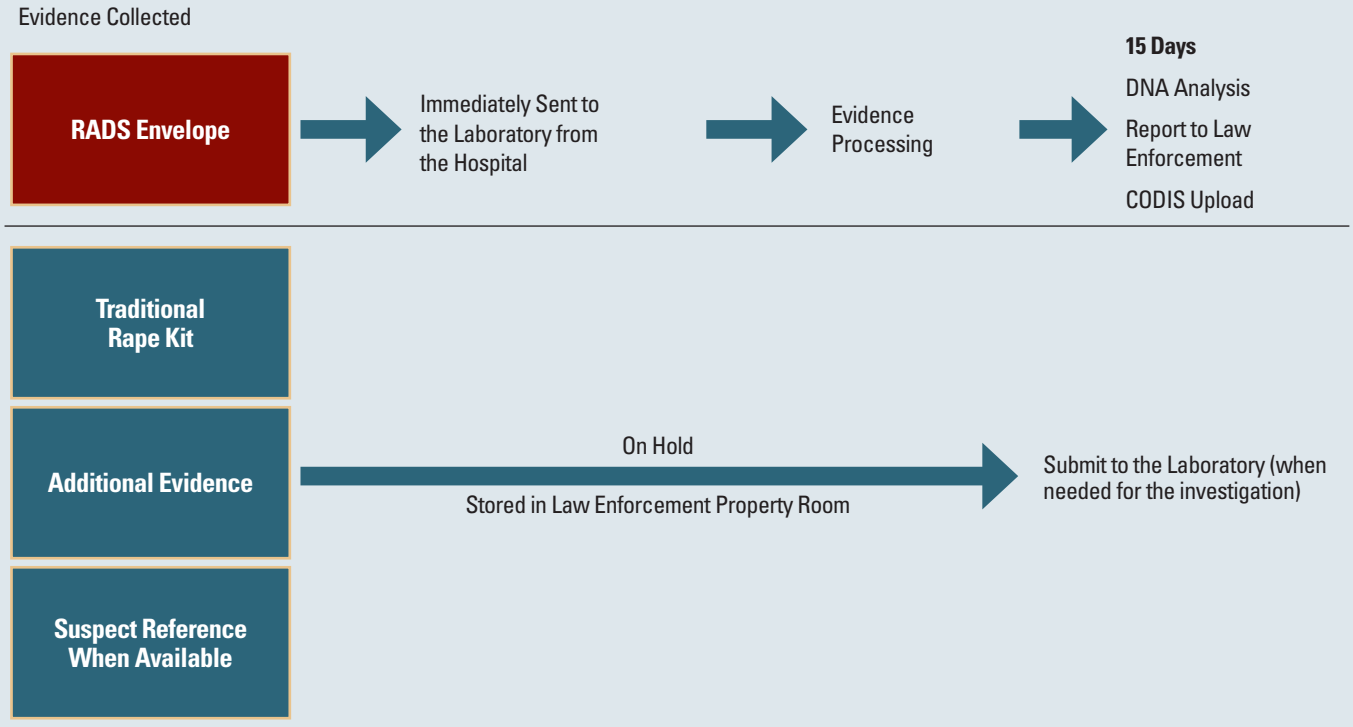
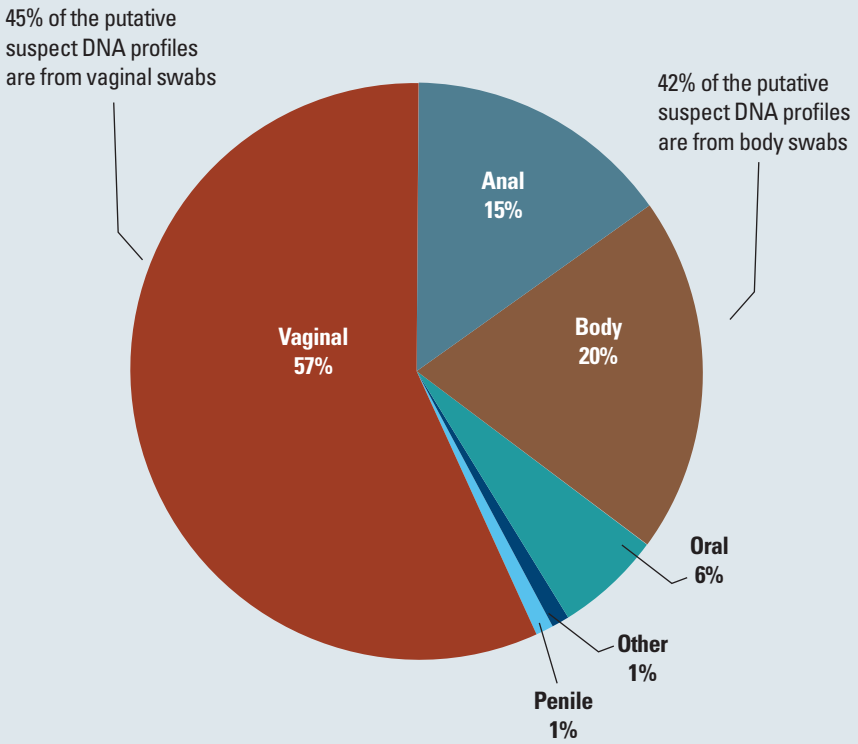


Figure 3: Location of Collected Swabs and the Percent of Suspect DNA Profiles Obtained from Vaginal and Body Swabs.



the report; and, if appropriate, profiles can be uploaded into the FBI's Combined DNA Index System (CODIS) within 15 days.

Interagency Collaboration

Under RADS, law enforcement no longer needs to preselect or prioritize cases for DNA analysis because the laboratory processes every case within the specified time frame. At the hospital level, the process must be aggressively triaged at the point of collection since the laboratory analyzes only three items. To make this approach work, all parties must be in agreement and possess a thorough understanding of the procedure and the roles of each in the process. For example, the agreement requires law enforcement staff to hold on to the traditional rape kit and any additional evidence until the RADS results are known. To provide maximum benefit, RADS was designed to yield results that can stand up in court without the requirement for the analysis of additional evidence. However, the crime laboratory staff must be flexible in the event that processing additional evidence is needed.

Furthermore, continuous process improvement based on the professional experience of all parties is essential for long-term success. Unless there is frequent communication among all stakeholders, the RADS approach will not work optimally and can possibly cause duplication of effort and unnecessary delays. For example, data collected so far

Table 1: Comparison of Cases Submitted per Year in RADS Counties

	Number of Cases
Total cases submitted from RADS counties in 2010 (pre-RADS)	41
Average yearly number of RADS cases submitted	161

Table 2: RADS Metrics

	Number of Cases	
Total cases submitted, May 2011 – February 2013	295	
Cases with searchable DNA profiles developed	91	(31%)*
Cases with CODIS hits	46	(51%)**
Cases with additional evidence submitted	28	(9%)*

* Percentage calculated against the total number of cases submitted.
** Percentage calculated against the total number of cases with searchable DNA profiles.

show that body swabs (for example, from the victim's breasts and neck) often yield a male DNA profile and may be the best evidence more often than originally thought. (See figure 3.) This finding has been communicated to all the stakeholders and serves to improve the overall process, most significantly during triage efforts.

The Effectiveness of the RADS Approach

Among the counties participating in RADS, requests for analysis of DNA evidence in rape cases have more than tripled. (See table 1.) However, evidence triaging combined with automated methodology reduces the processing time and allows the crime laboratory to analyze samples from every case collected at a hospital.

RADS helps to alleviate one of the biggest concerns among sexual assault victims and human rights groups: that evidence either takes too long to be analyzed or is not analyzed at all. With RADS, victims are assured that their cases are active, evidence is being examined expeditiously, and law enforcement is doing all it can to resolve their cases in a timely manner. In cases where DNA results are obtained, victims and investigators are assured that the DNA database will be searched, increasing the likelihood that the perpetrators will be identified and brought to justice quickly.

As with any approach, there are tradeoffs to using RADS. So far, only 31 percent of the RADS cases processed resulted in a DNA profile from the evidence. This indicates that, in order to find every DNA positive case, many RADS cases with negative results will be processed. However, of the 31 percent of cases with DNA profiles uploaded to CODIS, 51 percent have yielded a CODIS hit. In addition, law enforcement agencies have requested the analysis of additional evidence in only 9 percent of cases. (See table 2.) That is, the triaged evidence submitted apart from the SAE kit was sufficient for law enforcement investigators.

Although the number of analyzed sexual assault cases has increased, the triaged evidence is processed very quickly using the RADS approach. Traditionally, a law enforcement agency would wait until every item of evidence in the SAE kit was analyzed before receiving a report—a model that has led to analysis backlogs. Since the RADS reports are received by the law enforcement agency within a short turnaround time, analysts' time is freed up making the analysts available to work on the few cases where additional evidence analysis is needed. Overall this process leads to the elimination of SAE kit backlogs because data have shown that the majority of RADS cases do not require further evidence examinations.

The RADS program has proven effective at the law enforcement, hospital, and laboratory level; however, the effectiveness of the RADS approach at the prosecutorial level can be measured only through the prosecuting agencies' successful adjudication rate. At present, it will take several years until enough cases have gone through the court system to allow a reliable evaluation of the effectiveness of RADS evidence in the criminal justice system.

Conclusion

RADS is still a pilot project; although, based on the level of success seen in the first 22 months, it is likely to be adopted permanently by the participating counties. Requests by additional agencies to participate in the RADS program indicate a trend toward acceptance of evidence triaging for DNA analysis in sexual assault cases. The initial conclusions from the pilot indicate that RADS

- allows for the processing of triaged evidence from all sexual assaults within 15 days from the start of batch analysis; and
- combines automation with reduced processing time, allowing for a three-fold increase in casework capacity.

The initial conclusions from the pilot also strongly indicate that body swabs may yield the best evidence. Although they account for one-fifth of the swabs submitted, they account for almost half of the searchable CODIS profiles. (See figure 3.)

Victims of sexual assault deserve justice. The benefits of RADS, which include the assurance that no rape kit will go untested, far outweigh any drawbacks. And, with broader adoption and further streamlining, RADS could significantly reduce the number of unanalyzed cases. The benefit for victims is undeniable, and this benefit by itself is a major reason for law enforcement, crime laboratories, and forensic hospital staff to employ this team approach. ❖

Notes:

[1]California Penal Code 13823.11 (2011), *the minimum standards for the examination and treatment of victims of sexual assault or attempted sexual assault, including child molestation and the collection and preservation of evidence therefrom.*

[2]William R. Hudlow and Martin R. Buoncristiani, "Development of a Rapid, 96-Well Alkaline Based Differential DNA Extraction Method for Sexual Assault Evidence," *Forensic Science International: Genetics* 6, no. 1 (2012): 1-16; William R. Hudlow and Martin R. Buoncristiani, "Material Modifications for the Alkaline Differential Extraction Method for Sexual Assault Evidence," *Forensic Science International: Genetics* 7, no. 4(2013): e104–105.

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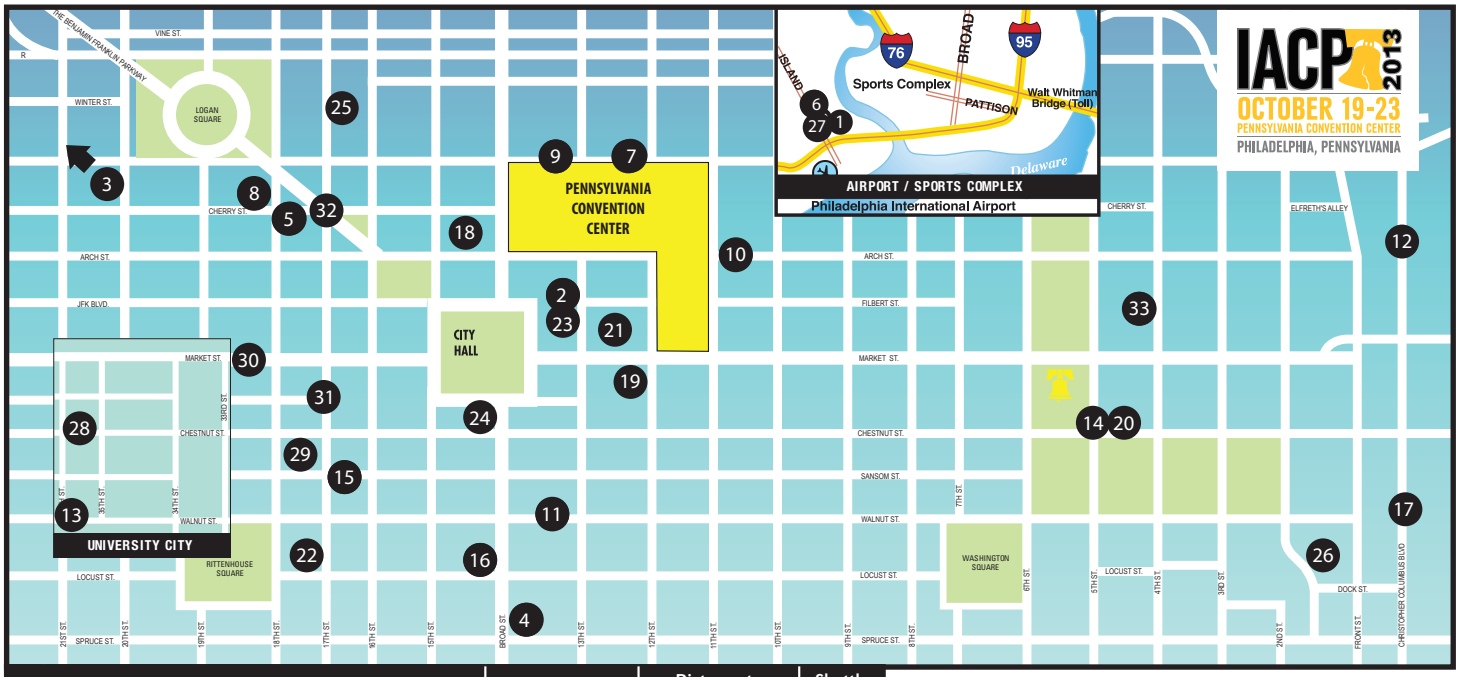

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The Synthetic Drug Craze: What Chiefs Need to Know

By Emily K. Dye, Forensic Chemist, U.S. Drug Enforcement Administration, Special Testing and Research Laboratory

In the last five years, a new wave of designer drugs has flooded the United States. Usually marketed as "legal highs," these compounds have become one of the latest challenges facing the criminal justice system. While the addition of designer drugs to the market is nothing new, the Internet has played an unprecedented role in their recent proliferation. Not only are these products a challenge for law enforcement, they also present a unique set of challenges to the forensic science community. There are three main types of designer drugs predominant in today's market: synthetic cannabinoids, substituted cathinones, and hallucinogenic phenethylamines.

What Is a Designer Drug?

A designer drug is a synthetic version of a controlled substance that is produced with a slightly altered molecular structure to avoid having it classified as an illicit drug.[1] The propagation of a designer drug can be thought of as a cyclical series of events. A manufacturer synthesizes a chemical that is suggested to act similarly to a controlled substance. The chemical is then marketed as a "legal" alternative to an illicit drug or as a "research chemical/not for human consumption." A small number of users experiment with the drug, and report their experiences through blogs, forums, and videos. If their reports are positive, more and more people try the drug, and its use becomes more and more prevalent. Eventually the law catches up, and the chemical is controlled. Unfortunately, this is not the end of the story. As described by a spokesperson for the Drug Enforcement Administration (DEA), "upon legislative action against the drug, a new drug with a slightly different structure is released to evade the new law,"[2] and the cycle begins again.

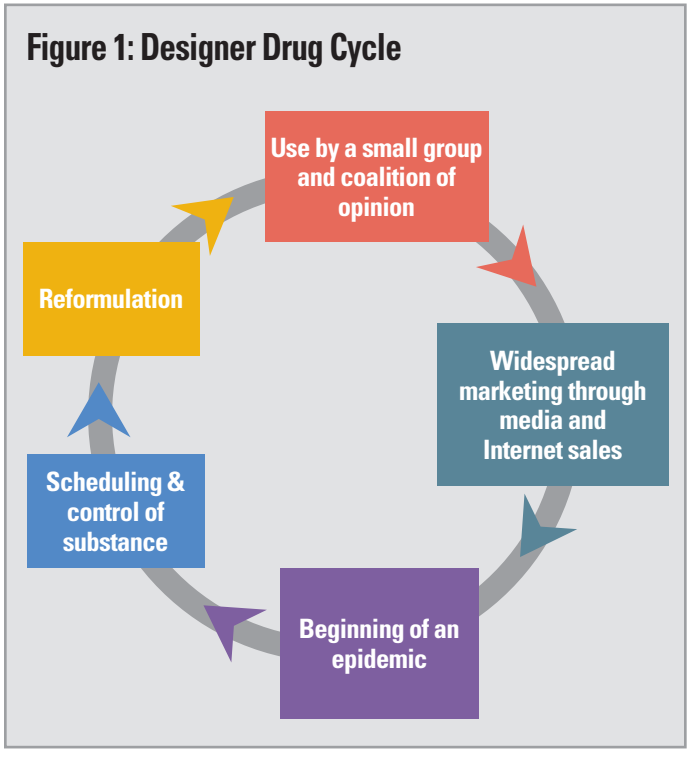
Synthetic Cannabinoids

"Smoking blends" or "spice" products containing synthetic cannabinoids (more appropriately referred to as cannabimimetics) gained popularity in the United States beginning in 2009.[3] These products can be prepared for consumption by dissolving the powdered synthetic cannabinoid (or mixture of synthetic cannabinoids) in a solvent, usually acetone or alcohol, and applying the solution to dried plant material, such as shredded damiana or marshmallow leaf. When the solvent has evaporated off, the now dosed product is divided into retail packages for purchase by the consumer. This processing can be done virtually anywhere. An individual can make a small amount of a smoking blend in their kitchen, or multi-kilogram production can be done in a warehouse. In either case, there is a relatively high risk of explosion due to the fumes from the solvent used to dissolve the synthetic cannabinoid powder.[4] The final products are available for sale over the Internet or in head shops, gas stations, and other retail stores.

The synthetic cannabinoids have been grouped into generations based on the timeline of their appearance. The first generation of synthetic cannabinoids includes compounds such as JWH-018, JWH-019, and JWH-073. Immediately after the DEA emergency scheduled five synthetic cannabinoids (JWH-018, JWH-073, JWH-200, CP-47,497, and the CP-47,497 C8 homologue) in March 2011, the next generation of chemicals emerged.[5] These included AM2201, RCS-4, and JWH-122 among others. With the passage of the Synthetic Drug Abuse Prevention Act of 2012, a third generation of synthetic cannabinoids appeared, including UR-144 and XLR11 (5-fluoro-UR-144). These were not explicitly controlled by the 2012 federal legislation.[6] Since the passage of that legislation, a fourth generation, comprising compounds such as AKB48 and STS-135, has emerged. In early 2013, a fifth generation appeared, consisting of PB-22, 5-fluoro-PB-22, AB-FUBINACA, and BB-22. At this time, exhibits seized and submitted to crime laboratories typically contain compounds from generations three, four, and five, depending on state and local legislation.[7]

With chemical names such as (1-(5-fluoropentyl)-1H-indol-3-yl) (2,2,3,3-tetramethylcyclopropyl) methanone, it is not surprising that these compounds are given common names or acronyms. The common names may seem like a nonsensical code of letters and numbers, but they have meaning. Early compounds such as the JWH series (John W. Huffman) and the AM series (Alexandros Makriyannis) get their names from the researcher or university that developed them as part of legitimate medical research.[8] Compounds such as UR-144 and the A compounds (A796,260, A834,735, etc.) were developed by pharmaceutical companies such as Abbott Laboratories, again as part of legitimate research.[9] Other compounds, such as RCS-4 and RCS-8, were named for the websites selling the chemicals (in this case, Research Chemical Supply). These latter compounds marked the initial appearance of chemicals that had not previously been reported in scientific literature. Because this group of compounds is named for the websites selling them, there may be more than one common name for the same chemical; for example, RCS-4 is also known as SR-19 or BTM-4. The most recent generations of synthetic cannabinoids are named for different

Figure 1: Designer Drug Cycle



aspects of popular culture. These include 2NE1 (a Korean girl band), AKB48 (a Japanese girl band), XLR11 (the first liquid-fueled rocket engine), and STS-135 (the final U.S. Space Shuttle mission).

Substituted Cathinones

"Bath salt products," also commonly referred to as "research chemicals," emerged in the United States in 2009 and typically contain a group of compounds chemically referred to as substituted cathinones.[10] Originally, retail products were sold in a very pure state, but they increasingly are being adulterated with other drugs or diluents seen in common street drugs, such as mannitol, lactose, lidocaine, caffeine, and benzocaine. The resulting mixture is typically packaged in screw top vials, capsules, or tablets for retail distribution.

The first generation of bath salt products contained compounds such as MDPV (3,4-methylenedioxypyrovalerone), methylone, and mephedrone.[11] The DEA used emergency scheduling authority in October 2011 to temporarily control these three compounds.[12] The Synthetic Drug Abuse Prevention Act of 2012 permanently controlled MDPV and mephedrone.[13] The absence of broad legislation controlling cathinone derivatives allowed for the subsequent distribution of a new generation of bath salt compounds, including alpha-PVP, pentylone, pentedrone, alpha-PBP, and MPPP. Unlike synthetic cannabinoids, which derive their common names from a variety of sources, substituted cathinone common names are typically abbreviations of their chemical names (for example, MPPP is the common name for 4-methyl-α-pyrrolidinopropiophenone).

Hallucinogenic Phenethylamines

A third class of designer drugs currently flooding the market are hallucinogenic phenethylamines. These include 2C-X, DOX, and 25X-NBOMe compounds (where X is a letter). Examples of these compounds are 2C-B, DOB, or 25B-NBOMe. These products have been submitted to the laboratory as liquids and powders and applied to blotter paper, indicating that they are consumed similarly to LSD (lysergic acid diethylamide).

Many of these compounds were originally explored by Alexander Shulgin and published in his book PiHKAL in which he reports how the drug is synthesized, recommended dosages, and effects on the user from self-experimentation. Shulgin discusses 27 2C-X compounds in this book, nine of which were controlled by the Synthetic Drug Abuse Prevention Act of 2012.[14] He also includes information for 11 DOX compounds.[15] The 25X-NBOMe compounds (also known as N-Bomb) are synthesized by a chemical reaction that adds an additional chemical group to the corresponding 2C compound.[16] For example, 2C-I is used to make 25I-NBOMe.

A significant concern with the hallucinogenic phenethylamines, particularly the 25X-NBOMe compounds, is their high potency. The NBOMe compounds are active at dosages similar to that of LSD, creating a potentially dangerous situation for emergency personnel and first responders.[17] Something as simple as not wearing gloves or respiratory protection when collecting this type of drug evidence from a suspect could result in a fatal overdose.[18] Despite this danger, large quantities of these powders have been interspersed with packages of synthetic cannabinoids and substituted cathinones at spice-processing facilities. Without proper personal protective equipment, responding personnel may be at risk.

Forensic Challenges

Due to the ever-changing nature of the designer drug market, chemical analysis can be challenging when a new or unique compound is encountered. Characterizing these unknown compounds requires sophisticated equipment that might not be available at some crime laboratories.

A related issue is the high cost and, in some cases, the lack of reference materials from chemical companies. Before crime laboratories issue a report, the data generated from the evidence is usually compared to the data generated from a known reference material of the same drug, often called a standard. Because these drugs evolve so quickly, chemical companies must decide to invest in constant development of the newest standards or pass the high cost of research and development of these designer drugs to crime laboratories.

Another challenge, which involves both forensic scientists and law enforcement personnel, are the problems associated with presumptive color tests for these compounds. Existing color tests for these drugs are not well known; some may work and some may not. Law enforcement personnel need to be cautious and take this into consideration before reporting the detection of a synthetic drug based on a color test. In addition, when performing a color test on a smoking blend, it may be difficult to see a color change due to the small amount of synthetic cannabinoid present on the plant material and extraction of the color from the plant material into the color test solution (which masks any color change due to the chemical present). When conducting a color test on pure powder synthetic cannabinoids or substituted cathinones, the color change is often the same as with other drugs. For example, UR-144 gives a purple color when reacted with the Marquis test (which is also indicative of heroin).

Role of the Internet

The Internet has become a primary source of information for people all over the world. So how does this come into play in introducing users to new designer drugs? One of the primary ways to obtain information about this surge of designer drugs is through online drug forums. Nearly all drug forums have threads dedicated to the discussion of the latest synthetic cannabinoids, substituted cathinones, and hallucinogenic phenethylamines. Information provided on these forums includes general information such as the chemical name and structure, dosage information, and user experiences.[19] Users are quickly introduced to new drugs via this route. Potential users can scan through the forums and find information on virtually any compound.

Purchasing a designer drug may be as easy as conducting a web search or sending a private message or email to a "dealer" on the forum. An Internet search yields numerous websites selling these compounds.[20] Some of the websites belong to the manufacturer that synthesized the compound and is subsequently selling it, while others are warehouse-type retailers that purchase the drug from the manufacturer for resale. The amount of drug that can be purchased ranges from small amounts to kilogram quantities. Many of these websites have bulk pricing for wholesale level manufacturers. The websites constantly update their lists of stock to stay ahead of legislation all over the world. Some websites even provide links to state and federal legislation to help their consumers choose a drug that is not controlled in their area.

Public Safety

A DEA spokesperson also describes that, "Law enforcement is playing whack-a-mole, while abusers are playing Russian roulette. Users don't know what they're putting into their bodies." Just because the products are legal, does not mean they are safe. Acknowledging the lack of information on the pharmacology, toxicology, and safety of these substances is crucial to recognizing the public safety issue at hand. Despite the alleged positive experiences shown in videos posted on the Internet, there have been numerous, widely publicized incidents involving bizarre behavior, overdoses, and deaths associated with these substances. There is no information provided on the packaging about the true chemical composition of the product, so the recipients might not be consuming the chemical they believe they purchased.

Final Thoughts

By gaining awareness of the different products and chemicals that are available, the forensic science community, law enforcement, and legislators can be better prepared to address this wave of designer drugs. ❖

Notes:

[1]Merriam Webster Online, s.v. "designer drug," http://www.merriam-webster.com/dictionary/designer%20drug (accessed July 22, 2013).

[2]Public Information Officer, DEA Office of Congressional and Public Affairs, telephone interview with the author, May 17, 2013.

[3]United States Department of Justice. Drug Enforcement Administration National Forensic Laboratory Information System (NFLIS), http://www.deadiversion.usdoj.gov/nflis (accessed July 22, 2013).

[4]Kathyrn Bursch, "Is There a Spice Lab in Your Neighborhood? Explosion in Land O' Lakes May Lead to More Neighborhood Busts," *10 News —Tampa Bay,* July 26, 2012, http://www.wtsp.com/news/local/story.aspx?storyid=265674; and Chris Sweeney, "Fake Pot Industry Comes down from a Three-Year High," *Miami New Times,* September 13, 2012, http://www.miaminewtimes.com/2012-09-13/news/fake-pot-industry-comes-down-from-a-three-year-high (both accessed July 22, 2013).

[5]DEA Office of Diversion Control, "Schedules of Controlled Substances: Temporary Placement of Five Synthetic Cannabinoids into Schedule I," 76 Fed. Reg. 11075-11078 (March 1, 2011), http://www.deadiversion.usdoj.gov/fed_regs/rules/2011/fr0301.htm (accessed July 22, 2013).

[6]Food and Drug Administration Safety and Innovation Act, Part D, The Synthetic Drug Abuse Prevention Act of 2012, Pub. L. 112-144 (2012).

[7]In May 2013, DEA emergency scheduled UR-144, XLR11 (5-fluoro-UR-144), and AKB48. The emergency scheduling is effective for two years. This further demonstrates the ever-changing nature of the designer drug situation in the United States. DEA Office of Diversion Control, "Schedules of Controlled Substances: Temporary Placement of Three Synthetic Cannabinoids into Schedule I," 78 Fed. Reg. 28735-28739 (May 16, 2013). http://www.deadiversion.usdoj.gov/fed_regs/rules/2013/fr0516.htm (accessed July 22, 2013); methylone (3,4-methylenedioxy-N-methylcathinone) was permanently scheduled on April 12, 2013, http://www.deadiversion.usdoj.gov/fed_regs/rules/2013/fr0412_2.htm (accessed August 5, 2013).

[8]Mie Mie Aung et al., "Influence of the N-1 Alkyl Chain Length of Cannabimimetic Indoles upon CB1 and CB2 Receptor Binding,"*Drug and Alcohol Dependence* 60, no. 2 (August 2000): 133–140; and Alexandros Makriyannis, *cannabimimetic indole derivatives,* United States Patent 7241799 B2 (2007).

[9]Abbott Laboratories, *3-cycloalkylcarbonyl indoles as cannabinoid receptor ligands,* International Patent Application WO 2006/069196 A1 (2006).

[10]United States Department of Justice, Drug Enforcement Administration, National Forensic Laboratory Information System (NFLIS), *Special Report: Synthetic Cannabinoids and Synthetic Cathinones Reported in NFLIS, 2009-2010* (Springfield, Va.: Office of Diversion Control, 2011).

[11]Ibid.

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76 Fed. Reg. 65371-65375 (October 21, 2011), http://www.deadiversion.usdoj.gov/fed_regs/rules/2011/fr1021_3.htm (accessed July 22, 2013).

[13]The Synthetic Drug Abuse Prevention Act of 2012; and Alexander Shulgin and Ann Shulgin, *PiHKAL: A Chemical Love Story* (Berkeley: Transform Press, 1991).

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[15] Ibid.

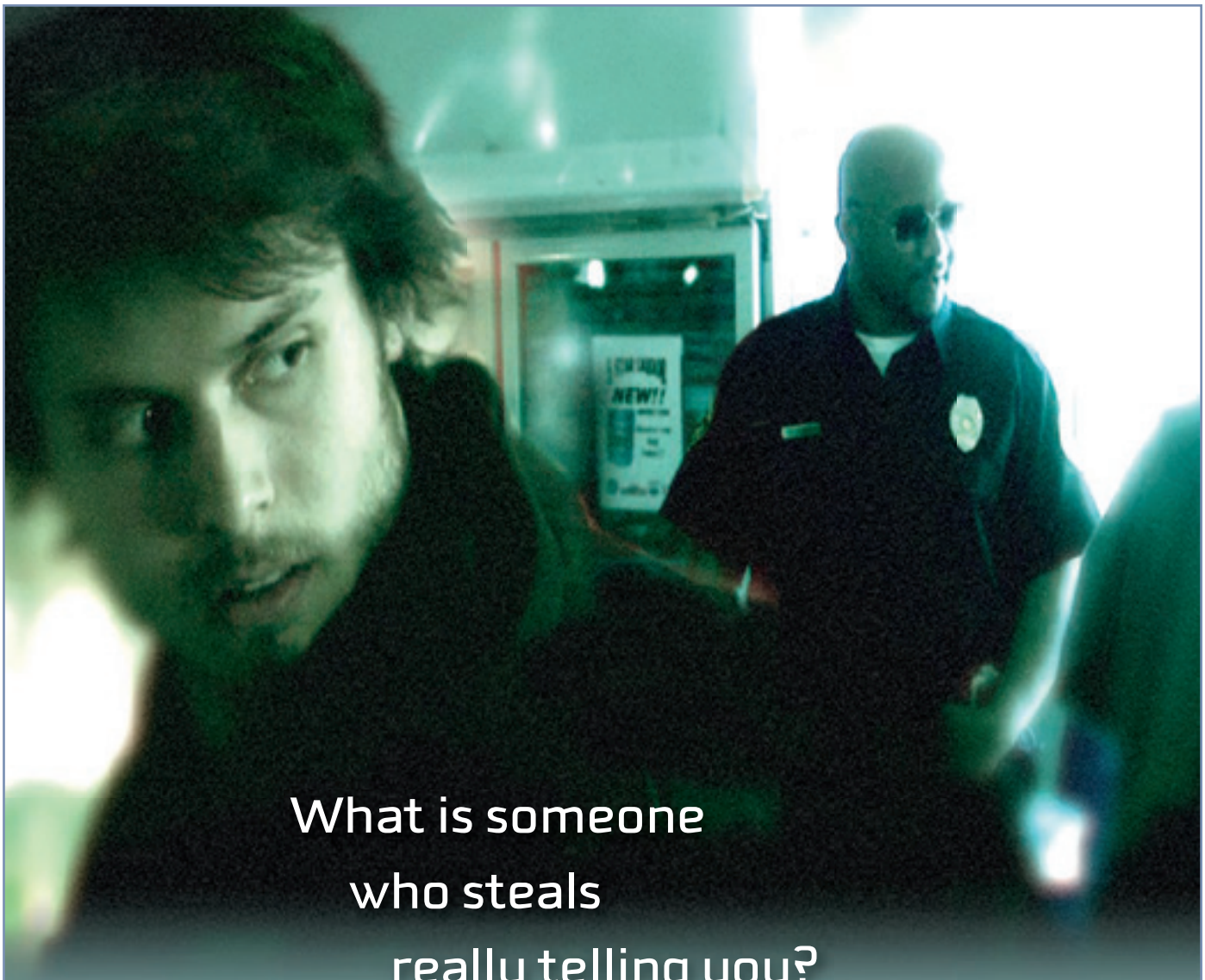
[16] John F. Casale and Patrick A. Hays, "Characterization of Eleven 2,5-Dimethoxy-N-(2-methoxybenzyl) phenethylamine (NBOMe) Derivatives and Differentiation from their 3- and 4-Methoxybenzyl Analogues Part – 1" *Microgram Journal* 9, no. 2 (December 2012): 84-109, http://www.justice.gov/dea/pr/microgram-journals/2012/mj9_84-109.pdf (accessed July 22, 2013).

[17]The Vaults of Erowid, "NBOMe Series Dose," www.erowid.org/chemicals/nbome/nbome_dose.shtml (accessed July 22, 2013). The information provided on this website is not the result of a scientific method of inquiry. The author cannot guarantee the accuracy of the information on this website.

[18]Ibid.

[19] Liana Fattore and Walter Fratta, "Beyond THC: The New Generation of Cannabinoid Designer Drugs," *Frontiers in Behavioral Neuroscience* 5 (September 2011) 60.

[20]Ibid.



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Incident-Based Reporting—The Foundation of Effective Police Operations and Management

By David J. Roberts, Senior Program Manager, IACP Technology Center, and Karen Lissy, MPH, Crime, Violence, and Justice Unit, RTI International

Law enforcement recordkeeping practices are critical tools in effective operations and management. From the earliest days of organized policing, officers have written incident reports that capture details regarding crimes, victims, offenders, suspects, locations, and the nature of injuries and losses. Incident reports provide the foundation for ongoing investigations and prosecutions, and supplemental reports (e.g., victim and witness statements, investigative notes, and evidence inventories) often contribute to the incident's case file.[1] In addition to individual incident reports and case files, police agencies have also maintained police registers or blotters, which typically provide summary details of reported incidents throughout their jurisdictions. Available to the press and the public, the police blotter provides a chronological record of incidents and police activities within a jurisdiction.

The raw data that are the natural product of law enforcement operations at state and local levels (e.g., incident reports, arrest reports, and field interviews) are the fundamental currency that drives case processing from investigation through prosecution and adjudication. Moreover, incident reports provide law enforcement administrators with crucial information to understand the nature of crime and criminality within their communities, as well as guide strategic planning and tactical deployment of increasingly scarce resources.

Advances in technology have enabled agencies to automate incident reporting, processing, crime mapping, and crime analysis. Automated records management systems (RMS) and computer-aided dispatch (CAD) applications are widely used today in law enforcement agencies of all sizes. Nearly all large police agencies reported using in-field computers or terminals by 2007 (99 percent of those serving jurisdictions of 250,000 or more residents), and even half of the smallest agencies reported using the technology (those serving jurisdictions with fewer than 10,000 residents).[2] Similarly, over 90 percent of departments serving jurisdictions with 25,000 or more residents reported using CAD systems, and a majority reported using computers for intelligence gathering, crime analysis, analyzing community problems, and crime mapping.

Automated incident reports have provided expansive new opportunities for crime analysis and have supported new models of policing. It is no coincidence that crime analysis as a field has expanded exponentially in concert with the increased availability of data in an electronic format. As RMS systems and incident reporting programs were computerized, it facilitated more rigorous analysis of a jurisdiction's incident data. No longer were departments limited to counting raw numbers, calculating descriptive statistics, or building manual pin-maps of incident locations. Building on operational information systems within the agency, chiefs and commanders could analyze and map crime in an almost infinite variety of ways. Time of occurrence, geographic location, modus operandi, and suspect and offender characteristics can be individually and simultaneously considered, plotted, or graphed for ease of interpretation, and the resulting analyses have helped to uncover trends, crime series, and neighborhood hot-spots. Moreover, the systems have supported new data-driven and evidence-based models of policing, including community policing, problem-oriented policing, intelligence-led policing, CompStat, and predictive policing.[3]

N-DEx

Beyond driving police management and operations, and supporting fundamental research on the changing nature of crime and criminality, automated incident-based reporting also supports information sharing for investigative purposes. The Law Enforcement National Data Exchange (N-DEx) program functions as a central U.S. repository of incident and case reports from law enforcement agencies and other data sources, and provides analytic tools to detect relationships between people, vehicles, property, locations, and/or crime characteristics.[4] N-DEx is designed to support active criminal investigations, enabling agencies to "detect relationships between people, vehicles/property, locations, and/or crime characteristics. It also supports multi-jurisdictional task forces—enhancing national information sharing, links between regional and state systems, and virtual regional information sharing."[5]

UCR and NIBRS

Local crime incident reporting also plays a vital role in generating crime statistics for the United States at the national level. The Uniform Crime Reporting (UCR) program and the National Incident-Based Reporting System (NIBRS) are operated by the Federal Bureau of Investigation and are cooperative statistical reporting initiatives that gather crime and arrest data from law enforcement agencies throughout the United States.[6] The UCR collects monthly submissions of aggregate crime and arrest reports from local, state, and tribal law enforcement agencies, while the NIBRS program collects detailed incident-based data on an expanded range of offenses.[7] The FBI publishes three annual reports—*Crime in the United States*, *Law Enforcement Officers Killed and Assaulted*, and *Hate Crime Statistics*—based

on the data reported in the UCR and NIBRS programs, and the underlying datasets are used extensively by other federal agencies and researchers throughout the United States and around the world.

Recognizing the limitations inherent in aggregate reporting in the summary UCR program, the Bureau of Justice Statistics (BJS) and the FBI funded a three-phased UCR redesign program in 1982, and began collecting NIBRS data in 1989.[8] While substantial progress has been made in the implementation of the NIBRS since the publication of the data reporting specifications by the FBI in 1988 and, subsequently, approximately 28 percent of the U.S. population was covered by NIBRS reporting agencies in 2011.[9]

A new initiative that is being led by the BJS, with support from the FBI and other Department of Justice agencies is under way. This initiative, called the National Crime Statistics Exchange (NCS-X), is undertaking research to extend the ability to report more detailed information about crime in the United States. The goal of the NCS-X is to increase the number of agencies that report data to the NIBRS program so that nationally representative estimates of crime, which are based on detailed incident data, can be generated. Research indicates that if an additional 400 scientifically selected law enforcement agencies could begin reporting NIBRS data, then nationally representative estimates regarding the nature of crime, criminality, victimization, and law enforcement operations could be generated from NIBRS—helping policy makers evaluate the needs of their communities, assess the impact of programs and initiatives, and guide public policy development and government investments.

A team of organizations, including the IACP, is working with the BJS and the FBI to begin the initial NCS-X research. Activities include reaching out to all 50 states to learn more about their state UCR and incident-based reporting programs, making initial contacts with the 400 sampled law enforcement agencies, and introducing the NCS-X to stakeholders in the law enforcement community. The benefit of the approach contemplated by the NCS-X program is that it leverages existing incident reporting programs and data standards to efficiently harvest automated, incident-based data to augment the NIBRS program for nationally representative estimates of crime. ❖

Notes:

[1]In addition to incident-based recordkeeping, police also create and maintain person-based criminal history records, documenting identifying characteristics and descriptive information of those arrested, charges filed, and biometric measures (such as fingerprints and mug shots). Inventories of seized and found property, pawn shop records, calls for service and dispatch records, traffic accidents, and so on, are also often created, managed, and retained.

[2]Brian A. Reaves, *Local Police Departments, 2007*, NCJ 23117, (Washington, D.C.: Bureau of Justice Statistics, December 2010), 24, http://bjs.ojp.usdoj.gov/content/pub/pdf/lpd07.pdf (accessed August 6, 2013). The Law Enforcement Management and Administrative Statistics (LEMAS) survey is conducted every three to four years by the Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice.

[3]See, for example, James H. Burch II and Michael Geraci, "Data-Driven Approaches to Crime and Traffic Safety," *The Police Chief* 76, no. 8 (July 2009): 18–23, http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display&article_id=1839&issue_id=72009 (accessed August 6, 2013); Charlie Beck and Colleen McCue, "Predictive Policing: What Can We Learn from Wal-Mart and Amazon about Fighting Crime in a Recession?" *The Police Chief* 76, no. 11 (November 2009): 18–24, http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=1942&issue_id=112009 (accessed August 6, 2013); U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, *Intelligence-Led Policing: The New Intelligence Architecture*, by Marilyn Peterson, for the International Association of Chiefs of Police, NCJ-210681 (September 2005), https://www.ncjrs.gov/pdffiles1/bja/210681.pdf (accessed August 6, 2013); Zach Friend, "Predictive Policing: Using Technology to Reduce Crime," *FBI Law Enforcement Bulletin* (April 9, 2013), http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/2013/April/predictive-policing-using-technology-to-reduce-crime (accessed August 9, 2013); "Predictive Policing: Don't Even Think About It," *The Economist* (July 20, 2013), http://www.economist.com/news/briefing/21582042-it-getting-easier-foresee-wrongdoing-and-spot-likely-wrongdoers-dont-even-think-about-it (accessed August 6, 2013); and Jessica Renee Napier, "Data Analytics Help Michigan Police Cut Crime: Web-based Dashboard Integrates Crime and Traffic Crash Data to Improve Operational Efficiency," *Government Technology* (July 30, 2013), http://www.govtech.com/data/Data-Analytics-Help-Michigan-Police-Cut-Crime.html?elq=98363b3df60f42de8cfa26b4675c7eff&elqCampaignId=4722 (accessed August 6, 2013).

[4]In addition to incident and case reports, N-DEx also collects booking and incarceration data, probation and parole information, traffic citations, narratives, photos, and supplemental reports. For more information about the N-DEx program, see "N-DEx Overview," http://www.fbi.gov/about-us/cjis/n-dex/ndex_overview (accessed August 9, 2013).

[5]FBI, "N-DEx: Law Enforcement National Data Exchange," http://www.fbi.gov/about-us/cjis/n-dex (accessed August 6, 2013).

[6]The Uniform Crime Reporting (UCR) program was conceived by the IACP 1929, and the FBI has operated it since 1930. In the late 1970s, the law enforcement community called for a thorough evaluation of the UCR program and recommended an expanded and enhanced data collection system that would meet the needs of 21st century law enforcement. To determine the workability of the proposed National Incident-Based Reporting (NIBRS), the South Carolina Law Enforcement Division tested the program. Participants at the national UCR conference in March 1988 approved the new system, and NIBRS was established in 1989.

[7]The UCR program collects information on eight index offenses (murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft of $50 or more, motor vehicle theft, and arson), while NIBRS collects offense and arrest information on 22 crime categories, spanning 46 offenses, and additional offenses for which only arrest information is reported. See, FBI, "Uniform Crime Reports," http://www.fbi.gov/about-us/cjis/ucr/ucr (accessed August 6, 2013).

[8]See Eugene C. Poggio et al., *Blueprint for the Future of the Uniform Crime Reporting Program: Final Report of the UCR Study* (Washington, D.C.: Bureau of Justice Statistics and Federal Bureau of Investigation, May 1985), https://www.ncjrs.gov/pdffiles1/bjs/98348.pdf (accessed August 6, 2013). FBI, *NIBRS Volume 1: Data Collection Guidelines* (Washington, D.C.: FBI, August 2000); FBI, *NIBRS Volume 2: Data Submission Specifications* (Washington, D.C.: FBI, November 2001); FBI, *NIBRS Volume 4: Error Message Manual* (Washington, D.C.: FBI, December 1999); and FBI, *NIBRS Conversion of NIBRS Data to Summary Data* (Washington, D.C.: FBI, December 2009).

[9]FBI, *Crime in the United States 2011*, http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/about-cius (accessed August 6, 2013)

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License Plates Yield Felony Arrests

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

The license plate remains a vital, cost-effective, and readily identifiable law enforcement tool. Every U.S. state and Canadian province mandates its display, and information concerning one is accessible to police officers in real time. Noncompliance with a jurisdiction's vehicle registration laws objectively provides probable cause to believe a violation is occurring and has been demonstrated time and again to be a gateway to clearing serious crimes. The basis for choosing this year's Looking Beyond the License Plate grand prize winner is a typical traffic stop for an expired license plate, which blossomed into the arrest of a methamphetamine distributor wanted by the U.S. Marshals Service, and clearly demonstrates the positive value of looking beyond the license plate during traffic stops.

The 3M Traffic Safety Systems Division has recognized the crucial role that license plates play in crime detection and has partnered with the IACP Highway Safety Committee since 1998 to recognize police officers who use license plates to solve serious, non-traffic crimes. Past grand prize winners have been responsible for the capture of one of the Commonwealth of Virginia's 10 Most Wanted Fugitives; the apprehension of one of the U.S. Marshals Service's 15 Most Wanted Fugitives in Canada; the prevention of a third homicide by an individual transporting two corpses in his vehicle's trunk; the arrest of two suspects involved in the armed robbery and attempted first-degree murder of a Maryland restaurant manager; the solution via the Washington, D.C., Metropolitan Police Department's license plate reader (LPR) system of six major cases in three months; the prompt arrest of the perpetrator of multiple, vicious abductions in northern Virginia; and the apprehension of Timothy J. McVeigh just 75 minutes after the 1995 bombing of the Murrah Federal Building in Oklahoma City, Oklahoma.

The IACP Highway Safety Committee unanimously selected Trooper Eric Randazzo, of the Pennsylvania State Police's Troop "N"—Swiftwater Station, as the grand prize winner of the 2013 Looking Beyond the License Plate award. On October 7, 2012, at approximately 6:50 p.m., Randazzo observed a motorcycle displaying what he confirmed to be a license plate that had expired in February 2007. Prior to the motorcycle's stopping, the trooper observed a clear plastic bag fall from the operator's person, subsequently recovered it, and believed the bag contained methamphetamine. The driver's license of the operator was determined to be suspended. The motorcyclist was arrested, waived his *Miranda* rights, and identified the residence at which he had purchased the methamphetamine. Randazzo initiated surveillance of the residence: twice in January 2013 he was able to stop vehicles leaving that residence, to recover methamphetamine on both occasions and a handgun on the first one, and to identify the alleged seller and resident. His investigation developed sufficient probable cause to apply for—and execute—a search and seizure warrant on January 27, 2013, where he seized crack cocaine, methamphetamine, materials used to weigh and package narcotics, and a safe containing $26,000. The resident was apprehended and subsequently was arrested by the U.S. Marshals Service on a federal probation violation relating to a possession with intent to deliver charge preferred by the U.S. Drug Enforcement Administration in the 1990s.

Six other police officers on four occasions were recognized by Highway Safety Committee judges to receive honorable mentions for their initiative in solving serious crimes via this fundamental tool, which is divorced from a driver's race, ethnicity, and sex:

- Trooper Wayne T. Brosam, Iowa State Patrol, initiated a traffic stop on February 17, 2013, for speed and registration violations. The 28-year-old male and 13-year-old female occupants of the vehicle were unable to positively identify themselves and provided different and conflicting information. The trooper reviewed his cruiser's video/audio system, which yielded a discussion between the two occupants concerning providing false names. The occupants were taken into custody, and Brosam's further inquiries revealed that the male had a permanent protective order against him in relation to the female and was being investigated by the Federal Bureau of Investigation. The Belcourt, North Dakota, Police Department actually was in the process of making computer entries relative to the female's being a missing person and the vehicle's being stolen and the issuing of an Amber Alert on the female.
- Trooper Sean W. Long, Missouri State Highway Patrol, on September 11, 2012, made a traffic stop on a pickup truck displaying only a single passenger car license plate on its front (in a two-plate state). While the driver was wanted for three felonies and two misdemeanors, stolen property in the truck cleared eight burglaries, including one in Kansas.
- Officers Adam M. Schur and Cheryl L. Hurley, Chicago, Illinois, Police Department, on November 27, 2012, stopped a newer-model pickup truck that was displaying an apparently-altered Indiana used-dealer license plate. Its female driver was unable to provide either insurance or registration information, and the vehicle identification number (VIN) of the truck was linked to an Indiana owner who advised he was in possession of his truck. The truck was impounded, and a later check of the confidential VIN revealed the truck had been stolen from a tire shop on October 9, 2012, by a person matching the description of the truck's passenger; that person subsequently was identified by the truck's owner from a

photo array as the person who had stolen keys to the tire shop and subsequently had driven away in the truck. The officers pursued this investigation, arresting the female driver on December 12, 2012, and the male passenger on January 2, 2013.

- Sergeant Robert J. Blain and Officer Jason Robles, Houston, Texas, Police Department's Homicide Unit, reviewed an apartment complex's video surveillance on August 15, 2012, and identified the front license plate number of a vehicle entering the complex just prior to the victim's murder. The vehicle was located at the address at which it was registered, staked out, and stopped after committing several traffic offenses. The driver identified the other four individuals involved in the homicide, and all five now have been charged with capital murder by firearms.

Numerous serious crimes, like those highlighted by the Looking Beyond the License Plate award program, are resolved daily by officers doing their utmost to safeguard those they have chosen to serve professionally. It is hoped that the remarkable efforts described here will inspire chiefs and officers alike to avail themselves of this existing resource in their specialized toolboxes to apprehend violent criminals and reduce crime.

Share with 3M and the IACP Highway Safety Committee those arrests based on license plates, and vie to become the 2014 grand prize winner and to be honored at the 121st Annual IACP Conference in Orlando, Florida, October 25–29, 2014.

Applications for 3M's 2014 Looking Beyond the License Plate award program must be based on actions occurring between June 1, 2013, and May 31, 2014. ❖

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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.

Deputy Sheriff David W. Wargo
Maricopa County, Arizona, Sheriff's Department
Date of Death: May 1, 2012
Length of Service: 7 years

Officer Rodney Thomas
New Orleans, Louisiana, Police Department
Date of Death: July 7, 2013
Length of Service: 8 years

Officer Robert "Bobby" Layden Hornsby
Killeen, Texas, Police Department
Date of Death: July 14, 2013
Length of Service: 4 years

Officer Bruce Jacobs
Jackson, Mississippi, Police Department
Date of Death: July 20, 2013
Length of Service: 5 years

Officer David Vanbuskirk
Las Vegas, Nevada, Metropolitan Police Department
Date of Death: July 22, 2013
Length of Service: 13 years, 9 months

Trooper Winston I. Martindale
New York State Police
Date of Death: July 24, 2013
Length of Service: 7 years

Corporal Thomas "Keith" Slay
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