

The Police Chief

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MARCH 2013

**Juvenile Justice and the Prevention
of Child Exploitation:**

Law Enforcement's Critical Role

Inside:

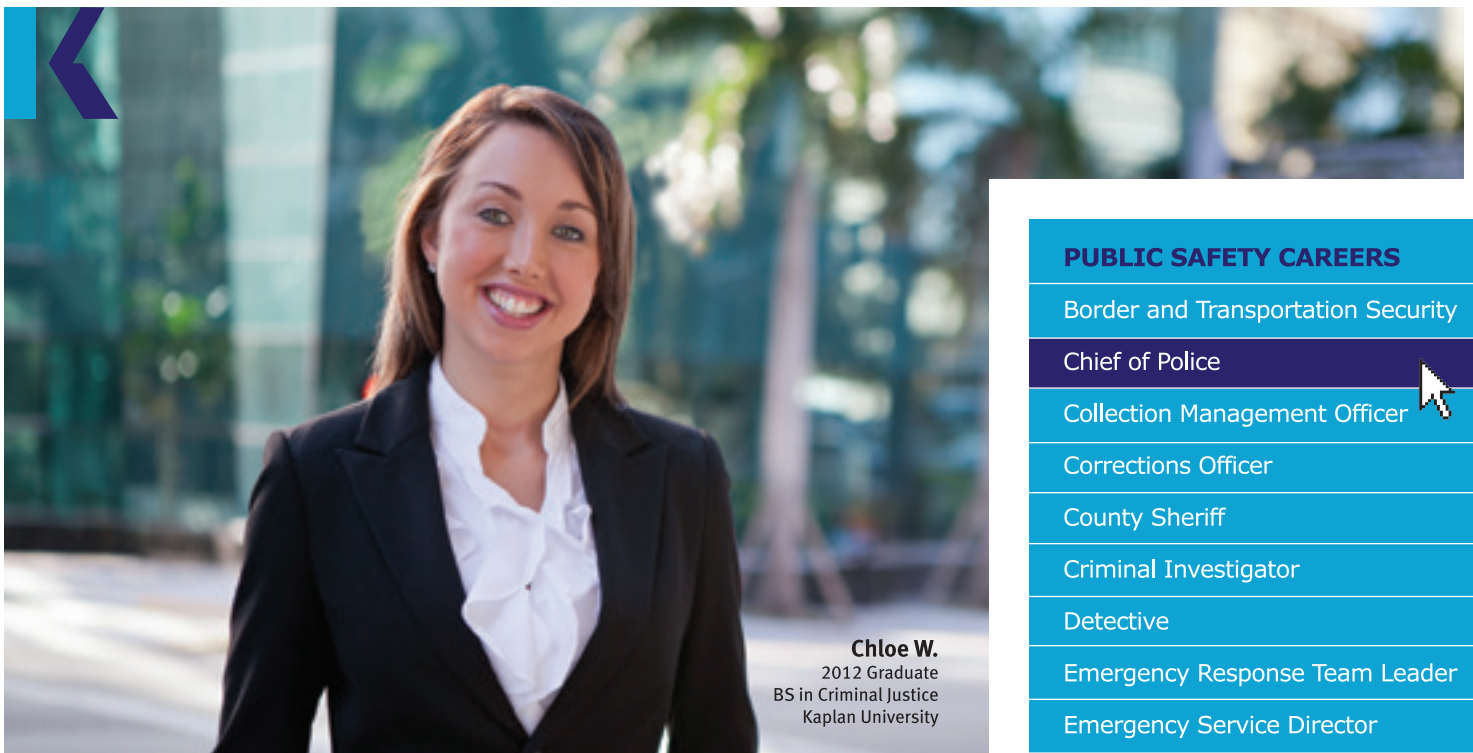
The FBI's Innocence Lost Initiative

Can Police Officers Be Effective
Mentors for At-Risk Youth?

How Multidisciplinary Teams Achieve
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How To: The Youth Assessment Model





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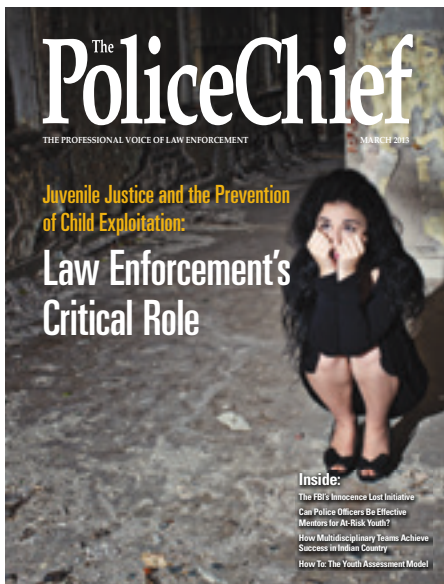
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Throughout the United States, violent crime has seen a marked reduction—reports of violent crime have decreased from 1.4 million in 2007 to 1.2 million in 2011. Even so, law enforcement must remain vigilant in its focus on increasing its ability to address juvenile victimization, delinquency, and crime from a holistic perspective. Police leaders must increase their focus on juvenile justice issues, encourage the development of innovative and effective prevention and intervention programs, educate law enforcement and others on pertinent juvenile justice issues, and improve law enforcement's effectiveness in promoting public safety.

The Police Chief

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Juvenile Justice and the Prevention of Child Exploitation

As a nation, the United States continues to lose its future as its youth are needlessly both victims and often the perpetrators of homicides. According to the Centers for Disease Control and Prevention, an average of 13 young people aged 10 to 24 are victims of homicide each day. This is a statistic we cannot ignore.

Increasingly, U.S. youth are exposed to violence on a daily basis—including through the rising number of mass shootings such as the horrific event that occurred in Newtown, Connecticut, on December 14, 2012. As we explore ways to prevent the horrific active shooter incidents that have occurred in Aurora, Colorado; Oak Creek, Wisconsin; and Newtown, we must also look at ways to mitigate the day-to-day violence in our communities through adequate state and local law enforcement resources, tougher laws, and strengthened programs.

A 2009 Department of Justice study showed that more than 60 percent of the children surveyed were exposed to violence within the past year either directly or indirectly. Children's exposure to violence, whether as victims or as witnesses, is often associated with long-term physical, psychological, and emotional harm and puts them at a higher risk of engaging in criminal behavior later in life and becoming part of a cycle of violence. We also know that, among homicide victims ages 10 to 24 years old in 2010, 82.8 percent were killed with a firearm. As police leaders, it is our responsibility to make sure that these statistics are reduced.

Coupled with the IACP's work to reduce firearms violence, we also are working to reduce youth-involved violence. From youth brain development to adverse childhood experiences to children exposed to trauma and violence, there is a new movement to gain better outcomes for children, youth, and communities in public safety as well as in public health by incorporating knowledge of child and youth development and trauma-informed practices into policing.

In recent years, the IACP has been developing Youth Focused Policing (YFP), a proactive intervention strategy to enable police to intervene with youth to reduce crime, victimization, long-term health and criminal justice costs, and prolonged involvement in the crimi-

nal justice system. IACP's YFP Resource Center, accessible at <http://www.IACPYouth.org>, contains information and resources to assist law enforcement in delivering YFP within their communities. This includes providing training and incorporating best practices to transform organizational culture and agency performance measurements.

Further, the IACP, in partnership with the MacArthur Foundation, has begun a multiyear initiative called Law Enforcement's Leadership Role in the Advancement of Promising Practices in Juvenile Justice. The goal of this initiative is to increase the leadership role of state and local law enforcement executives to effectively address systemic juvenile justice issues as well as improve local responses to juvenile offenders. In support of this goal, the IACP is conducting a survey to gather information about law enforcement leaders' knowledge of and attitudes about the juvenile justice system, assess collaboration with community juvenile justice partners, and learn about resources available locally to respond to juvenile offenders.



***Craig T. Steckler, Chief of Police,
Fremont, California,
Police Department***

In September of this year, with the results of the survey in hand, the IACP will be holding a National Policy Summit on Juvenile Justice. The two-day summit will bring together a diverse cross section of juvenile justice system stakeholders to work together to explore key juvenile justice issues, consider ways to improve law enforcement leadership in juvenile justice reform, and craft a national strategy for enhancing response across the juvenile justice spectrum. The IACP will then take the information gathered from both the survey and the summit and will develop an intensive Leadership Institute on Juvenile Justice, open to all IACP members, reflecting the issues and needs identified.

The IACP is moving ahead by building training and resources for law enforcement on how to identify and respond to children exposed to violence. The IACP is working in partnership with the National Center for Children Exposed to Violence/Childhood Violent Trauma Center at the Yale Child Study Center in New Haven, Connecticut, where law enforcement and Yale's mental health professionals first forged an innovative and successful partnership more than 20 years ago. The IACP, with support from the U.S. Department of Justice, will promote the creation of these partnerships between law enforcement and mental health providers not only for the benefit of children and communities but also because such partnerships lead to an increase in job effectiveness and satisfaction for officers.

Amid all of the IACP's new and ongoing initiatives related to juvenile justice and child protection, at the start of my IACP presidency, I appointed a new chair for the IACP's Juvenile Justice Committee, New Haven Chief Dean Esserman. In addition, the IACP's Executive Committee unanimously agreed to adopt a new committee name of Juvenile Justice and Child Protection Committee to better reflect the distinct but related topic areas. It is exciting for me to share with you the IACP's efforts in the area of juvenile justice and child protection. I believe the vital role we, as law enforcement officers, have while interacting with children and youth cannot be underestimated or overstated. ♦

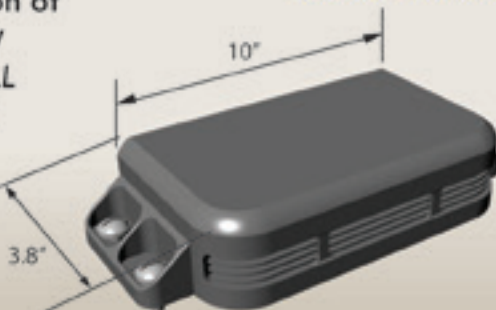


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IACP Partners with White House to Seek Law Enforcement Leadership Perspective on Immigration Reform

By Meredith Ward, Manager,
Legislative and Media Affairs

In February, the IACP partnered with the Obama administration to gather law enforcement leaders to discuss immigration reform. The first of several “listening tour” meetings was held at the White House and included 35 state and local law enforcement leaders including representatives from the major law enforcement organizations.

IACP President Craig Steckler, chief of the Fremont, California, Police Department, made opening comments to set the tone for the meeting. He also referenced IACP’s 2007 report *Police Chiefs Guide to Immigration Issues*. President Steckler expressed the IACP’s continuing support of these discussions to ensure the voice of law enforcement is clearly heard as immigration legislation or policy reform proceeds. Additionally, IACP Research Center Directorate Director John Firman led a panel discussion on the state and local law enforcement immigration perspective, including the immigrant community, the impact on law enforcement, concerns and opportunities, relationships with federal agencies, and law enforcement roles and responsibilities. Panelists were Sheriff Leroy Baca, Los Angeles County, California; Chief Tom Manger, Montgomery County, Maryland Police Department; and Colonel Tom L’Esperance, Director, Vermont State Police.

Department of Homeland Security (DHS) Secretary Janet Napolitano gave keynote remarks and discussed several issues that need to be addressed including securing the border, a pathway to earned citizenship, addressing illegal immigrants who commit violent crimes, and ways to improve law enforcement’s relationship with the immigrant community.

Secretary Napolitano and other administration representatives including Alan Bersin, DHS

assistant secretary of international affairs and chief diplomatic officer; Cecelia Munoz, director of the White House Domestic Policy Council; and Tony West, acting associate attorney general stated that this initial meeting was the beginning of a dialogue and that they would ensure that law enforcement’s opinions and issues are heard and addressed.

The IACP Endorses ATF Nominee

IACP President Steckler recently expressed support of the nomination of B. Todd Jones to serve as the next director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). The ATF has been without a permanent director for six years, and the IACP believes it is imperative that this change.

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

The IACP Supports VAWA

The IACP recently expressed support for S. 1925, the Violence Against Women Reauthorization Act (VAWA) of 2012. The IACP has been a proud supporter of VAWA since it was first passed in 1994 and maintains a strong commitment to prevent violence against women.

Law enforcement must have the tools, the support, and the training available to help prevent these horrific crimes. With additional tools, we can continue to build stronger cases that will lead to a higher prosecution and conviction rate and continue to shed light on these oftentimes hidden crimes.

The legislation was passed in the Senate in late February and awaits action in the House of Representatives.

The IACP Supports the Assault Weapons Ban Legislation

The IACP recently announced support for S. 150, the Assault Weapons Ban of 2013. Sponsored by Sen. Dianne Feinstein (D-CA), the legislation prohibits the sale, the manufacture, the transfer, and the importation of 157 of the most commonly owned military-style assault weapons. It also bans an additional group of assault weapons that can accept a detachable ammunition magazine and have one or more military characteristics. The bill also bans high-capacity magazines and other ammunition feeding devices that hold more than 10 rounds of ammunition and includes an exemption for current and retired law enforcement.

The legislation provides an exemption for the following:

- More than 2,200 legitimate hunting and sporting rifles by specific make and model
- Any gun manually operated by bolt, pump, lever, or slide action
- Weapons used by military, law enforcement, and retired law enforcement

Additionally, the bill requires background checks on all future transfers of assault weapons covered by the legislation; requires that grandfathered assault weapons be stored safely using a secure gun storage or safety device in order to keep them away from prohibited persons; and prohibits the sale or transfer of high-capacity ammunition feeding devices currently in existence.

Assault weapons are routinely the weapons of choice for gang members and drug dealers. They are regularly encountered in drug busts and are all too often used against police officers. The IACP has been a strong supporter of the assault weapons ban since 1992, and IACP membership has approved several reauthorizations of support in the years since then. ❖

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The Mosaic Theory and Electronic Public Safety Technology

By Mark H. Newbold, Deputy City Attorney—Police, Charlotte-Mecklenburg Police Department, Charlotte, North Carolina

Everyone has heard of the saying that “the whole is greater than its parts.” The mosaic theory attempts to apply this basic proposition to the Fourth Amendment. Generally speaking, what a person puts into the plain view of the public is not considered to be protected under the Fourth Amendment.¹ If an officer could have manually conducted surveillance of an individual while that person moves about on a public thoroughfare, then the Fourth Amendment arguably is not implicated and the officer would not have to obtain a warrant. However, under the mosaic theory, the continuous and persistent electronic surveillance by police of a person even in a public area does in fact implicate the Fourth Amendment because the cumulative data obtained by heightened surveillance creates a much more detailed and comprehensive picture of the subject—a picture that actual physical surveillance could never construct, which includes or excludes highly personal and confidential habits that the individual and some sections of society consider as an invasion of a person’s privacy and autonomy.

Following is a review of the mosaic theory and its current viability as constitutional theory that may be raised in the future.

The History and Development of the Mosaic Theory

The mosaic theory was adopted by the Eleventh Circuit Federal Court of Appeals in *United States v. Maynard*, 615 F.3d 544, 560 (D.C. Cir. 2010). Interestingly, Frederick Maynard was a codefendant of Antoine Jones, the defendant in the landmark U.S. Supreme Court case of *United States v. Jones*, 132 S. Ct. 945 (2012), wherein Jus-

tice Antonin Scalia revived the ancient precedent that the Fourth Amendment attaches any time the government physically trespasses upon a person, a house, a place, or an effect.²

Unlike the Supreme Court in *Jones*, the court in *Maynard* took a position on the effect of pervasive and continuous surveillance via a global positioning system (GPS) tracking device on a person’s right to privacy. Ironically, the mosaic theory was not raised by criminal defendants who had come under intense electronic scrutiny. Instead, the government first broached the theory as justification for not responding to Freedom of Information Act requests.

The Supreme Court addressed the distinction between a whole and the sum of its parts in United States Department of Justice v. National Reporters Committee, 489 U.S. 749 (1989), which arose not under the Fourth Amendment but under the Freedom of Information Act, 5 U.S.C. § 552. There the respondents had requested, pursuant to the FOIA, that the FBI disclose rap sheets compiling the criminal records of certain named persons. Although the “individual events in those summaries [were] matters of public record,” the Court upheld the FBI’s invocation of the privacy exception to the FOIA, holding the subjects had a privacy interest in the aggregated “whole” distinct from their interest in the “bits of information” of which it was composed. *Id.* at 764. Most relevant to the Fourth Amendment, the Court said disclosure of a person’s rap sheet “could reasonably be expected to constitute an unwarranted invasion of personal privacy.”³

In addition, the court in *Maynard* adopted the government’s reasoning in refusing to release snippets of national security information, which, if analyzed piecemeal, appear to be innocuous: “As with the ‘mosaic theory’ often invoked by the government in cases involving national security information, ‘What may seem trivial to the

uninformed, may appear of great moment to one who has a broad view of the scene.’”⁴

The court in *Maynard* then applied the mosaic theory to persistent and continuous electronic monitoring by police of a subject’s movements by means of a GPS tracking device. Unlike the court in *Jones*, the *Maynard* court did not resurrect the doctrine of physical trespass but instead inserted the mosaic theory as the source of establishing a protected privacy interest.

*Prolonged surveillance reveals types of information not revealed by short-term surveillance, such as what a person does repeatedly, what he does not do, and what he does ensemble. These types of information can each reveal more about a person than does any individual trip viewed in isolation. Repeated visits to a church, a gym, a bar, or a bookie tell a story not told by any single visit, as does one’s not visiting any of these places over the course of a month. The sequence of a person’s movements can reveal still more; a single trip to a gynecologist’s office tells little about a woman, but that trip followed a few weeks later by a visit to a baby supply store tells a different story. A person who knows all of another’s travels can deduce whether he is a weekly church goer, a heavy drinker, a regular at the gym, an unfaithful husband, an outpatient receiving medical treatment, an associate of particular individuals or political groups—and not just one such fact about a person, but all such facts.*⁵

The *Maynard* court distinguished itself from the holding in *Katz* and reasoned that persistent and continuous surveillance is not the same as putting oneself into the plain view of the public. In

[a]pplying the foregoing analysis to the present facts, we hold the whole of a person’s movements over the course of a month is not actually exposed to the public because the likelihood a stranger would observe all

those movements is not just remote, it is essentially nil. It is one thing for a passerby to observe or even to follow someone during a single journey as he goes to the market or returns home from work. It is another thing entirely for that stranger to pick up the scent again the next day and the day after that, week in and week out, dogging his prey until he has identified all the places, people, amusements, and chores that make up that person's hitherto private routine.⁶

Although not adopted by the court in *Maynard*, a similar theory was discussed by the U.S. Supreme Court in *City of Ontario, California v. Quon*, 130 S. Ct. 2619, 2630 (2010). In *Quon*, a government employer reviewed numerous personal text messages sent by an employee to determine whether the employee was improperly using the device. Although not essential to its decision, the Court noted and recognized that the review of cumulative electronic data stored on a third-party server may require constitutional protection because a wholesale review might impinge on a combination of privacy interests and the use of the device as a means of self-expression: "[C]ell phone and text message communications are so pervasive that some persons may consider them to be essential means or necessary instruments for self-expression, even self-identification. That might strengthen the case for an expectation of privacy."⁷

The Mosaic Theory after *Jones*

Did the U.S. Supreme Court all but kill the mosaic theory in its ruling in *Jones v. United States*? In this writer's view, the answer is no. Justice Scalia clearly recognized that the police practice of continuous and pervasive electronic surveillance may implicate the Fourth Amendment: "It may be that achieving the same result through electronic means, without an accompanying trespass, is an unconstitutional invasion of privacy, but the present case does not require us to answer that question."⁸ Justice Scalia notes further in his response to Justice Samuel Alito and Justice Sonia Sotomayor's position:

The concurrence posits that "relatively short-term monitoring of a person's movements on public streets" is okay, but that "the use of longer term GPS monitoring in investigations of most offenses" is no good. That introduces yet another novelty into our jurisprudence. . . . We may have to grapple with these "vexing problems" in some future case where a classic trespassory search is not involved and resort must be had to Katz analysis; but there is no reason for rushing forward to resolve them here.⁹

Conclusion

A decade ago, no one could have predicted the exact course high-tech surveillance would take in the realm of law enforcement. Advancements in technology—particularly in electronic surveillance—are nothing new to law enforcement. After all, the eavesdropping device used in *Katz* to monitor a conversation in a public

phone booth was no doubt considered high tech at that time.

Law enforcement should and must take advantage of any and all technology that assists in crime prevention and suppression. At the same time, there is no doubt that the use of high-tech surveillance is a subjective privacy concern to some. As security cameras, license plate readers, and shot spotters are installed and linked to each other—not to mention other private and governmental databases—there will be increased discussion in the public sector as to what if any restrictions should be implemented to protect personal integrity. This increased concern certainly will meet the first requirement in establishing a reasonable expectation of privacy as set forth under *Katz*.

In addition, the increased recognition by society of an evolving privacy interest when there is persistent and continuous governmental surveillance is closely approaching *Katz's* second prong in establishing an expectation of privacy recognized by society. Further, there is language within *Katz* that the court could draw from in support that continuous and pervasive surveillance may deprive someone of a reasonable expectation of privacy: "reasonable expectations of privacy may be defeated by electronic as well as physical invasion."¹⁰

In the absence of guidance from the court, law enforcement can expect restrictions—some of them overly restrictive—to be imposed by local and state initiatives. For example, at least two state bills have been recently introduced restricting the use of drones for surveillance purposes.¹¹ Also, at least one major city recently received scrutiny from its city council as to the use and placement of its security cameras.¹²

The law enforcement community—including associated lawyers—must continue to lead the public conversation on the use of public safety electronic technology. Otherwise, its fate will be left in the hands of others. Simply pushing out a directive that requires the officer to comply with constitutional principles and state statutes is inadequate. Instead, a transparent and public discussion needs to occur in addition to specific guidance to officers. People tend to fear what they do not understand, and that fear provides a platform for small vocal groups that wish to implement unrealistic restrictions on law enforcement. Internal regulations that specifically restrict the length of data retention and the regular purging of data unrelated to legitimate public safety concerns are excellent starting points.

In addition, heightened restrictions need to be implemented when monitoring First Amendment activities. The First Amendment adds both associational and expressive rights to the mosaic theory. The public discussion should also address issues related to the use of electronic surveillance in predictive analysis. Consideration should be given to establishing an acceptable balance of the benefits of predictive analysis against wholesale collection of data that may impinge on privacy rights, personal autonomy concerns, and associational and expressive interests. ♦

Notes:

¹See the oft quoted concurring opinion offered by Justice Harlan in *Katz v. United States*, 389 U.S. 347, 361 (U.S. 1967), wherein he puts forth the two-part test that later emerges into the concept of reasonable expectation of privacy: "The question, however, is what protection it affords to those people. Generally, as here, the answer to that question requires reference to a 'place.' My understanding of the rule that has emerged from prior decisions is that there is a twofold requirement, first that a person have exhibited an actual (subjective) expectation of privacy and, second, that the expectation be one that society is prepared to recognize as 'reasonable.' Thus a man's home is, for most purposes, a place where he expects privacy, but objects, activities, or statements that he exposes to the 'plain view' of outsiders are not 'protected' because no intention to keep them to himself has been exhibited. On the other hand, conversations in the open would not be protected against being overheard, for the expectation of privacy under the circumstances would be unreasonable." See also *Smith v. Maryland*, 442 U.S. 735, 744 (U.S. 1979), wherein it is noted "[t]his Court has held repeatedly that the Fourth Amendment does not prohibit the obtaining of information revealed to a third party and conveyed by him to Government authorities, even if the information is revealed on the assumption that it will be used only for a limited purpose and the confidence placed in the third party will not be betrayed."

²See *United States v. Jones*, 132 S. Ct. 945, 950 (U.S. 2012), wherein the court reasoned that "[a]t bottom, the Court must 'assur[e] preservation of that degree of privacy against government that existed when the Fourth Amendment was adopted.' [quoting *Kyllo*, *supra* v. *United States*, 533 U.S. 27], at 34. As explained, for most of our history the Fourth Amendment was understood to embody a particular concern for government trespass upon the areas ('persons, houses, papers, and effects') it enumerates."

³*United States v. Maynard*, 615 F.3d 544, 561 (D.C. Cir. 2010).

⁴*Id.* at 562, quoting *CIA v. Sims*, 471 U.S. 159, 178 (1985).

⁵*Maynard*, 615 F.3d at 562.

⁶*Id.*

⁷*City of Ontario, California v. Quon*, 130 S. Ct. 2619, 2630 (2010).

⁸*United States v. Jones*, 132 S. Ct. 945, 954 (U.S. 2012).

⁹*Id.*

¹⁰*Katz*, at 389 U.S. at 362.

¹¹See Florida's Senate Bill 92 at <http://www.flsenate.gov/Session/Bill/2013/0092/BillText/c1/PDF>. See also Virginia Senate Bill 954 at <http://lis.virginia.gov/cgi-bin/legp604.exe?131+ful+SB954> (both accessed January 24, 2013).

¹²See Ray Reyes, "Tampa Council Put Off Fate of RNC Surveillance Cameras," *Tampa Tribune*, September 21, 2012, <http://www2.tbo.com/news/breaking-news/2012/sep/21/memeto2-tampa-council-to-discuss-fate-of-rnc-surve-ar-508116/> (accessed January 23, 2013), for a discussion of interactions between police, city administrators, and elected officers as to the fate of cameras used for the 2012 Republican National Convention.

RESEARCH IN BRIEF

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

Which Shift Is Best?

By Karen Amendola, PhD, Chief Operating Officer, Division of Research, Evaluation, and Professional Service, Police Foundation, Washington, D.C.

New findings hold promise for agencies concerned about budgets and officer wellness. Data from a study conducted by the Police Foundation show that 10-hour shifts offer cost savings and other benefits over traditional 8-hour shifts. Officers who work traditional 8-hour shifts worked significantly more overtime—on average five times more—than officers working alternative 10-hour shifts.

In addition to saving overtime expenses, 10-hour shifts also offer other advantages, including more sleep per night and higher job satisfaction. The data come from *The Shift Length Experiment: What We Know About 8-, 10-, and 12-Hour Shift Schedules in Policing*, a publication stemming from a study funded by the National Institute of Justice. This study was the first comprehensive, randomized experiment of compressed workweeks in law enforcement. For more information, visit <http://www.policefoundation.org/content/shift-length-experiment> (accessed February 11, 2013).

The study was designed to test the impacts of three shift lengths (8-, 10-, and 12-hour) on performance, health, safety, quality of life, sleep, fatigue, alertness, off-duty employment, and overtime among police.

In addition to the scientifically rigorous research design and methodology, the number of measures the team used to analyze the impact of shift length makes this study one of the most comprehensive ever undertaken. The outcome measure data included departmental data, laboratory simulations and exercises, and previously validated self-report instruments. The experiment was conducted in the Detroit, Michigan; and Arlington, Texas, police departments between January 2007 and June 2009.

The Findings

Ten-hour shifts have advantages over 8-hour shifts. Ten-hour shifts appear to offer some advantages over 8-hour shifts, both individually and organizationally, with no noted

disadvantages. For example, those officers working 10-hour shifts got significantly more sleep per night (more than half an hour more) than those on 8-hour shifts and had a significantly higher quality of work life. Also, those on 10-hour shifts worked the least amount of overtime of the three groups, potentially resulting in cost savings.

The benefits of 10-hour shifts do not extend to 12-hour shifts. Although it may be expected that some advantages associated with 10-hour shifts would inure to those on 12-hour shifts, researchers did not find that in this study. For example, while those on 10-hour shifts got significantly more sleep than those on 8-hour shifts, the same was not true for those on 12-hour shifts. Also, those on 10-hour shifts had a higher reported quality of work life than those on 8-hour shifts, but those on 12-hour shifts did not. While officers on 12-hour shifts worked less overtime than those on 8-hour shifts, they still worked more than those on 10-hour shifts.

Twelve-hour shifts may pose safety risks to officers and the public. While shift length did not impact safety (for example, driving and reaction time), those assigned to 12-hour shifts had significantly lower average levels of alertness at work and were more sleepy than those on 8-hour shifts—something that was not true for those on 10-hour shifts. Because some sleep scientists assert that people underestimate their fatigue levels, the latter two findings should be concerning.

Eight-hour shifts may be more costly than organizations realize. Officers assigned to 8-hour shifts worked significantly more overtime than those on 10- or 12-hour shifts. In our study, officers assigned to 8-hour shifts worked more than five times as much overtime per two-week period (5.75 hours) as those on 10-hour shifts (0.97 hours), and more than three times as much as those on 12-hour shifts (1.89 hours).

Shift length did not have a significant impact on any of our measures of performance, safety, work-family conflict, or health. Performance and safety measures such as interpersonal interactions, shooting skills, risky driving behaviors, reaction time, fatigue, and self-initiated departmental activity were not impacted by shift length.

The groups did not differ with regard to work-family conflict. During the six-month period in which officers were assigned to the experimental conditions, researchers did not

detect differences across groups in terms of sick leave taken, stress experienced, increased cardiovascular problems, or gastrointestinal problems.

Conclusion

There do not appear to be any significant health, safety, or performance problems associated with compressed workweek schedules in policing. Indeed, the implementation of 10-hour shifts may be a viable alternative to traditional 8-hour shifts considering the findings of this study. The benefit of additional sleep on the 10-hour shift could potentially improve health, increase safety, and reduce sleep disorders.

It is important to note, however, that the benefits associated with 10-hour shifts did not inure to the 12-hour shifts. Although the study did not reveal any significant effects associated with objective measures of fatigue across shifts, the implementation of 12-hour shifts should be done only after careful consideration of some of the potential concerns.

Limitations of this study include lack of information regarding the methods and costs associated with implementation of compressed schedules, and the low level of reliability for driving and shooting simulation exercises. Future research should examine the impact of overtime hours on fatigue, safety, and performance and on ways to more effectively regulate hours of work in policing. ♦

Action Items

1. Reference the full study to learn more about shift schedules in policing: <https://www.ncjrs.gov/pdffiles1/nij/grants/237330.pdf> (accessed February 11, 2013).
2. Assess your agency's shift schedule and determine if 10-hour shifts should be implemented in your department.

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



Sprint



Award criteria focus on:

Leadership

Demonstration that research efforts are an organizational priority, endorsed and promoted by the agency leadership

Partnerships

Explanation of the nature of the agency relationship with internal and external partners (especially universities, governmental and non-governmental research agencies, community organizations, volunteers, and other justice system components)

Uniqueness of Research

Demonstration that the agency has addressed a research problem of pressing importance involving a unique approach that yields actionable recommendations

Quality of Research

Evidence that the research employs rigorous methods of inquiry designed to provide practical solutions

Influence of Research Findings

Description of the impact of the research findings on agency activities, the community, and/or the profession of law enforcement

2013 IACP EXCELLENCE IN LAW ENFORCEMENT RESEARCH AWARD

The IACP and Sprint are pleased to announce the 2013 Excellence in Law Enforcement Research Award to recognize law enforcement agencies that demonstrate excellence in initiating, collaborating on, and employing research to improve police operations and public safety. The goal of this award program is to promote the value of effective research, especially research achieved through partnerships among law enforcement agencies and researchers.

All law enforcement agencies worldwide (private corporations or individuals excluded) can compete for the award by submitting a description of their research and its impact on the agency, community, and the profession of law enforcement. Judges will take agency size and capacity into consideration when selecting finalists. Three awards are given annually- gold, silver and bronze. Two representatives from each winning agency will be provided complimentary conference registration, transportation and lodging at IACP's Annual Conference, where an event to recognize the winning agencies will be held.

To enter, law enforcement agencies must submit a nomination packet, which must be postmarked no later than June 29, 2013, to the IACP.

To learn more about this award, please visit www.theiacp.org; go to *About*, then *Awards* where you can find details on criteria, instructions for applying, and the application form. Contact us at racaward@theiacp.org.



Serving the Leaders of Today, Developing the Leaders of Tomorrow

Data from Officer Deaths Can Inform Improved Safety Measures

By Kevin T. Maass, Center for Officer Safety and Wellness, IACP

In 2012, the law enforcement community laid to rest 54 fellow officers who were killed feloniously. Despite the tragedy in every incident, it is important that the circumstances surrounding these murders are reported and reviewed. The situational information about each incident can provide insight that may assist in dictating future law enforcement policies and procedures to prevent the loss of more officers.

Place and Time

In 2012, 28 states and 2 territories saw at least one officer murdered as a result of felonious killing; however, no state reported more than three officer murders during this time period (excluding the territory of Puerto Rico). The reports revealed that nearly half of all law enforcement killings occurred in the southern region of the United States (26 killings), concentrated in the south Atlantic division (12 killings).

The time of day in which the murders took place was nearly even between day and night occurrences. During the nighttime (8:01 p.m.–8:00 a.m.), 25 officers were killed by assailants; the daytime added only four more killings to that total.

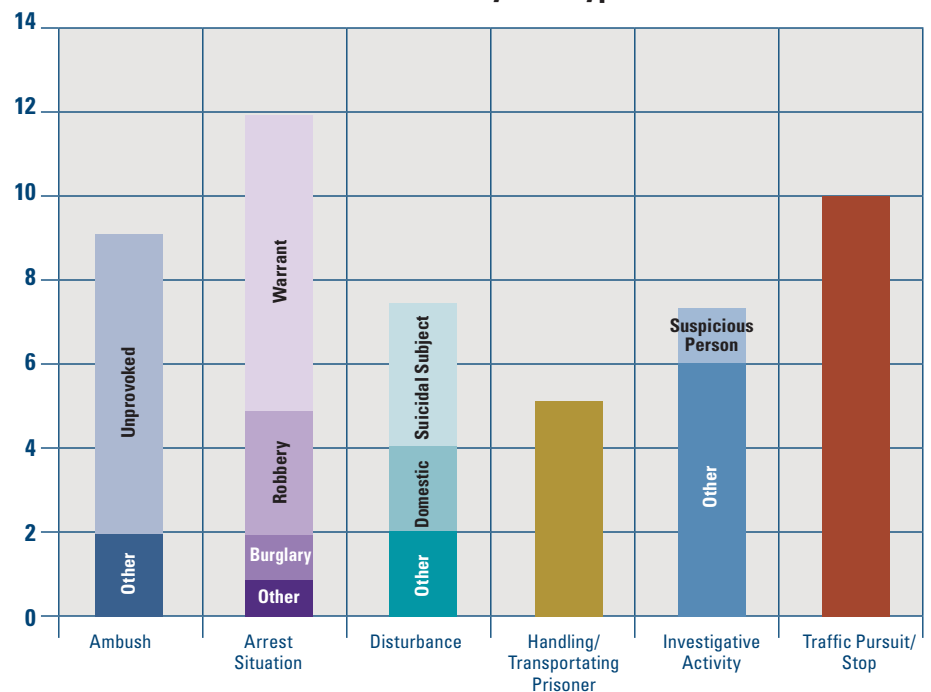
Call Type

One of the most valuable pieces of information recorded for these incidents is the call type that ended with an officer's death. The number one call type resulting in a fatality by an assailant was incidents in which an officer was responding to arrest situations, including warrants (12 murders). During 2012, instances involving traffic pursuit or stops resulted in the murder of 10 officers. Unprovoked ambushes by assailants resulted in the felonious killings of 7 officers.

Officer Demographics

A total of 9 female and 45 male law enforcement officers were murdered in 2012. Although

Officers Killed by Call Type, 2012



the average age of the officer was 38.19 years old, almost half were under the age of 35. Only two officers were killed while off duty; however, these officers were continuing their work in some capacity or were killed because of their association to law enforcement. Another valuable characteristic available within the data is the years of service provided by these officers. Despite the average officer spending close to 11 years within the law enforcement community, 29 of 53 officers (54.7 percent) had fewer than 10 years of service; of those 29, only 14 had between 1 and 5 years of experience.

Assailant Demographics

In 2012, all assailants were men with an average age slightly older than 31 years; however, a majority (57.4 percent) was under the age of 30. Of these assailants, 20 died before charges could even be filed (12 were killed by police officers and

8 took their own lives). Nineteen assailants were charged with murder or under murder-related statutes, and only two assailants were at large.

Weapon Used

The weapon used by the assailant to murder a police officer is an important statistic, as it can assist in specific policies that will combat future felonious killings. Firearms were the most commonly used weapons to murder police; nearly 80 percent of all deaths involved a gun. Among assailants who used a firearm, two-thirds gunned down police with a handgun and slightly more than 20 percent used a rifle or semiautomatic rifle.

Conclusion

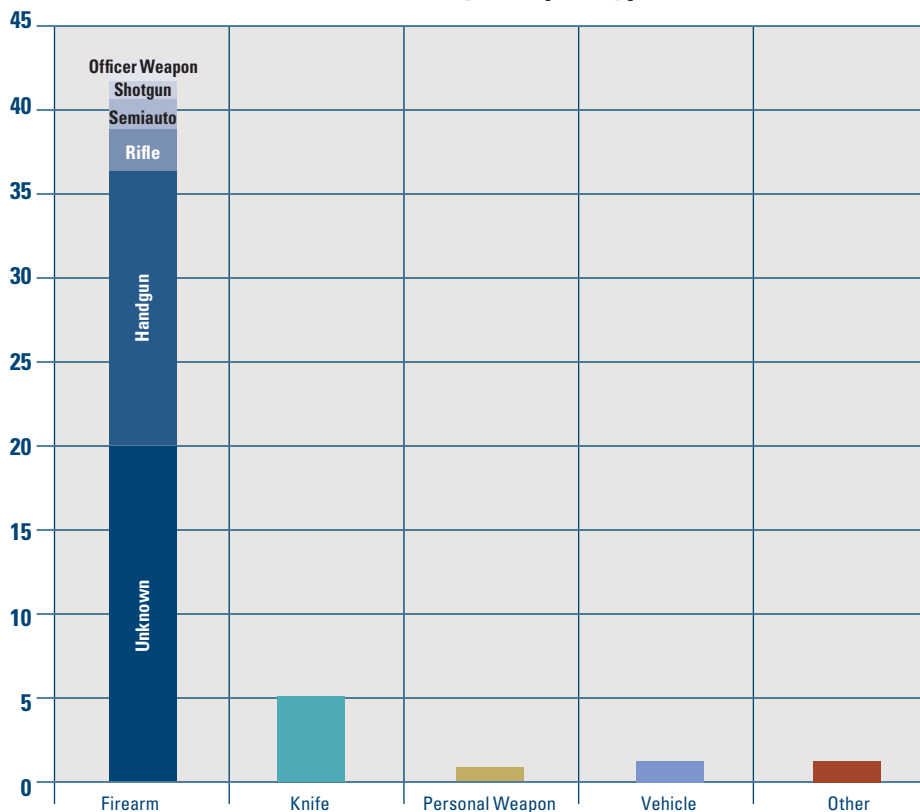
In conclusion, the 2012 data from the felonious killings of police officers show some distinct trends that can be extrapolated:

- The southern region of the United States had the highest number of officer murders.
- The killings occur equally despite the time of day.
- A majority of officers lost their lives responding to arrest situations, during traffic pursuits or stops, or through unprovoked ambushes.
- The fallen officers were more likely to be male around the age of 38 years old with 11 years of experience.
- The assailants were all men averaging 31 years old, using either a handgun or a rifle (including semiautomatic) during the killings.
- The assailants either died before being taken into custody or received a murder charge after their arrests.

This information is intended to present a basic description of officers who died in 2012 while serving their communities. It is the hope that these data will inform police departments of the past situations and assist with future discussions concerning officer safety. ♦

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

Officers Killed by Weapon Type, 2012



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Law Enforcement's Opportunity to Improve Juvenile Justice

At the Office of Juvenile Justice and Delinquency Prevention (OJJDP), we envision a nation where our children are healthy, educated, and free from violence. When youth come into contact with the juvenile justice system, it should be rare, fair, and beneficial to them.

Congress has charged the Office of Juvenile Justice and Delinquency Prevention (OJJDP) with two primary responsibilities. First, we must address the needs of youth who come into contact with the juvenile justice system and of those who are at risk of becoming involved with the system. At the same time, we must protect children in the United States who are victims of abuse, violence, and crime.

Decades of research have taught us that these two mandates are closely connected. Many youth entering the juvenile justice system have been previously exposed to violence and other traumatic events, often multiple times. And exposure to trauma increases the youths' risk of entering the juvenile justice system. The National Institute of Justice reports that children who are abused or neglected are 59 percent more likely to be arrested as a juvenile, 28 percent more likely to be arrested as an adult, and 30 percent more likely to commit violent crime. Because of this connection, OJJDP emphasizes the importance of trauma-informed programs and services for children who are at risk of entering the juvenile justice system and for those who have entered the system.

In 2009, OJJDP began releasing the findings of the first National Survey of Children's Exposure to Violence (NatSCEV), supported by our office and the Centers for Disease Control and Prevention. The survey confirms that most of our society's children are exposed to violence in their daily lives. More than 60 percent of the children surveyed were exposed to violence, crime, or abuse within the past year in their homes, schools, and communities. Nearly one-half of the children and adolescents surveyed were assaulted at least once in the past year, and

- more than 1 in 10 were injured in an assault;
- 1 in 4 were victims of robbery, vandalism, or theft;

- 1 in 10 suffered from child maltreatment (including physical and emotional abuse, neglect, or a family abduction); and
 - 1 in 16 were victimized sexually.
- Multiple victimizations were common:
- more than one-third experienced 2 or more direct victimizations in the previous year,
 - more than 1 in 10 experienced 5 or more direct victimizations, and
 - more than 1 in 75 experienced 10 or more direct victimizations.

But we are also now learning about the profound consequences of direct exposure to multiple types of violence, crime, and abuse, also known as polyvictimization. The same survey indicates that children and youth who are exposed to multiple types of violence are at particularly high risk for lasting physical, mental, and emotional harm, even compared with children who experience repeated exposures to a single type of violence.

The Defending Childhood Initiative, which the attorney general launched in September 2010, marshals resources across the Justice Department to prevent children's exposure to violence, miti-

gate the negative effects of this exposure when it does occur, and place the topic of children's exposure to violence front and center in the national conversation. OJJDP is working with select communities across the United States to develop and test community-wide, cross-sector models to prevent children's exposure to violence. We also are evaluating our efforts to ensure that what we learn will be of use to other communities as they embark on similar efforts.

In 2011, the attorney general appointed a national task force of 13 experts—including IACP member, Long Beach, California, Police Chief Jim McDonnell—to recommend policies for preventing, responding to, and mitigating the effects of exposure to violence. Over a period of six months, the task force held listening sessions and public hearings across the United States with policy makers, researchers, victims, and youth safety advocates. Through these sessions, the task force received extensive input and testimony from experts, advocates, and impacted families and communities nationwide.

The task force recently presented its final report and comprehensive policy recommendations for launching a coordinated national response to address children's exposure to violence. The report includes more than 50 recommendations and highlights the importance of identifying children who are victims or witnesses of violence and providing support and services to help them heal. It focuses on developing programs to help children access supportive and nonviolent relationships with trusted adults in their homes and communities. The task force also calls for all children who enter the juvenile justice system to be screened for exposure to violence. The recommendations are expected to serve as the blueprint for addressing the issue of children's exposure to violence across the nation.

The law enforcement community is absolutely central to an effective response to children's exposure to violence. When a call for police service is received, patrol officers usually arrive at the scene first where a child is being abused or where a child is witnessing violence. They have to quickly assess the situation and work with child protective services, medical and mental health services providers, and other community partners to address the



Melodee Hanes, Acting Administrator, Office of Juvenile Justice and Delinquency Prevention

needs of these children, ensure their physical safety, and collect and preserve evidence for a potential prosecution.

But too often, law enforcement, hospitals, schools, and social services agencies do not have the protocols and partnerships in place to coordinate an effective and timely response. And, as committed as our law enforcement professionals are, they are not routinely trained in these areas.

This is why OJJDP issued a solicitation in 2012 to provide urgently needed training and technical assistance resources to state, local, and tribal law enforcement agencies to improve the prevention of, identification of, and response to children's exposure to violence. Of 26 applicants, the IACP was rated the top candidate in peer review and was selected to receive a \$750,000 award for a two-year grant period to expand its training resources to include a focus on children's exposure to violence.

OJJDP will administer this program in partnership with the Justice Department's Office of Community Oriented Policing Services with support from the Bureau of Justice Assistance; the Office for Victims of Crime; the Executive Office for U.S. Attorneys; the Office on Violence Against Women; and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.

The IACP will be partnering with Yale University's National Center for Children Exposed to Violence and Childhood Violent Trauma Center. Yale has developed the Child Development-Community Policing Program, which helps build closer alliances among law enforcement, juvenile justice, domestic violence, medical, and mental health professionals, as well as schools, welfare, and other community agencies. This model, currently being implemented in communities across the country, will be a critical resource for the IACP to draw on in developing training resources in the area of child protection.

In addition, the IACP will be developing the following:

- Web-based trainings, videos, and pocket guides focused on children's exposure to violence for law enforcement and their community partners.
- Cost-effective methods to increase coordination among law enforcement, multidisciplinary team members, and community partners.
- A national campaign to raise awareness among U.S. law enforcement professionals about issues related to children's exposure to violence, through participation in local and state conferences, online articles, and educational workshops.

What a great opportunity lies ahead of all of us. Law enforcement is on the front lines of this heroic effort. Thank you for all you do every day to defend our children and to make our communities safer places in which to grow up and live. Children are our nation's future. They deserve nothing less. ❖

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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.

Los Angeles County, California, Uses SAS for Fraud-Fighting Analytics

The Los Angeles County, California, Department of Public Social Services (DPSS) is using SAS to help fight organized fraud rings and individual perpetrators that prey on benefits meant for the community's most vulnerable. Using fraud-fighting analytics and data mining tools from SAS, the DPSS uncovered more than 200 probable fraud cases and busted ongoing conspiracies to defraud the California Work Opportunity and Responsibility to Kids child care benefits program.

The county provides financial and employment assistance to qualified families with minor children. The SAS Fraud Framework for Government helps ensure that only those who truly need those benefits receive them.

"Fraudulent activity reduces funds available to those truly in need and hurts public confidence in a vital program," said Michael J. Sylvester II, DPSS assistant director and department chief information officer. "Reducing fraud and catching those responsible builds public confidence; the data mining solution (DMS) that Los Angeles County and SAS developed together is critical to that effort."

Alerts generated by the DMS have delivered more than 200 fraud referrals that could have otherwise gone unnoticed for an extended length of time by relying strictly on traditional fraud detection processes. Additionally, using SAS Social Network Analysis, DPSS Welfare Fraud Prevention and Investigations uncovered two conspiracy rings comprising 16 cases much earlier than it would have, significantly reducing the duration of fraudulent activities. Social network analysis provides investigators instant access to a network of child care recipients and providers, saving hours of casework preparation.

"With a single mouse click, SAS provided leads to additional evidence that could have taken weeks or months to uncover, including

linking my suspect with two in other cases," said one investigator.

Another investigator, who was wrapping up a 10-person investigation, entered the main suspect's name and discovered seven potential coconspirators.

For information, visit <http://www.sas.com/businessanalytics>.

Spillman Touch Saves Time with the Calumet City, Illinois, Police Department and Others

The Spillman Touch module is supporting public safety personnel by providing access to powerful data in situations where desktop or laptop computers are not accessible. Spillman Touch enables personnel to access information from their agencies' Spillman database using an iPad, an iPhone, a Blackberry, or an Android smartphone. Field personnel can use Spillman Touch to complete a wide range of tasks, including searching for real-time data on names, vehicles, properties, and incidents; reviewing dispatch assignments; and accessing calls and critical information.

"It works great for us," said Commander Billy Siems of the Calumet City, Illinois, Police Department. "When a call comes in, the staff can use Touch to check the incident to keep ourselves informed of what is going on. For example, in a battery case where someone is badly beaten up, we can look directly at the case number on Touch to answer everything we need answered."

Detective Mike Burke of Toms River, New Jersey, Police Department in New Jersey said that at his agency, eight staff officers and fifteen detectives all use Spillman Touch to access real-time information about incidents.

"It makes their job a lot easier to get an email or text about something and then be able to log in to Touch to see all of the information on that call," he said.

In addition to assisting in critical communications, Spillman Touch also helps agencies prepare for investigations and interviews. Burke said that officers at the Toms River Police Department will often use Spillman Touch to search from the field for information on potentially dangerous subjects.

"Searching for information on names is a huge thing to be able to do out in the field," Burke said. "It brings across a photo of the individual and any information on what he or she has been involved in before."

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

TIPS Centralized Risk Management and Incident Reporting Tool Enhances Campus Safety for Rappahannock Community College

Rappahannock Community College in Warsaw, Virginia, has launched the online incident reporting platform called Threat Assessment, Incident Management, and Prevention Services (TIPS) from Awareness. TIPS equips students, faculty, staff, and others on campus to confidentially report concerning behaviors or potentially harmful incidents. TIPS allows individuals to anonymously report suspicious activities involving bullying, threats to harm, verbal abuse or harassment, physical assault, weapons, sexual harassment, suicide risks, stalking, hazing, alcohol or drug possession, theft and robbery, vandalism, fraud, academic cheating, and others.

"TIPS empowers anyone on campus and within the community to come forward and anonymously share information regarding concerning behaviors with us," said school Vice President for Administration Kim McManus. "Now we can make sure this information is communicated to the appropriate personnel and investigated immediately for a proactive response."

If someone has information about incidents that adversely affect campus climate or warrant concern for the safety of students, faculty, or staff, they can access TIPS from the school website, select the campus location, and anonymously report the information. Once an incident is reported in TIPS, the information is immediately routed to the college's Threat Assessment Team so members can coordinate a response and ensure all actions taken are documented to meet state and federal requirements.

Using an existing Virginia state contract, TIPS also provides an awareness & accountability vault that allows all appropriate campus personnel to access guidance, policies, situational awareness, and best practices. ❖

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The Juvenile Assessment Center and Information Sharing: The Whys, the Whats, and How It Works in Jefferson County, Colorado

By Stephanie Rondenell, Executive Director, National Juvenile Information Sharing Initiative; and Jeff McDonald, Executive Director of Juvenile Service Programs, Jefferson County, Colorado

In 1992, Jefferson County, Colorado, experienced an increase in youth violence that led to a rise in juvenile arrests and filings. This juvenile activity had a negative impact on the juvenile justice system, since it lengthened time from police contact to a court appearance.

The 'Why' of a Juvenile Assessment Center

Leadership determined that coordinated services for youth would benefit the county's juvenile justice system. A single point of entry was determined to be a potential solution that would lead to better intervention services, improved identification of low-risk offenders, better information sharing, and shorter lengths of stay in detention.

The "What" of a Juvenile Assessment Center

Jefferson County designed and developed the model for a single point of entry juvenile assessment center. The mission of the Jefferson County Juvenile Assessment Center (JCJAC) is to be "an assessment center that is responsive to the safety and well-being of youth, families, victims, and the Jefferson County Community."¹ The goals of the JCJAC are to

- create a single point of access,
- reduce law enforcement officers' time,
- provide multiagency screening and assessment, and
- ensure community safety.

PROBLEM	SUBPROBLEM(S)	ACTIVITIES	OUTPUT MEASURES	OUTCOME MEASURES
Juvenile Delinquency	<ul style="list-style-type: none"> • Fragmented Services • Lack of Information • Mixing At-Risk Population • Limited Law Enforcement Resources • Limited Truancy Intervention Services 	<ul style="list-style-type: none"> • Evidenced Based Assessments • Multi-Disciplinary Service Coordination • Law Enforcement Drop-off Site • Universal Release of Information (ROI) • On-Site Information Sharing • Single Point of Entry (No wrong Door) • Case Plan Development • Connection with Prevention and Intervention Services • Case Management Support Services 	<ul style="list-style-type: none"> • Number of Youth Screened and/or Assessed • Number and Type of Collaborating Partners • Officer Time Saved • Number of Completed ROIs • Graduation Rates by School District • Pre- and Post-GPA of Youth Participants • Truancy Rates by School District • School Attendance of Youth Participants 	<p>Short Term</p> <ul style="list-style-type: none"> • Number and Type of Service Referrals • Number of Services Completed • Number of Successful Interventions • Reduction in Number of Detentions • Improved School Attendance • Improved GPA <p>Long Term</p> <ul style="list-style-type: none"> • Reduction in Detention Emergency Releases • Reduction in Juvenile Criminal Filings • Improved Graduation Rates • Number of GED Completions
GOALS	OBJECTIVES			
Prevent and/or Reduce Delinquent, Truant, and At-Risk Behavior	<ul style="list-style-type: none"> • Comprehensive Assessment • Coordinated Services • System-Wide Information Sharing • Reduce Law Enforcement Time • Improve Access to Truancy Intervention Services 			

The logic model outlines the juvenile flow for the juvenile assessment center in Jefferson County.

The "How" of a Juvenile Assessment Center

The JCJAC works with youth who have school concerns such as truancy, suspension, or expulsion. The target population for the JCJAC is youth ages 10 to 17 years old. The JCJAC works with youth that have had contact with the juvenile justice system, mental health concerns, conflict with their parents, contact with municipalities, and issues with fire setting. The JCJAC also works with youth who have substance abuse and alcohol issues.

The JCJAC receives referrals from multiple sources ranging from schools, human services, police officers, municipal services such as probation and diversion programs, community education programs, and low-risk offenders from the district attorney's office and the sheriff's department. This is accomplished through the single point of entry for all youth requiring services within Jefferson County.

The JCJAC also receives walk-in referrals from the community. There is no so-called wrong door that a youth walks through to get to the services at the JCJAC. The JCJAC provides services to youth and their families by providing information on how the juvenile justice system functions and by offering referrals on available best practices and cost-effective services to families in the community.

The JCJAC provides a primary service to law enforcement in Jefferson County through the single point of entry for all youth that come into contact with police. After law enforcement officers transport a youth to the JCJAC, they log the youth in through an electronic login system and leave the youth with JCJAC staff. JCJAC staffers contact parents or legal custodians, complete comprehensive screenings and assessments,² and provide referrals and recommendations. JCJAC staff may recommend the youth be placed in the custody of human services, advise a mental health evaluation for a psychiatric hold, or facilitate the placement of the youth in detention. A component of these services for the community is the ability of the JCJAC to perform detention screens for youth; the youth are assessed using a juvenile detention screen and assessment guide, which is used to determine mandatory holds, determine public safety and self-harm risk factors, and determine if community resources will be utilized for the services or if family resources will be accessed. Each youth is asked to participate through a Terms of Participation agreement as participation with the JCJAC is voluntary with a limited length of stay. Each youth and family is informed of what will occur, and JCJAC staff review privacy and confidentiality issues with the youth and family.

The JCJAC and Information Sharing

The JCJAC's ability to understand where a youth has been and what may have occurred to get the youth to the current situation is attributed in part to the proper sharing and access to information. JCJAC staff members have access to multiple systems to view information on youth involved in juvenile justice, youth corrections, or human services. All the systems are web based and secured to prevent improper access. The JCJAC also is a local pilot site for the National Juvenile Information Sharing (NJIS) Initiative, a program working cooperatively with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to develop the proper data sharing protocols for juvenile information sharing. The JCJAC has worked with the NJIS Initiative for three years, helping to identify priority data exchanges and privacy and confidentiality issues. The JCJAC was instrumental in reviewing and redeveloping the guidelines for juvenile information sharing to the enhanced version of the Governance Guidelines for Juvenile Information Sharing, the OJJDP's national data sharing protocols for juvenile justice.³

More of the "How"

The JCJAC is able to financially operate through contributions from its partnering agencies. The JCJAC is a collaborative within

the Jefferson County, working with the district attorney's office, public schools, municipal agencies, human services agencies, and mental health agencies. Through its intergovernmental agreement, the JCJAC's partnering agency contributions are broken down as follows:

- Jefferson County (including the district attorney, social services, and mental health): 46 percent
- Jefferson County Public Schools: 14 percent
- Local municipalities (12) and the sheriff's office: 40 percent

One of the reasons that the JCJAC works so well in Jefferson County is because it is cost-effective. It co-locates staff so that it operates efficiently. All parties that use the services of the JCJAC contribute to its budget providing for cooperative services between county agencies.

The JCJAC is successful because it uses a multisystemic approach to youth and families and maximizes its community partnerships. It is also a low-cost alternative to detaining youth by providing and conducting evidence-based assessments that reveal the needs of the youth. The JCJAC's access to information ensures the resources provided to the family are based on a comprehensive view, resulting in effective outcomes for children, youth, and families. ♦

Notes:

¹"Who We Are," Jefferson County Juvenile Assessment Center, <https://www.jeffcojac.org/who-we-are> (accessed January 14, 2013).

²These assessments are strength-based needs assessments that have been validated or are evidence based and community focused.

³The Governance Guidelines for Juvenile Information Sharing can be found at http://www.juvenileis.org/guidelines_flash.html (accessed January 14, 2013).

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Collaboration to Recover U.S. Exploited Youth: The FBI's Innocence Lost National Initiative

By Janice Mertz, Supervisory Special Agent, Violent Crimes Against Children Section, Federal Bureau of Investigation, Washington, D.C.

Through the efforts of the Innocence Lost National Initiative, more than 2,300 children have been located and recovered, and more than 1,200 subjects have been convicted. Multiple sentences of 25 to 40 years have been imposed, including nine federal life sentences.

Since 2003, FBI agents around the United States have partnered with state and local police officers to recover more than 2,300 children who have been forced into prostitution.

In June 2003, the FBI's Criminal Investigative Division/Violent Crimes Section/Crimes Against Children Unit developed the Innocence Lost National Initiative in coordination with the Department of Justice's Child Exploitation and Obscenity Section (CEOS), and the National Center for Missing and Exploited Children (NCMEC). The initiative targets criminal enterprises involved in the commercial sexual exploitation of children through prostitution. Thirteen cities throughout the United States were initially identified as having a high incidence of child prostitution. These FBI field offices were encouraged to form Innocence Lost Task Forces or working groups with local law enforcement to address the threat within their communities.

Today, with the merging of task forces with cyber personnel from the FBI's Innocent Images National Initiative, the number of Child Exploitation Task Forces throughout the United States has grown to 66—one in each of the FBI's 56 field offices, with the remaining task

forces located within FBI resident agencies around the United States. Full-time task force personnel from local agencies assigned to FBI offices are afforded overtime, vehicles, and cellphones; and upon completion of a successful background investigation are granted a Top Secret clearance and Title 18 Special Deputation Authority. These task force officers learn the latest in technological, investigative, and legal trends to further the mission of recovering missing and exploited children.

The Innocence Lost National Initiative is based on a victim-centered approach that addresses the child prostitution threat by utilizing multidisciplinary teams including federal, state, and local officers, the FBI's victim specialists, and local social service personnel to offer victim services once the child is recovered. The goals of the initiative are straightforward:

1. Recover missing and exploited children and prosecute those responsible for their victimization.
2. Disrupt and dismantle the criminal enterprises responsible for the victimization of children through prostitution. These investigations range from one pimp having one or two victims in his "stable" to multiple victims ranging in age, ethnicity, and socio-economic backgrounds.
3. Provide training to investigators. To date, more than 1,300 persons have been trained at NCMEC.

As these investigations often begin at the local level, awareness and collaboration of the entire team is essential, from the patrol officer through the prosecution team. While the patrol officer does not

need to be a subject matter expert, basic situational awareness, as well as understanding the cues to look for during a traffic stop or an encounter, can make the difference in a child's life and lead to a successful prosecution of an offender. This was illustrated in an investigation conducted by the Sacramento, California, Field Office's Innocence Lost (now Child Exploitation) Task Force, which resulted in the recovery of a 15-year-old victim and a 31-year prison sentence for the offender.

A Sacramento patrol officer encountered the young victim in a fast food restaurant and questioned her. Having recently attended a training conducted by the FBI's Innocence Lost Task Force, he was keenly aware of the signs of commercial sexual exploitation and further pushed for answers with the young girl. Noticing the bruising around her eye, he asked if someone had forced her into prostitution. The girl hesitantly nodded her head. The officer contacted a member of the Sacramento Field Office's Innocence Lost Task Force, who quickly responded to the scene. The personnel assigned to the task force are trained to interview exploited children and recognize the needs of these victims, as well as extract the information needed to successfully prosecute the case. Unbeknownst to the patrol officer at the time, the young girl had just escaped a brutal sexual assault and beating from her pimp. The officer, along with other law enforcement personnel, testified to their roles at the subject's trial in federal court. The task force officer assigned to the Innocence Lost Task Force testified as an expert witness regarding the pimp and prostitute subculture. Were it not for the patrol officer's astute observation and his willingness to go the extra step, the child may not have been recovered from the streets, left only to be subjected to the continued cycle of brutal victimization.

These task forces around the United States also participate in a three-day enforcement action known as Operation Cross Country to combat the domestic sex trafficking of children. To date, six operations have been held, encompassing a total of 8,500 law enforcement personnel in 68 cities from around the country. They have resulted in the recovery of 328 child victims and the arrest of 429 pimps. The seizure of guns, cash, and vehicles was also realized during the operations.

The FBI has a supervisory special agent detailed to NCMEC to serve as a liaison between the FBI task forces and NCMEC's Child Sex Trafficking Team (CSTT) and case managers. The CSTT is located within the Case Analysis Division at NCMEC and provides technical assistance to all levels of law enforcement to aid in the identifica-

tion, location, and recovery of missing and exploited youth involved in sex trafficking.

The IACP, in collaboration with the FBI, is currently producing a series of five-minute videos for patrol and first responding officers to raise awareness of the signs of commercial sexual exploitation through prostitution. These videos will be distributed to local law enforcement agencies throughout the United States by May 2014.

For more information regarding the Innocence Lost National Initiative or to par-

ticipate in a task force in your area, contact your nearest FBI office or the FBI Violent Crimes Against Children Section at FBI Headquarters at 202-324-3000. ❖

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Can Police Officers Be Effective Mentors for At-Risk Youth?

By Brian Lumpkin, Assistant Chief, Houston, Texas, Police Department; and Everette B. Penn, PhD, Principal Research Investigator, Teen and Police Service Academy and Associate Professor of Criminology, University of Houston–Clear Lake, Texas

Two years ago, Houston, Texas, Assistant Chief of Police Brian Lumpkin was assigned by Chief of Police Charles McClelland to increase and improve programming for the citizens of Houston. A federal funding opportunity through the Community Oriented Policing Services (COPS) Office of the U.S. Department of Justice called for increasing the awareness of community policing in the community. The request for proposals called for joint cooperation between members of the community and a heavy emphasis on the evaluation of outcomes and objectives. Everette B. Penn, criminologists from the University of Houston–Clear Lake, and Lumpkin



Photography by Brandi Smith

worked together to complete a proposal that gave birth to the Teen And Police Service (TAPS) Academy.

The TAPS Academy website is accessible at <http://www.tapsacademy.org>. TAPS Academy is a 15-week program primarily designed for at-risk teens who have shown a propensity for making bad decisions. The academy is currently held at the alternative school in Houston. These at-risk students are temporarily enrolled in the alternative school because they have committed serious code of conduct violations or criminal infractions. While these teens carry the brand of being at-risk, TAPS Academy has found a way



Youth involved in TAPS find that they can help the police by understanding what law enforcement does on a daily basis and by interacting with officers and the equipment required for the job.



TAPS youth need to understand that their neighbors, their community, and their families are intended to support them. Law enforcement can help underscore this concept.

On Serving Learning Day, all TAPS youth help clean the gardens for future TAPS classes. Participants haul soil, pull weeds, and have fun while working. The authors plan that a future class will plant and grow a garden for the community.

to connect with them and help inspire them to see alternative ways of looking at situations and make better decisions via reducing the social distance that exists between police and at-risk teens.

The teens and the police mentors start the program with a pledge known as the TAPS Creed. The creed is focused on moving the students from “at-risk youth” to “at-promise teens.” Teens and police work through a 15-week curriculum comprising topics such as bullying, anger management, avoiding gang life, drug usage, conflict management, and police interaction. After the subject matter expert presentation, the teens and the police mentors break into small

groups (10 teens and 2 police mentors) to discuss how each topic impacts them and the community they live in.

Each lively and interactive small group session is the heart of the TAPS Academy program as teens and police open a dialogue—share thoughts, beliefs, stereotypes, and concerns about each other. Overall, TAPS Academy helps these at-risk teens gain skills to manage real-life situations as they develop a deeper understanding of policing and the importance of respecting authority. Additionally, officers gain new insight into the lives, culture, and challenges faced by these at-risk teens and members of their communities. This



officer involved in this program, a senior police chief makes the final approval for those officers involved in the TAPS Academy. Lumpkin is personally involved and is frequently on-site and engaged in this program. All police mentors are required to attend and complete six hours of training provided by the University of Houston—Clear Lake and Big Brothers and Big Sisters professionals in psychology, conflict resolution, juvenile justice, and child development. The purpose of the training is to prepare the officer mentors for the rigor of one-on-one contact with at-risk teens—to project a caring and trusting demeanor while at the same time maintain the respect and presence demanded by a police officer. After each session of TAPS Academy, the officer mentors along with staff conduct an after-action review to discuss mentorship issues. Adjustments are made and preparation for the next session occurs as necessary.

The highest levels of the COPS Office and the Houston Police Department as well as the City of Houston government have supported the TAPS Academy and provide valuable resources and insight to make the program possible.

The Academics Behind TAPS Academy

The theoretical model for mentoring stems from the social bond theory in which mentors show mentees prosocial behavior, commitment to socially appropriate goals, and involvement in conventional activities.¹ Further research indicates not all youth are suited for mentoring. Youth who are considered “at-risk” in terms of individual and environmental factors conducive to crime, delinquency and problem behavior are most likely to benefit from establishing mentorship relationships as a proactive mechanism.² Additionally, school-based mentoring in which mentees and mentors meet on school grounds is the fastest growing approach with evidence supporting its effectiveness.³

TAPS youth learn through the program that the community and law enforcement are on their side.

lively interaction destroys stereotypes and increases communication among police officers and at-risk teens.

Great Mentoring Starts at the Top

The police mentors are volunteers and were nominated by their shift lieutenants to participate in the TAPS Academy because leadership believes each has the skills and abilities to be an effective mentor. Because a premium value is placed on the type of



During TAPS breakout sessions, youth have the opportunity to work with mentors from the Houston Police Department. Participants are encouraged to ask questions and listen to those around them. Encouraging team building and learning how to work together are the goals.

Penn points out that having regular patrol officers mentor at-risk teens may be difficult for some to grasp. Traditional policing is often reactive and punitive, requiring officers to maintain a position of distance in order to perform their job. Community policing calls for stronger relations between the police and the community. TAPS Academy creates bonds and breaks barriers between at-risk teens and their communities. An evaluation of TAPS Academy graduates independently conducted by Texas Southern University indicates success. When evaluating TAPS Academy teens with non-participant teens in pretest and posttest comparisons, the following results emerged:

- Feeling connected to the police: 33 percent improvement among academy teens
- Liking the police: 29 percent improvement among academy teens
- Trusting the police: 33 percent improvement among academy teens
- Respect for the police: 32 percent improvement among academy teens

There was no change from the teens not in the TAPS Academy program during the same time period.

Additionally, at the end of the TAPS Academy program teens were asked if they believed officers could be mentors. Seventy-five percent said yes. When officers were asked if they view themselves as mentors to the teens, 100 percent said yes. The officers were asked to elaborate on their responses. One officer stated, "They need role models." Another stated, "We both learned [officer and teen]."⁴

Understanding the conflict that may exist between traditional policing and a mentorship or community policing model, the officers were asked, "Can you still do your job as a police officer while being a mentor?" The answer was clear as 100 percent of the officers answered yes. What this means is that officers chosen to be in programs such as TAPS Academy, when properly selected and trained, can enforce the law and mentor at-risk teens concurrently. Officers discussed how this is possible by stating that "respect" was important. One officer said, "Show concern and you get respect." Another officer stated, "Long-term relationships can be developed." Finally, another officer stated, "Opening up occurs and bonding is easier."⁵

With both teens and officers believing officers can be mentors the larger question looms: Does this mentoring effect carry over to officers who are not directly involved in the mentorship program? Seventy-five percent of the teens respected TAPS Academy officers more than regular police officers. This is significant as it appears TAPS Academy changes the opinions and perceptions of teens toward officers. Comments from teens indicate that after TAPS Academy and interaction with their mentor officer teens do not see all officers as evil, untrustworthy, or dishonest. "We find a reduction in social distance from teens toward the police once they have completed TAPS Academy," said Penn.⁶

Benefit to the Officer and the Police Department

A tremendous benefit of the TAPS Academy program is how the officers have gained a better perspective of how to do their job when they come in contact with teens. Said Lumpkin, "I learned three important lessons from our teens. First, not all bad teens come from bad parents. Second, it's not easy being a teen today. Third, teens are not the source of our crime problem."⁷

This program also motivated Lumpkin to share the TAPS experience with all officers on the Houston Police Department through an in-service training class titled Teens and Police. McClelland approved the two-hour class and had it added to this year's mandatory training curriculum for all 5,200 officers.

"This training gives our officers a better understanding of the teen brain, the declining juvenile crime statistics, and the lessons learned through the TAPS Academy experience and the importance of having positive interactions with the teens on their beat," said Lumpkin.⁸

To date, this class has been very well received by Houston's police officers. It is hoped that the training will allow them to better understand teens and help them handle calls for service and investigations involving teens more safely and effectively. ♦

Notes:

¹Travis Hirschi, *Causes of Delinquency* (Berkeley: University of California Press, 1969).

²David L. Dubois et al., "Effectiveness of Mentoring Programs for Youth: A Meta-Analytic Review," *American Journal of Community Psychology* 30, no. 2 (2002): 157-197, <http://www.youthmentoring.org.nz/content/docs/DuBois.pdf> (accessed January 16, 2013).

³Sarah E. O. Schwartz et al., "The Impact of School-Based Mentoring on Youths with Different Relational Profiles," *Developmental Psychology* 47, no. 2 (2011): 450-462, <http://www.rhodeslab.org/files/RelationshipProfiles.pdf> (accessed January 16, 2013).

⁴Interview with police mentors in the TAPS Academy, December 11, 2012.

⁵Ibid.

⁶Everette B. Penn, Penn@TAPSAcademy.org.

⁷Brian Lumpkin, Brian.Lumpkin@HoustonPolice.org.

⁸Lumpkin.



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The full membership listing can be found in the members-only area of the IACP website (www.theiacp.org).

*Associate Members

All other listings are active members.

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

Mathew B. Baker, Chief Deputy Sheriff, York County Sheriff's Office, Alfred, Maine

Phillip N. Benne, Lieutenant (ret.), Peoria, Illinois; Securitas-Caterpillar, Hanna City, Illinois

James Cadien, Chief of Police, Port Royal, South Carolina

Craige G. Holm, Director of Security (ret.), U.S. Department of State; Needmore, Pennsylvania

Donald H. Kaley, Chief of Police (ret.), Breckenridge Hills, Missouri; Saint Louis, Missouri

Allvin L. Leonard, Chief of Police (ret.), Lancaster, New Hampshire (life member)

James S. Paganessi, Chief of Police (ret.), Readington Township, Whitehouse Station, New Jersey

M. Robert Turner Jr., Chief of Police (ret.), Hatfield Township, Tylersport, Pennsylvania (life member)

Eddy Williams, Partner / Attorney, Williams & Associates Law Firm LLC, Lafayette, Louisiana

George R. Wilson, Sergeant, Metropolitan Police Department, Washington, D.C. (life member)

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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.



Long-lasting recorder

The FirstVu HD from Digital Ally includes a 1.75-inch camera and a 2.75-inch by 4-inch recording module that may be work together or separately for more versatile mounting options. The full system weighs 4 ounces and features a user-replaceable battery designed to outlast a full shift. It features a wide angle of view, a detailed high-definition resolution, a minimum of 16 hours of recording time at the highest quality setting, enhanced low-light sensitivity for night recording, up to 30-second pre-event recording, secure mount options, and more.

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

Conducted electrical weapon

Taser International reveals the Taser X26P conducted electrical weapon as its newest innovation in the 2013 line of Taser smart weapons. The single-shot X26P uses the same standard Taser cartridge as the X26 and includes enhancements and safety features that integrate core elements of the smart Taser platform from the Taser X2. The smart technology is designed to add enhanced safety and performance, improved data and analytics together with superior quality, reliability, and durability. The X26P is a result of 10 years of technological advancements, incorporated with customer needs.

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

Threat detection system

Watch & Inform is designed to be an intelligent threat detection system triggered by events such as a robbery or by the owner's duress or panic. Then, it immediately transmits a real-time video to authorities at the command center. Amreli Command Center is the visualization platform that receives the real-time video and alert information sent from Watch & Inform and other field devices. The omniscient view on one screen lets law enforcement identify the problem and take action, including dispatching officers and strategizing a response.

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



Car warning lightbar

The Defender TC2 MultiColor Lightbar maintains the same intense brightness and off-angle signal that the Defender has come to be known for and also offers enhancements to its dual color capability. Customers can select from several dual color lighthoods that can flash distinctly different color signals: red/blue, red/white, blue/white, red/amber, blue/amber, and amber/white, in compliance with the state or local color requirements. Two full signals out of one lighthouse means no more compromising signal strength and size by splitting an LED lighthouse or using two lighthoods to get two colors.

For information, visit <http://www.code3pse.com>.



Imaging camera

The real estate in a patrol vehicle is tight enough without adding bulky, unfamiliar tools. The NOPTIC's (Nighttime Optical Thermal Imaging Camera's) piggy-back position on the spotlight is designed to provide an intuitive and familiar ease of use. It is equipped with the ability to easily pan and aim with the spotlight off and allows for the timely and tactical use of the spotlight. The officer can view unfolding events via an onboard video monitor or a computer screen.

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

Ballistic systems and armor

Point Blank Enterprises announces its new ballistic systems carrier designs and hard armor products for law enforcement and federal and special operations communities under its Paraclete brand. The latest Paraclete systems and accessories incorporate the best in ballistic science and feature innovative designs and capabilities that address the extreme versatility and high-performance requirements of tactical officers and special operations agents, both domestic and international. With increasing threat levels and new weaponry available, officers are in greater need of cutting-edge ballistic solutions. This tactical product line is designed to be a one-stop shop solution.

For information, visit <http://pointblankenterprises.com/paraclete>.



Radioactive threat detector

Radlamp combines a flashlight with a Geiger counter to enable first responders to quickly identify radioactive threats. The Radlamp 300 looks and operates like a small flashlight until it is pointed at an abnormal source of nuclear radiation. The radiation is detected by a sensitive Geiger tube, causing the flashlight beam to change color from white to red. The simple, intuitive operation of the Radlamp 300 gives first responders a tool to rapidly evaluate an accident or a crime scene for radioactive threats. ♦

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



Interior car lights

The SpectraLux ILS by Federal Signal offers the same advanced warning and directional lighting as a full-size lightbar. The interior lighting system features Federal Signal's SpectraLux multicolor LED capability. While in operation, a single LED light source can change color combinations from red, amber, blue, or white. From inside the vehicle, the low-profile light blends into the headliner of the vehicle. When illuminated, the Solaris LED reflectors are designed to provide superior optical performance. White LED options can be used as takedowns, work lights, or act as a formidable floodlight.

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

Riflescope

Colt's Manufacturing Company and Leupold & Stevens present a cobranded riflescope line optimized for Colt firearms. Anchored on the foundation of Leupold's format, Colt brings two premium scopes to the marketplace for critical aim on optics attributes that Colt firearm shooters demand. At the apex, is a fast-focus eyepiece, custom ballistic dials, and a fiber-optic reticle specifically designated for each riflescope's intended use. All of the riflescopes are designed, machined, and assembled in Leupold's facility. The partnership brings together more than 280 years of manufacturing expertise in the shooting sports.

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



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IACP and Motorola Solutions Foundation present:
Women's Leadership Institute

Boston, MA
April 22-26, 2013

Seattle, WA
July 15-19, 2013

The IACP Center for Police Leadership and Training, with funding from Motorola, proudly introduces a new leadership certification program, the Women's Leadership Institute (WLI). The WLI program is a five day, 44-hour course, focused on the unique challenges facing women leaders in law enforcement. To develop current and future leaders, the curriculum focuses on enhancing the business, leadership, and personal effectiveness skills of female leaders.

Topics Covered in Day Classes:

- Leading People, Groups & Change
- Effective Communication & Conflict Management
- Career Mapping
- Fair, Impartial & Ethical Policing
- Transformational Leadership
- Stress Management

Evening sessions include:

- One-on-one time with instructors and mentors
- Designing a strategic plan for careers
- Financial Management

This interactive program uses senior women instructors and mentors from United States and Canadian law enforcement agencies and operates in an intensive experiential learning environment. It is open to female and male, sworn and non-sworn personnel serving in supervisory positions, and to senior patrol officers aspiring to become supervisors.

Classes begin on Monday morning and conclude midday Friday. Tuition for the institute, which covers both day classes and evening sessions, is \$775.00.

Lodging and some meals for the program are being negotiated by IACP for the participants at a reduced rate at the Millennium Bostonian Hotel. Rates are also available for commuter students. Rates for the Seattle class are being negotiated with a hotel near the training site.

Registration for this course cannot be accomplished online. To register or for more information, please contact IACP Project Coordinator, Kathleen Martinez, at 703-836-6767 x261 or martinez@theiacp.org.

ENROLLMENT IS OPEN NOW!

For information on the course visit www.theiacp.org/training

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Week 2: July 22-26, 2013
Week 3: August 12-16, 2013

Florida

Cape Coral Police Department
Leadership in Police OrganizationsSM (LPO)
Week 1: June 3-7, 2013
Week 2: July 8-12, 2013
Week 3: August 5-9, 2013

Georgia

Athens-Clarke County Police Department
Leadership in Police OrganizationsSM (LPO)
Week 1: April 15 – 19, 2013
Week 2: May 13 – 17, 2013
Week 3: June 10 – 14, 2013

Minnesota

Duluth Police Department
Leadership in Police OrganizationsSM (LPO)
Week 1: April 15 – 19, 2013
Week 2: May 13 – 17, 2013
Week 3: June 10 – 14, 2013

Minnesota State Patrol
Leadership in Police OrganizationsSM (LPO)
Faculty Development Workshop
Week 1: June 10 – 14, 2013
Week 2: June 17 – 21, 2013

Missouri

St. Louis County Municipal Police
Leadership in Police OrganizationsSM (LPO)
Week 1: August 5-9, 2013
Week 2: September 2-6, 2013
Week 3: September 30-October 4, 2013

Nebraska

Nebraska State Patrol
Leadership in Police OrganizationsSM (LPO)
Week 1: July 15 – 19, 2013
Week 2: August 12 – 16, 2013
Week 3: September 9 – 13, 2013

New Mexico

Albuquerque Police Department
Leadership in Police OrganizationsSM (LPO)
Week 1: August 19 – 23, 2013
Week 2: September 16 – 20, 2013
Week 3: October 7-11, 2013

New York

Westchester County Police Academy
Leadership in Police OrganizationsSM (LPO)
Week 1: April 1 – 5, 2013
Week 2: April 29 – May 3, 2013
Week 3: June 3 – 7, 2013

Utah

Provo Police Department
Leadership in Police OrganizationsSM (LPO)
Week 1: April 8 – 12, 2013
Week 2: May 6 – 10, 2013
Week 3: June 3 – 7, 2013

Vermont

Vermont Criminal Justice Training
Commission
Leadership in Police OrganizationsSM (LPO)
Week 1: August 19 – 23, 2013
Week 2: September 9 – 13, 2013
Week 3: October 21 – 25, 2013

Washington

Port of Seattle Police Department
Leadership in Police OrganizationsSM (LPO)
Week 1: April 8-12, 2013
Week 2: May 6-10, 2013
Week 3: June 17-21, 2013

OPEN SEATS STILL AVAILABLE!

For more information or to register online for these classes, [click here](#).
If you have any questions, please contact Robby Jacobsen at jacobsen@theiacp.org or (800) THE-IACP, ext. 316.

Product Feature:

Communications Hardware and Software

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 communications hardware and software.

From a better pair of headphones to solutions straight from science fiction, new communications tools are emerging all the time. They run the gamut from simple to

exceedingly complex, but all share common goals: to help law enforcement professionals communicate with one another more effectively and acquire the information they need more quickly.

"It expands our ability to do things," said Craig Withycombe, an officer with the Lowell Police Department in Massachusetts, of a new communications tool at his agency. "We can begin to bundle and delineate information and get that information into the hands of officers more quickly. Where are my assaults happening? Where are my

breaking and enterings (B&Es) happening? Which ones happened at a business, which ones are at a residence, and which ones are happening in motor vehicles?"

Withycombe is explaining PolicePad, a software package that optimizes a typical iPad for use by law enforcement. This means more than checking email or surfing the web. Broadcast message capabilities, coordination with fire departments, and data mapping are all literally in the palms of an officer's hands. The camera on an iPad also streamlines communications



Photography by Zoo Corporation

by saving time and effort and allowing officers to photograph a victim or a crime scene.

"Now officers can take pictures in real time of injuries a victim may have suffered, a house that has been trashed by an ex-husband, or something else along those lines," Withycombe said. "Historically, someone had to come out and take pictures, and the detective had to decide whether to do that. But now, detectives can be self-sufficient. They take pictures right in that moment, as they deem necessary."

In addition to providing new options for law enforcement, the tablet can be less expensive and more versatile than traditional equipment.

"Agencies large and small have told me that if they can do on a tablet what they can do on a computer, it's a no-brainer," said Gary Mueller, vice president of business development of New Hampshire, Massachusetts-based Zco Corporation, which developed the PolicePad software and similar applications for fire departments. "Some small agencies still don't have computers in the car. To open up technology to them is huge. There's no cost of ownership. You just turn it on and off. There are none of the usual problems that drive an information technology department crazy."

Communications improve through the tablet because it essentially removes the middleman in many cases, empowering the officer at the point where decisions are made.

"You have fingertip access to all your information. This is smart policing on the street," Mueller said. "You don't have to wait for a B&E map to come out from CompStat. An officer sees a certain trouble area and says, 'Maybe I should swing by there more often.' The more information you give to officers in the field, the safer and smarter they'll be."

These solutions and others like them are revolutionizing law enforcement communications. Officers and their technologies can work more quickly and smoothly together. Surveillance and emergency responses are streamlined, as these tools can serve as extra eyes and ears in the field.

For example, GraffitiTech, a California firm, employs a matrix of sensors to detect and report graffiti vandalism. Companies such as Sprint, Verizon, Appriss, Information Builders, and New World Systems are all building new and better software to help law enforcement agencies communicate better and work smarter.

These days, if there's a need, chances are there's an app for that. Law enforcement is no exception, whether you're looking to improve workflows with Lextech, create a personal mobile security system with MyForce, or quickly detect gunfire with ShotSpotter.

"There is a host of applications, solutions, and devices designed for public



safety. There are even crawler apps now that monitor social media," said Dominic DeMark, Verizon Enterprise Solutions area vice president for state and local government. "You can select certain words, groupings, or phrases and do predictive analysis to help you learn about flash mobs or similar nefarious events."

It is possible that this could be only scratching the surface. Smartphones and tablets are today's setting for innovation of communications and processes. Tomorrow, it could be smart cars. In fact, voice-recognition software, streamlined in-car messaging systems, and other connectivity capabilities from companies such as Massachusetts-based Agero already are a reality. But that could be just the beginning.

"We have two innovation centers," DeMark said. "If someone had the idea to build a connected squad car with full GPS,

biometrics, streaming video, and telemetry, we could create a pilot around that and work with them in one of our innovation labs."

Along with these new frontiers, existing communications tools are being repurposed or reimaged. Traditional mobile data computers (MDC), for example, are getting faster and more flexible all the time.

Tara Racano, marketing manager for New Jersey-based L-3 Mobile-Vision, said the company's new MDC, called the V-One, was developed with an eye toward the future.

"As technology requirements keep going up, this MDC will be able to handle it," Racano said.

The V-One's durability also is a plus, Racano said, as are new standard features like Wi-Fi capacity and short-range wireless technology Bluetooth.

"It can get as dirty as dirty can be. It would be very much at home with a K-9

unit," Racano said. "But it's also a powerful investment. You have the capability of using a second monitor. So in a mobile command unit, you could run a second monitor in the back. With Bluetooth being standard, you could add on your own keyboard or printer. Anything you want to do, you can do faster."

For many police departments around the country, the relatively humble radio transmitter now helps officers locate dementia patients and other segments of the population at risk of wandering away and getting lost—or worse. Gene Saunders, founder and CEO of Project Lifesaver International, a nonprofit organization in Virginia, said the transmitters slash recovery time by 95 percent, and in the process help stop tragedies before they occur.

"Alzheimer's, dementia, and autism populations are doing nothing but exploding. These incidents of wanderers, therefore, are going to do nothing but increase," Saunders said. "Finding them is a police situation; that's almost always who gets called. If you're lucky, you find the wanderer quickly and unharmed. But unfortunately, that's not the way it normally turns out. You usually spend enormous manpower, and you may or may not find them, or find them alive. Time is of the essence because these children and adults get confused quickly. They lose their way and continue to press on until they get into trouble."

Saunders said the tool, which involves affixing radio-equipped bracelets to the wrist or ankle of someone at risk of wandering, has communications benefits that go beyond emergency-response situations.

"We've been called one of the best community relations organizations ever devised," Saunders said. "We come in, and we offer agencies two days of instruction not just on the technology but the disorders. Afterward, every 30–60 days, an officer or a volunteer visits the family and changes the battery and the band. We do this first because we want to make sure it gets done and done correctly. But you also start to develop a rapport with these families, which are usually under a lot of stress. They become allies of the law enforcement agency. They see us in a different light because we're assisting them with a family member who's at risk. Having citizens who are allies is a tremendous asset."

Ultimately, cutting-edge software will not be fully effective without good hardware to support it. Some hardware providers, such as EarthCam webcams, Disguised Antennas, Invisio Headsets, battery and electronics supplier BatteryJack Incorporated, and Motorola create products that directly facilitate communications. Others, such as weather sensor and portable weather station manufacturer Climatron-

ics Corporation and Fulcrum Biometrics, which ensures the security of communications through fingerprinting and related tools, do so more indirectly but still offer important communications benefits.

Rick Bright, national manager for radio and accessory manufacturer OTTO, based in Illinois, said accessories need to keep up with technology.

"Everyone is moving to digital from analog. The quality of voice transmission and noise cancelling become more important because digital can blink out when working with a major radio company," Bright said.

And while many law enforcement tools are evolving, the need for effective communication is fundamental and immutable.

"If you're out in traffic, in a crowded protest, or a sporting event, the dispatcher needs to be able to pick out your voice," Bright said. "It's as simple as that. You have to be able to have them understand you. Being able to communicate effectively with all the necessary parties is very important." ♦

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Disguised Antennas	Intrado Inc.	POLICEintel by QiSOFT	Vislink Surveillance
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How Multidisciplinary Teams Achieve Success in Indian Country

By Pamela Elton and Michelle Stewart, Office of Victim Assistance, Federal Bureau of Investigation, Washington, D.C.

In Indian Country, there is a significant problem with child abuse. In response to this, multidisciplinary teams (MDTs) are put in place to effectively combat child abuse crimes. Law enforcement leaders can benefit from MDTs by fostering and strengthening cooperation in the fight against child abuse. This fight can prove even more difficult in an investigation and prosecution of a child sexual abuse case in Indian Country, making this team of highly trained and compassionate individuals more vital. Indian Country can also be a complex jurisdictional maze with federal, state, local, and tribal participants. Jurisdictional complications can result in difficulty in determining the provisions for concurrent jurisdiction for certain cases. Due to the complex nature that is inherent in overlapping jurisdictional areas, law enforcement agencies and other professional service providers need to work together to avoid inefficient investigations and prosecutions. Ultimately, the key to any good investigation is commitment, communication, and effective cooperation between all law enforcement professionals involved. MDTs are the way to make this work.

Child sexual abuse continues to profoundly affect children in Indian Country. The multiple interests of the professionals involved can conflict with each other and with the best interest of the child. There are so many cases and so few resources. An MDT provides an effective means to investigating and prosecuting a case without further victimization and trauma to the child and to focusing on empowering the child

victim. The benefits of MDTs are beneficial to agencies. Benefits include

- improved treatment of victims throughout the criminal justice system;
- different views that enhance the investigative and prosecutive stages;
- accountability through case tracking and action plans;
- improved coordination including civil, criminal, tribal, state, and federal entities;
- increased access to records and information;
- greater investment from team members, which fosters more effective and efficient investigations;
- the ability to avoid investigative and prosecutorial duplication of efforts;
- streamlined evidence preparation;
- more effective witness and evidence preparation;
- and access to federal expertise and resources.

MDT Definition and Picture of Success

MDTs provide investigative and prosecutorial support with a variety of issues including witness preparation and evidence analysis. Ultimately, an MDT's team approach is necessary to conduct effective investigations and prosecutions, to avoid undue trauma to child victims and their families, and to protect the rights of the accused.¹

What does a successful MDT look like? The central goal of a successful MDT is to come to desirable investigative and prosecutorial outcomes while safeguarding the vic-

tims'—in most cases, the child's—welfare.² The focus of MDTs should be treatment of the child and outcomes for victims. The point is reducing system impacts of trauma. An MDT focuses on investigations, policies, victim treatment, perpetrators, and myriad other functions. An MDT comprises a group of professionals working together in a coordinated, collaborative effort to ensure an effective investigation, prosecution, and disposition in a child sexual abuse case.

Because of the nature of crimes present in Indian Country, MDTs serve a vital role. MDTs were developed to be law enforcement focused, prosecution focused, and victim focused as opposed to the Child Protection Teams (CPTs), which are victim focused and already readily present in the law enforcement landscape. Like MDTs, CPTs recognize that child abuse is a huge problem in Indian Country. There is no single law enforcement agency that has all the necessary skills and expertise to truly combat the issue. Therefore, CPT members work together to prevent child abuse and neglect, forming a similar multidisciplinary approach as MDTs.

Law enforcement found it difficult to participate in CPTs that were child neglect focused. Law enforcement and prosecutors take a different approach to a child abuse case and, therefore, needed a different type of multidisciplinary team approach.³ In contrast to the prosecutorial approach that an MDT offers, a CPT provides protective services to secure a child's safety and health. CPTs promote the prevention of child abuse and serve as advocates for children.⁴

The development of MDTs in Indian Country is an incredibly useful vehicle for coordinating the investigation, the prosecution, and the disposition of child sexual abuse cases. To be truly effective as an MDT, there must be participation from all law enforcement, social services, mental health, medical, child welfare, victim assistance, and judicial agencies with jurisdiction over child sexual abuse cases. In addition, tribal representation is essential. In fact, participation in MDTs is mandated for federal agencies under the Victims of Child Abuse Act of 1990 and the Indian Child Protection and Family Violence Prevention Act (Public Law 101-630).⁵

The Nuts and Bolts of MDTs

MDTs offer an ideal opportunity to discuss investigative and prosecutorial action. Representatives from U.S. attorneys' or district attorneys' offices meet with tribal prosecutors and determine the best venue for initial criminal prosecution. Information on the status of various investigations should be available on a regular basis. Lack of access to information regarding the status of cases has long been a problem for tribal police and prosecutors, and the MDT offers an appropriate forum to share information and plan strategies.⁶

In 2011, the United States *Attorney General Guidelines for Victim and Witness Assistance* stated that federal prosecutors must consult with local MDTs: "[t]he court and the attorney for the government shall work with established multidisciplinary child abuse teams designed to assist child victims and child witnesses, and shall consult with such multidisciplinary child abuse teams as appropriate."⁷

MDT functions are dictated by the attorney general. The MDT shall be established to provide

- medical diagnoses and evaluation services, including provision or interpretation of x-rays, laboratory tests, and related services—as needed—and documentation of findings;
- telephone consultation services in emergencies and in other situations;
- medical evaluations related to abuse or neglect;
- psychological and psychiatric diagnoses and evaluation services for the child, the parent or parents, the guardian or guardians, other caregivers, or any other individuals involved in a child victim or child witness case;
- expert medical, psychological, and related testimony;
- case service coordination and assistance, including the location of services

available from public and private agencies in the community; and

- training services for judges, litigators, court officers, and others who are involved in child victim and child witness cases and in handling child victims and child witnesses.⁸

MDTs Overcoming Issues

MDTs that are truly successful have complete commitment and participation from all members. By pursuing a multidisciplinary team approach, MDTs reduce the number of interviews child victims face and the length of the investigative process, thereby preventing further trauma to these children. Indian Country can oftentimes have a lack of resources. For the FBI, this can mean that agents are out in the field, solo, investigating a crime; performing an interview; or even making an arrest. With a lack of resources to investigate these crimes, it is even more imperative to have a functioning MDT in place.

A crime committed in Indian Country can potentially be subject to investigations by local, state, federal, and tribal law enforcement, including the Bureau of Indian Affairs (BIA) and the Federal Bureau of Investigation (FBI). A case also can be subject to multijurisdictional prosecution, further confusing the process. One can imagine that



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“MDTs are more than case tracking. There is a need for members to think and act like a team all the time.”

—Michele Stewart, Victim Specialist, FBI

these complications can cause needless and undue trauma to an already fragile child victim. In addition, even with the presence of MDTs, there can be a lack of clear protocols among agencies. How is it determined who does what? Criminal jurisdiction is determined by where the crime occurred; the type of crime; the race of both the victim and the perpetrator; and statutes specifying federal, state, and tribal jurisdiction over certain cases.⁹

The Need for MDTs and Key Players

MDTs look very different in Indian Country. In Indian Country, child abuse cases are prevalent and are the focus for MDTs. However, there is a movement to bring all cases involving children in Indian Country in front of an MDT, and in many areas of the United States, this movement is gaining momentum because of the success of current MDTs and the federal mandates in place. Types of child abuse cases that an MDT might discuss could include sexual assault, drug endangerment, domestic violence, and homicide. The scope of the cases that an MDT is able to handle is determined by the capability of the team itself.¹⁰

MDTs can be extremely successful when all parts work together toward common goals. It is important that the MDT be formed around mutual respect and trust. Each member of an MDT plays an important role and fulfills a certain need within the group. The talents from each participant make for a well-rounded, well-thought-out approach to child abuse cases, which in turn fosters great contribution, collaboration, and partnerships among law enforcement, medical services, child protective services, legal entities, and victim services.

The United States Attorney's Office. The United States Attorney's Office will assign an assistant U.S. attorney (AUSA) that typically leads the MDT case review meetings and presents elements of the crimes (federal statute), evidence, victim information, and witness information.

Law Enforcement. There can be many participants from law enforcement agencies. The FBI special agent is mandatory. Others involved include the Bureau of Indian Affairs; tribal law enforcement; and state, county, and local law enforcement.

Child Protective Services. There are two entities that are typically involved in MDTs in Indian Country: the Bureau of

Indian Affairs Child Protective Services and the Tribal Child Protective Services. A case worker from the agency will participate in the meeting and coordinate services for the protection and well-being of the child and the family.

Health Services. In Indian Country, due to the cultural sensitivities required of MDTs, they will try to involve an Indian Country “traditional medicine” participant in the meeting. This participant provides a spiritual perspective and could be someone such as a Medicine Man from the tribe. Other participants include Indian health or tribal health services personnel such as a physician, a physician's assistant, or a registered nurse—basically, anyone educated from a “western medicine” perspective.

Child Advocacy Center. A child advocacy center provides a child-friendly facility where forensic interviews and sometimes medical examinations and treatments are conducted. A forensic interview follows a neutral fact-finding protocol coordinated to avoid duplicating interviews. These forensic interviewers are not victim advocates.

Victim Services. FBI victim specialists must provide services to victims as mandated by law. These include (1) assisting case agents to identify victims, (2) providing written and oral information to the victims on their rights and available services, (3) keeping victims informed of their case status, and (4) relaying information to agents from victims about threats they have received.

FBI victim specialists also assist in investigative support, providing for services such as on-scene assistance to victims, accompanying agents to interview victims or to deliver bad news, explaining forensic identification processes, cleaning and returning property, arranging for forensic exams for sexual or physical abuse victims, and conducting follow-up visits with vulnerable victims.¹¹

Elements of an Effective MDT

Given the nature of child sexual abuse cases, there is no single profession or agency that has the ability to respond adequately to an allegation of child sexual abuse. The child needs MDTs. The team players need each other. Ultimately, children's futures depend on the cooperative best effort of the MDT on their behalf. So many times children are the silent victims, and MDTs need to ensure that they are protecting these children.¹²

An MDT Success Story

A mandatory reporter called the FBI about a historical child sexual abuse allegation involving an early school age child. The referral was immediately cross-reported to BIA law enforcement and to BIA social services—both of whom are members of the MDT. Same-day discussion focused on the alleged offender's immediate access to this child and on coordinating a child interview. An MDT decision resulted in the child being scheduled for an evaluation at the Child Abuse Referral and Evaluation (CARE) Center, located at the Indian Health Services (IHS) hospital on the reservation. The MDT, which included FBI and BIA special agents, an FBI victim specialist, a BIA social worker, and a tribal child protection attorney—as well as the IHS pediatrician and child psychologist—responded to the CARE Center to work as a team to coordinate the investigation, address child protection concerns, and provide victim assistance. By early evening the child and parent had been interviewed, a safety plan and treatment plan had been implemented, and the offender had been interviewed and arrested on tribal charges. During the interview, the offender disclosed that as a child, he was a victim of child sexual abuse by a relative. Ultimately, tribal and federal charges were filed in the case. The second allegation was investigated and also charged in federal court. A third individual was charged by complaint after retaliating against the child victim.

The coordinated efforts of the MDT ensured a timely, coordinated response and an investigation that impacted two generations of child sexual abuse. At the same time, child protection and victim assistance that met the needs of the child and family were provided to those who needed these services.

Source: Stewart, Michele, FBI Office of Victim Assistance, 2012

Confidentiality. For an MDT to be truly successful, there must be confidentiality. Memorandums of understanding should include this as well. On the flip side, there must be open lines of communication among coordinating agencies to ensure MDT success. This can be a tricky. What is necessary is that information be disseminated to agencies so that the MDT can carry out its legal responsibilities and ultimately the responsibilities to protect the child. This requires the integrity of all team players. This can sometimes prove difficult in Indian Country in that some of the key players are tribal members who may have close ties to the victims in the cases that the MDT discusses.

Personal Commitment. Every member of the MDT is there to fill a crucial spot. This requires 100 percent commitment to working together to provide services to the child victim and family. The MDT meeting is an important means for communication for the whole team, however, team members should be communicating all the time to truly function effectively.

Protocol. There must be a thorough understanding by all team members about what is to be accomplished. The purpose of the MDT is to address impact and needs of all persons directly affected by the crime against the child. Teams that are successful have both tribal and federal participants and take a holistic approach to child abuse cases. This means that they do not focus on dispositions only. They focus on timely investigations, the welfare of the child, and other related factors. Needless to say, this makes information sharing between members a vital aspect to an MDT. Information sharing in MDTs is a needed part of an effective investigation. Because of the jurisdictional nightmare of working Indian Country cases, it is best that all parties work together toward a common goal. Working in Indian Country is often about sharing information with limited resources.¹³

Conclusion

Ultimately, an MDT method can prove successful with the commitment of dedicated law enforcement, child welfare, and legal professionals. Successful investigations coordinated through the MDT process significantly improve the response to child abuse cases. Forming and maintaining an investigative MDT can sometimes prove challenging in that buy-in is essential to have a universally successful outcome. Perhaps the best way to ensure that the government fulfills its obligations to protect children and bring to justice those responsible for mistreating them is the cooperation, the coordination, and the collaboration of responsible agencies in an investigative MDT.¹⁴ ♦

Notes:

¹William J. Roach and Faith T. Coburn, Indian Country Coordinators, "Tribal Affairs," Indian Country, U.S. Attorney's Office, Eastern District of Wisconsin, <http://www.justice.gov/usao/wie/Programs/Indian.html> (accessed February 6, 2013).

²Michele Stewart, FBI Office of Victim Assistance, personal interview with author, November 19, 2012.

³Ibid.

⁴*Child Protection in Indian Country: A Handbook for Indian Health Service and Bureau of Indian Affairs*, Indian Country Child Trauma Center, <http://www.icctc.org/IHS-BIA%20>

CPT%20Handbook/CPT.htm (accessed January 15, 2013).

⁵Victims of Child Abuse Act of 1990 (Pub. L. 101-647; 42 U.S.C. §§ 13001- 13031) and the Indian Child Protection and Family Violence Prevention Act of 1990 (Pub. L. 101-630; 25 U.S.C. § 3201-3210).

⁶Kathryn Turman, Program Director, FBI Office of Victim Assistance, material from internal training material, 2012.

⁷*Attorney General Guidelines for Victim and Witness Assistance* (U.S. Department of Justice, 1995) quoted in Eidell B. Wasserman *Multidisciplinary Teams and Child Protection Teams* (U.S. Dept. of Justice, Office of Justice Programs, Office for Victims of Crime, 2000), <http://www.icctc.org/MdtCpt-final.pdf> (accessed January 14, 2013).

⁸Stewart, personal interview with author, November 19, 2012.

⁹Ibid.

¹⁰Ibid.

¹¹Ibid.

¹²Ibid.

¹³Ibid.

¹⁴Mark Ells, JD, *Forming a Multidisciplinary Team to Investigate Child Abuse*, U.S. Department of Justice, Office of Justice Programs (March 2000), http://www.missingkids.com/en_US/documents/forming_multidisciplinary_team.pdf (accessed February 6, 2013).

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Youth Assessment Model: Assessment, Referral and Diversion



By Gerald Kitchell, Acting Chief
of Police, Miami-Dade, Florida,
Schools Police Department

Throughout the United States violent crime has seen a marked reduction—reports of violent crime have decreased from 1.4 million in 2007 to 1.2 million in 2011.¹ In the past few years, a growing awareness in high percentage rates of the detention of mentally challenged juveniles has made this good news contraindicative.²

The Miami-Dade, Florida, Schools Police Department (MDSPD) has participated in dozens of diversion models over the past 10 years, looking to reduce juvenile arrest while providing needed services. Each program that aired was given a review by staff hoping to find the one that addressed all of the needs of the youths it serves. Many helped to redirect youth in positive ways, and many were just lessons learned along the way on what *not* to do. In order to provide the best solutions for the school's youth, some historical programs were re-evaluated and discarded that held no evidence-based reporting, and, then, experts were secured in fields where law enforcement was lacking nationwide, regarding youth and delinquent behaviors. A firm commitment was made not merely to create a program but to change the entire process of how to handle youth challenges. This process involves all persons that play a role in the maturation of our youth and is titled *The Youth Assessment Model*.

In creating this model, the MDSPD first met the challenge of evaluating and assessing juvenile needs and the status of current programs, as well as the effectiveness of the policies and procedures in handling juvenile discipline and contacts with law enforce-

ment. MDSPD had extensive meetings with school district professionals in areas of truancy and regular and special education and with external experts in youth diversion, mental health, and community-based program assessment and evaluation. Utilizing proven and successful juvenile justice tools and interventions, psychosocial issues of at-risk youth are identified so that suitable treatment plans and referrals to appropriate services could be developed, with the goal of preventing juvenile arrests.

External program needs were reviewed both programmatically, for function and qualification, as well as for financial, evidence-based results. MDSPD looked for gaps in services and the process for interactive communications between the agencies working with youth in Miami-Dade County. The resulting model is a partnership among the Florida Department of Juvenile Justice, the Miami-Dade County Juvenile Services Department, the Miami-Dade Criminal Mental Health Project, the Miami-Dade School Board, and the Miami-Dade Schools Police Department.³

The model takes 20 minutes to complete and in most cases eliminates hours of arrest time, transport time, court time, and all the time involved with repeat offenses. The model begins with a law enforcement contact with a juvenile. This does not have to be a criminal contact; it could very well be a Child Exposed to a Violent Act contact or a regular child-officer interaction.

Step 1. The officer quickly assesses regular police issues such as the safety of the area and the medical status of the youth.

Step 2. The officer completes a mental health assessment. This is best when officers are trained and certified in Crisis Intervention Team training. If no certification is available, the officer training for this model covers what needs to be accomplished.

Step 3. If the youth is in crisis or is under the influence of illegal alcohol or drugs, the youth is treated under the Baker Act or taken into protective custody per the Marchman Act.⁴ This is completed in place of any arrest unless the incident involves a violent act with injuries or a sexual act.⁵

Step 4. Mobile Crisis Units are called to handle issues that cannot be addressed by law enforcement due to time constraints or policy.

Step 5. If the incident involves an arrestable offense, the officers are instructed on alternatives to this arrest pursuant to state law and through local juvenile state attorney's office agreements, or the youth is civil cited. The Civil Citation Program is a program that allows for the diversion of misdemeanor arrests to a civil citation, and, once an assigned program is completed, the arrest is nullified giving the youth a chance at a fresh start without a criminal record.⁶

Step 6. The officer calls a 24/7 phone number to access pertinent information on the youth so that decision making is meeting the best interests of the youth and community.

Step 7. A prevention referral form is completed and faxed to the Juvenile Services Department's Prevention Initiative, which is designed for any youth 17 years of age and younger who may be experiencing behavior and family difficulties, as well as those at risk of being arrested. The program includes

referrals that address issues such as anger management, disruptive behavior, family issues, drug experimentation, substance abuse, poor academic performance, school attendance and truancy, disciplinary problems, runaways, mental health issues, and negative peer association.

Step 8. The school district and school police contact numbers are provided to ensure that all gaps in possible services are filled and that the youth and family receive what is needed to avoid negative future contact with law enforcement.

The Miami-Dade School District has long provided identification services for youth in need, but, until this model, it has not been aware of law enforcement's efforts to facilitate providing these services as well. Now as a full partner in the Youth Assessment Model, district staff works closely with law enforcement in areas of homelessness, truancy, and other special services.

Key Personnel

Important personnel work in school and municipal, sheriff's, or police departments; circuit court programs; or juvenile assessment centers, and the Department of Corrections and the local school district are also community providers. The partnerships are vital to the success of the model.

Theory

The implementation and outcomes of an evidence-based treatment can degrade when a mismatch exists between the population mandated to receive services and that for which evidence of treatment effectiveness exists. Research has shown that rather than rehabilitating young delinquents, juvenile detention—essentially a comingling of troubled youth—appeared to worsen their behavioral problems and that prior incarceration is a greater predictor of recidivism than carrying a weapon, gang membership, or poor parental relationships.⁷

By following this model, the process will

- create partnerships within the community, school, and corrections functions of a county;
- train police officers in the full assessment of juveniles before making arrest decisions; and
- reduce arrests, lower recidivism, and provide much needed quality services to youths and families.

The MDSPD reports a savings in hours for each juvenile assessed rather than arrested; this saving is between six and twelve hours of an officer's time, both regular time and overtime. ♦

Notes:

¹FBI, "Violent Crime: Overview," *Crime in the United States, 2007*, http://www2.fbi.gov/ucr/cius2007/offenses/violent_crime/index.html; and "Violent Crime: Overview," *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/violent-crime/violent-crime (accessed January 17, 2013).

²Barry Holman and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities* (Washington D.C.: Justice Policy Institute, November 28, 2006), 10, http://www.justicepolicy.org/uploads/justicepolicy/documents/dangers_of_detention.pdf (accessed January 17, 2013).

³"History," MiamiDade.gov, <http://www.miamidade.gov/juvenileservices/history.asp> (accessed January 17, 2013).

⁴"Baker Act Information," Sharon Robertson, Clerk of Circuit Court, http://www.clerk.co.okeechobee.fl.us/Baker_act.htm

(accessed January 17, 2013); and "Marchman Act Information," Sharon Robertson, Clerk of Circuit Court, http://www.clerk.co.okeechobee.fl.us/Marchman_act.htm (accessed January 17, 2013). Both are state-enacted legislation specific to Florida.

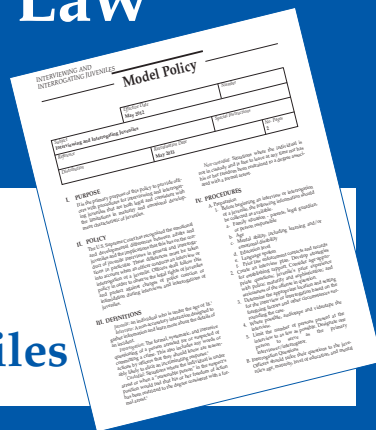
⁵"Criminal Mental Health Project," Eleventh Judicial Circuit of Florida, <http://www.jud11.flcourts.org/SCSingle.aspx?pid=285> (accessed January 17, 2013).

⁶"History," MiamiDade.gov.

⁷"Baker Act Information" and "Marchman Act Information."

IACP National Law Enforcement Policy Center

Spotlight on..... Interviewing and Interrogating Juveniles



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The U.S. Supreme Court's Seminal Decision

Has It Changed the People's Second Amendment Right to Own a Gun?

By Gary M. Fellner, Principal, Porzio, Bromberg & Newman P.C., Morristown, New Jersey



Decision in *District of Columbia v. Heller*:

A headline in September 2012 read, “Gun Range to Let Shooters Take Shots, and Knock Them Back, Too.” The article pertains to a couple’s decision in Georgia to open a new gun range where they also serve alcohol.¹ Though the catchy headline helps sell newspapers, the body of the article makes it clear that anyone drinking alcohol at this range cannot drink and then shoot. The business will have safeguards to separate the two. Obviously, this is why gun laws exist: to protect the public.

Gun sales are on the rise. Federal Bureau of Investigation records show that background checks for buyers of firearms and explosives across the United States rose 96 percent between 2002 and 2011, and 14 percent between 2010 and 2011 alone.²

The ability to regulate guns is well within the province of state and local governments, and officials seem to be addressing the issue of gun registration and ownership responsibility. How wise or unwise the proliferation of guns and their regulations may be are separate topics not addressed here. Rather, the discussion below addresses the right to own a firearm in this country in the aftermath of the U.S. Supreme Court’s landmark decision in June 2008 in *District of Columbia v. Heller*.³ The court fully examined the language of the Second Amendment: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”⁴

The U.S. Supreme Court held in *Heller*, for the first time, that the people have a constitutional right under the Second Amendment to bear arms without regard to any formal militia.⁵ This right is especially clear when a person chooses to keep a handgun for protection in his or her own home. It has been almost five years since *Heller* was decided, and a few questions come to mind: Is the right of the people to own a gun under the Second Amendment alive and well? How far does the right actually extend? What types of gun cases are being heard in the courts? Does the right extend to all kinds of weapons?

The Case

In *Heller*, the court addressed a broad law in the District of Columbia that prohibited handguns. The law went so far as to say that people who owned rifles must keep them unloaded or bound by a trigger lock in their homes. Dick Heller, a police officer, wanted to keep a handgun in his home but was denied a permit. He challenged the law in court on the ground that the law infringed

upon his constitutional right to bear arms under the Second Amendment. Before the case reached the U.S. Supreme Court, that court had never squarely held what the Second Amendment means or how far it applies to peoples’ individual right to own guns. *Heller* changed that.

The U.S. Supreme Court, in a majority opinion written by Justice Antonin Scalia, explained that the Second Amendment guarantees “the individual right to possess and carry weapons in case of confrontation.”⁶ The court observed that the right to own a gun actually predates the Constitution, as the Second Amendment’s language stating that the right “shall not be infringed” necessarily references such a pre-existing right. The court traced the long-standing history of the peoples’ right to bear arms for self-defense and found that the law at issue was unconstitutional because a complete ban on a person’s right to keep a loaded gun in his or her home interfered with that established right.

The court explained, however, that the right to bear arms is not unlimited, “just as we do not read the First Amendment to protect the right of citizens to speak for any purpose.” The court said, for example, that “[a]lthough we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on long-standing prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.”⁷ The court also wrote that “[w]e think that limitation is fairly supported by the historical tradition of prohibiting the carrying of ‘dangerous and unusual weapons.’”⁸

The ruling was handed down in June 2008. Since then, courts across the United States have been confronted with a variety of claims raised by individuals who rely

AUTHOR’S NOTE

In *Heller*, the Supreme Court ruled that the right of self defense is “most acute” in the home.¹ Thus, one question that federal courts have recently addressed, with different outcomes, is whether the constitutional right to bear arms exists *only* in the home or if there is a constitutional right to carry a gun beyond the front door.

On December 11, 2012, the U.S. Court of Appeals for the Seventh Circuit in Chicago, Illinois, ruled that Illinois’s ban on carrying loaded guns outside the home is unconstitutional.ⁱⁱ The court wrote that the U.S. Supreme Court made it clear that the Second Amendment “confers a right to bear arms for self defense, which is as important outside the home as inside.”ⁱⁱⁱ The law’s problem, said the court, is that it amounts to an outright ban on the right to carry. Reasonable regulations on carrying a gun in public are one thing; banning it completely violates the Constitution.

Another case to watch comes out of Maryland, which prohibits carrying guns outside of the home unless the applicant shows a “good and substantial reason” to carry. In *Woollard v. Sheridan*, decided in March 2012, a federal court in Maryland ruled that “the signposts left by [the] Supreme Court . . . all point to the conclusion that [Mr.] Woollard’s claim to self-defense [outside the home]—asserted by him as a law-abiding citizen . . . —does implicate[s] the Second Amendment, albeit subject to lawful limitations.”^{iv} The court struck down the state statute because it found that requiring the applicant to show a “good and substantial reason” to carry a gun interfered with the Second Amendment’s guarantees. The *Woollard* decision is currently on appeal before the U.S. Court of Appeals for the Fourth Circuit in Richmond, Virginia.

Meanwhile, the U.S. Court of Appeals for the Second Circuit in New York recently decided a case the other way, issuing a ruling on November 27, 2012, in which the court said that while the Second Amendment covers the right to carry a weapon in public, New York State’s licensing scheme, which bars people from getting a license to carry outside of the home unless they show “proper cause,” is constitutionally valid.^v

Notes:

ⁱ*Heller*, 554 U.S. 570, 628.

ⁱⁱ*Shepard v. Madigan*, 12-1788 (December 11, 2012), <http://www.isra.org/lawsuits/coa.pdf> (accessed February 8, 2013).

ⁱⁱⁱ*Id.* at 20.

^{iv}See *Woollard v. Sheridan*, 763 F. Supp.2d 462 (2012), www.mdd.uscourts.gov/Opinions/Opinions/WoollardMemo.pdf (accessed February 8, 2013).

^v*Kachalsky v. County of Westchester*, 701 F.3d 81 (2012).

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upon *Heller* to support their Second Amendment right to bear arms in many contexts.

The Aftermath

The *New York Times* reported in March 2009, nine months after *Heller* was decided, that after the Supreme Court “breathed new life into the Second Amendment,” lower federal courts have decided “more than 80 cases interpreting the decision.... So far, *Heller* is firing blanks.” That is, “the lower courts [routinely have] upheld federal laws banning gun ownership by people convicted of felonies and some misdemeanors, and by illegal immigrants and by drug addicts. They have upheld laws banning machine guns and sawed-off shotguns, upheld laws making it illegal to carry guns near schools or in post offices, and upheld laws concerning concealed and unregistered weapons.” The *New York Times* further quoted a UCLA law professor to say that “the *Heller* case is a landmark decision that has not changed very much at all. To date, the federal courts have not invalidated a single gun control law on the basis of the Second Amendment since *Heller*.”⁹

A well-noted exception to the statement that *Heller* had not impacted many aspects of the right to bear arms was the government’s power to prevent a person charged with a crime, though not convicted, of possessing a firearm. In *United States vs. Arzberger*, a

criminal defendant was charged with possessing child pornography. The government imposed conditions on the defendant’s bail to include that he not possess a firearm. The trial court held that the government could not do that based on *Heller*, ruling that “[a] year ago, I might well have taken for granted the authority of Congress to require that a person charged with a crime be prohibited from possessing a firearm as a condition of pretrial release.... This all changed with *Heller*... [T]here is no basis for categorically depriving persons who are merely accused of certain crimes of the right to legal possession of a firearm.”¹⁰

Two other cases decided shortly after *Heller* show that changes were afoot in Second Amendment law. On Long Island, New York, a police commissioner revoked a man’s pistol license after his wife died from suicide because the handgun had neither been properly locked nor rendered inoperable in his home. The New York Supreme Court held after *Heller* was decided that “the State of New York and its agencies are no longer in a position to require that a handgun be stored in an inoperable condition or otherwise locked up if it is otherwise legally present in the owner’s dwelling.”¹¹ And in Cleveland, Ohio, an individual was charged with and acquitted of various disorderly conduct offenses. After his acquittal, he demanded to have his handgun, which

the government had seized, returned to him even though the gun was not properly registered to him. Nonetheless, the Court of Appeals in Ohio, citing *Heller*, wrote that the handgun “was not a legally banned handgun, nor was he prohibited from owning or possessing it. . . . This court certainly understands and shares the trial court’s concerns about dangerous guns in our society and the damage and violence they can cause. That does not entitle the city, however, to deprive a person of his private property without due process of law.”¹²

Recent Court Cases

As shown by the above cases, the comment that *Heller* “has not changed much at all” was questionable when written and is gradually proving to be inaccurate, as shown by some recent cases discussed below.

For instance, the Illinois Supreme Court reversed a lower court that had upheld an all-out ban on assault weapons, holding in June 2012 that the definition of assault weapons is unclear. That court ruled that, although some guns may be proscribed by the law, the law is too broad and, as such, infringes upon the peoples’ rights to bear lawful arms.¹³ The court sent the matter back for further proceedings in light of *Heller*, concluding that “[w]ithout a national uniform definition of assault weapons from which to judge these



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weapons, it cannot be ascertained at this stage of the proceedings whether these arms with these particular attributes as defined in this Ordinance are well suited for self-defense or sport or would be outweighed completely by the collateral damage resulting from their use, making them 'dangerous and unusual' as articulated in *Heller*.¹⁴

The New Jersey Appellate Division ruled in 2012 for the individual in a case in which the state had argued that the individual failed to safely store his weapons in his studio apartment.¹⁵ A superintendent entered Mr. Blasko's apartment to repair some air-conditioning vents and noticed many weapons strewn across the apartment. The superintendent called the police, who later received a search warrant, following which they seized handguns and a shotgun. The state claimed that it did not have to return the weapons to Blasko after roughly a dozen guns were seized and he was arrested. After the charges were dismissed, Blasko petitioned for the guns' return. The Appellate Court observed that he did not have a mental illness, had no prior criminal record, and was never involved in domestic violence. The state nonetheless claimed that he was not fit to keep the weapons, primarily because he had not properly or safely stored them in his apartment. Blasko countered that the state cannot, under *Heller*, dictate how a person stores his weapons inside his own home. Referring to other cases where the courts have lawfully denied the return of weapons, as, for example, in cases involving habitual drunkenness, domestic violence, or narcotics possession, the appeals court said there was no evidence that Blasko posed a danger. Just owning a significant number of weapons and having them strewn haphazardly in a small studio apartment did not justify the state in refusing to return his weapons.

After the U.S. Supreme Court decided *Heller*, legislatures across the United States revisited their gun laws and, when needed, changed them to address the concerns raised by the court. The all-out ban that was held unconstitutional in *Heller*, for example, was changed within the District of Columbia. However, that prompted another lawsuit from Mr. Heller.¹⁶ This time, he challenged several aspects of the new law, including the gun registration process and assault weapons ban. This time, however, he was only partially successful.

The registration process requires, among other things, fingerprints and photographs for identification; that the registrant show knowledge of the laws of the District of Columbia pertaining to firearms; and that the registrant specify any business he has engaged in within five years, the use of the firearm, where the firearm will be kept, and "any other information that the police department deems necessary to carry out the registration provisions."¹⁷ The district court upheld all of the regulations because the regulations promoted the goals of public safety. The court also held that the ban on assault weapons was reasonable, as it put law enforcement officials at grave risk given their high firepower. The case was dismissed.

Heller appealed to the Court of Appeals, which affirmed the decision in October 2011, but disagreed with a portion of the lower court's ruling as to the law's registration provisions. The Court of Appeals decided that registration of handguns is lawful, but sent the matter back to the District Court for further proceedings on the issue of registration of rifles, saying that "[t]he record supports the view that basic registration of handguns is deeply enough rooted in our history to support the presumption that a registration requirement is constitutional." However, the Court of Appeals said that the record in the case was insufficient to confirm whether the law's registration requirements of rifles were constitutional, in that there must be a "close fit" between the requirements and the government's interests involved. Thus, the Court of Appeals sent the matter back to the lower court for further proceedings to address the constitutionality of the rifle registration process. The assault weapons ban, however, was upheld, because the court held the evidence showed that a ban on assault weapons is likely to promote the government's interest in crime control.¹⁸

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In Chicago, meanwhile, individuals brought a post-*Heller* challenge of a city ordinance that required one hour of range training as a condition to owning a gun, but also prohibited all firing ranges within the city. The ordinance also prohibited handgun possession outside of the home, at the owner's place of business, or having more than one assembled and operable firearm in the home. The ordinance further had an elaborate registration scheme, including requiring that the gun registrant complete a certified safety course, but at the same time, prohibited all shooting galleries, firearm ranges, or "any other place where firearms are discharged."¹⁹

The lower court denied plaintiffs any relief, finding that they had not shown to have suffered any harm. But the 7th Circuit U.S. Court of Appeals, in a 59-page decision issued in July 2011, found the law unconstitutional. The court said that the right to possess firearms for protection "implies a corresponding right to acquire and maintain proficiency in their use. That right would not mean much without the training and practice that makes it effective."²⁰

In March 2012, a federal court in Massachusetts addressed the question whether "the people" who are bestowed with the constitutional right to bear arms includes a lawful permanent resident in this country. The court said that it does.²¹ And because it does, the court found that the law in Massachusetts was unconstitutional because the law makes an assumption that lawful permanent residents are dangerous and thus not entitled to a gun permit, while American citizens, by contrast, are inherently trustworthy. The court found the assumption lacked a rational basis.

Heller Did Not Affect Certain Basic Principles

As noted above, the court in *Heller* made clear that certain principles established over the years are not impacted by its opinion. Thus, gun registration laws are often still upheld. In addition, in June 2012, the U.S. Court of Appeals for the Second Circuit addressed an issue implicating long-standing sovereignty of the states to enforce their own gun laws. According to that court, *Heller* did not change that aspect of the law. That case concerned Angel Decastro, who argued that he was denied his Second Amendment right to own a gun in New York, even though he purchased it in Florida and knew that taking it into New York was unlawful. Decastro moved from Florida to New York to help run a family business. He requested a handgun application from the New York Police Department but was told by a police officer that, due to a prior arrest in New York, he would not be approved. Decastro then went to Florida and bought two handguns: a Glock 9mm and Taurus PT92. He was licensed to own a gun in Florida. He left the Glock behind in Florida but took the Taurus pistol back to New York where he kept it at the family business for protection. Decastro was later convicted for transporting a weapon from out of state into New York in violation of a federal law that makes it a crime to transport into one's state of

residence a firearm purchased or obtained in another state, other than through a licensed importer, collector, or dealer. In upholding the conviction despite Decastro's Second Amendment argument, the Court of Appeals wrote that "[t]he law prohibits the transportation into one's state of residence of firearms acquired outside the state; but it does nothing to keep someone from purchasing a firearm in her home state, which is presumptively the most convenient place to buy anything. The evident purpose of the statute is to stop circumvention of state laws regulating gun possession; it does so by requiring state residents to comply with conditions of sale and similar requirements in their home state. [The law] does not bar purchases from an out-of-state supplier if the gun is first transferred to a licensed gun dealer in the purchaser's home state. In light of the ample alternative means of acquiring firearms for self-defense purposes, [the law] does not impose a substantial burden on the exercise of Decastro's Second Amendment rights."²²

In the District of Columbia Court of Appeals, the court rejected the defendant's argument that a law prohibiting the carrying of a pistol without a license violated the Second Amendment. The court wrote, in a 2011 decision, that carrying a loaded, concealed weapon without a license can be banned by the government. The defendant's conviction stood, as a conviction for "carrying a concealed pistol without a license . . . did not violate his constitutional right to keep and bear arms."²³ The court observed that *Heller* does not stand for the proposition that concealed weapons laws are unconstitutional.²⁴

The Court of Appeals for the Fourth District in California recently affirmed a conviction of a defendant for violating a law that prohibited the carrying of a concealed dirk or dagger.²⁵ The court there held that the law proscribing the carrying of a concealed dirk or dagger does not run afoul of the Second Amendment because it is narrowly tailored to serve the important governmental interest of preventing exposure to the risk of surprise attacks and does not burden the right to bear arms in self-defense.

States also still have the ability and power post-*Heller* to screen people to ensure that they are fit to own a gun. If a person is found to be unfit to possess a firearm, the government can lawfully deny that person a gun permit. In New Jersey, for example, a man recently challenged a decision made by the local police when it denied him any gun permit or firearm identification.²⁶ He argued that *Heller* compels the state to issue a gun permit under the Second Amendment. The court held an evidentiary hearing, as required under state law, at which time individuals testified regarding the petitioner's fitness to own a gun. The evidence showed that the applicant had compulsive and paranoid behavior. The court came to the same conclusion the police chief did and denied the permit in the interest of public safety. On appeal from that denial, the Appellate Division decided that *Heller* did not impact upon petitioner's constitutional rights because the law in question was not an all-out ban on guns, as was the case in *Heller*. Instead, the Appellate Division ruled that a fair hearing had been held as required by New Jersey law to address petitioner's fitness to own a gun, and the trial court is afforded deference to make factual findings in reaching its conclusion as to a person's individual fitness based upon the specific evidence produced at the hearing.

That deference to a lower court or gun licensing authority, however, is not unlimited. For instance, in New York, James Caputo applied for a home-premises handgun. He was denied the permit from the licensing division because, according to the division, he did not have the required "character and fitness" to own a gun based upon his prior arrests, including a felony conviction a decade earlier. On appeal to the New York State Supreme Court, Caputo argued that, based upon *Heller*, the matter should be remanded to the licensing division for full consideration of all of the evidence bearing upon his individual fitness and character.²⁷ The New York Supreme Court agreed and sent the matter back for further proceedings, stating that the division's decision was "arbitrary," and had been made with "blinders on" without proper consideration of all of the evidence,

including Caputo's honorable service in the Marines and almost five years of service as a New York City police officer.

Conclusion

The U.S. Supreme Court deliberately did not address all of the contours of the Second Amendment in its landmark decision in *Heller*. It observed that, like all constitutional rights, there are limits. There is no constitutional right, for example, to own a machine gun or other dangerous weapon, nor a right to carry a concealed handgun in the streets. However, in cases that are not so readily apparent, courts across the country, state and federal, continue to refine the Second Amendment's boundaries as new cases emerge in different contexts. As a result of *Heller*, individual rights under the Second Amendment continue to develop and are taking shape in the courts at a pace never before seen. The cases show that public safety must now be balanced with the rights of the individual, and, in certain contexts, the scales have tipped in favor of the individual. ♦

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Notes:

¹"Gun Range to Let Shooters Take Shots, and Knock Them Back, Too," MSN.com, September 21, 2012, <http://now.msn.com/gun-range-to-sell-alcohol> (accessed January 29, 2013).

²"National Instant Criminal Background Check System," FBI, <http://www.fbi.gov/about-us/cjis/nics> (accessed January 29, 2013). In 2011, 16,454,951 background checks were submitted to the National Instant Criminal Background Check Systems Operation. Of these, 6,875,625 transactions were processed by the NICS Section and the remaining 9,579,326 transactions were processed by state users. FBI, *National Instant Criminal Background Check System (NICS) Operations, 2011*, annual report, ii, <http://www.fbi.gov/about-us/cjis/nics/reports/2011-operations-report/operations-report-2011> (accessed January 30, 2013).

³*District of Columbia v. Heller*, 554 U.S. 570, 128 S. Ct. 2783 (2008).

⁴U.S. Const. amend. II; see "Second Amendment," Legal Information Institute, Cornell University Law School, http://www.law.cornell.edu/constitution/second_amendment (accessed January 29, 2013).

⁵Two years later, the U.S. Supreme Court held that the Second Amendment's right to bear arms is applicable to the states under the 14th Amendment. *McDonald v. City of Chicago*, 561 U.S. ____ ,130 S. Ct. 3020 (2010).

⁶*Heller*, 554 U.S. at 592, 128 S. Ct. at 2797.

⁷*Id.* at 2816-17.

⁸*Id.* at 2817, quoting William Blackstone, *Commentaries on the Laws of England*, 4 vols. (1765-1769).

⁹Adam Liptak, "Few Ripples from Supreme Court Ruling on Guns," *New York Times*, March 16, 2009, <http://www.nytimes.com/2009/03/17/us/17bar.html> (accessed January 29, 2013).

¹⁰*United States v. Arzberger*, 08 CR. 894 (AKH) (S.D.N.Y. 2008), Document 15 on ECF.

¹¹*Colaiacovo v. Dormer*, Index No. 08-020230 (New York Sup. Ct., Suffolk Co. 2008), https://www.nysrpa.org/files/colaiacovo_v_dormer.pdf (accessed January 29, 2013). See also *Matter of Tessler*, 2012 N.Y. Misc. LEXIS 4841 (New York Sup. Ct. 2012). New York City Administrative Code that makes it a crime to store or leave a weapon in such a manner that it is "out of the owner's immediate possession or control without having rendered such weapon inoperable by employing a safety locking device"

is unconstitutional to the extent that the law requires a firearm be kept inoperable in the home at all times (*Id.* at *29).

¹²*Cleveland v. Fulton*, 898 N.E.2d 983, 989 (Ct. of App. 2008).

¹³*Wilson v. County of Cook*, 360 Ill. Dec. 148 (2012).

¹⁴*Id.*

¹⁵*In Re Application of Blasko*, 2012 N.J. Super. Unpub. LEXIS 1466 (App. Div. 2012).

¹⁶See *Heller v. District of Columbia*, 698 F. Supp. 2d 179 (D. Col. 2010).

¹⁷The entire registration process is contained in §§ 7-2501.01 *et seq.* of the D.C. Code.

¹⁸670 F.3d at 1263.

¹⁹*Ezell v. City of Chicago*, 651 F.3d 684 (7th Cir. 2011).

²⁰*Id.* at 704.

²¹*Fletcher v. Haas*, 851 F. Supp. 2d 287 (D. Mass. 2012).

²²*United States v. Decastro*, 682 F.3d 160, 168 (2d Cir. 2012). The United States Court of Appeals, Second Circuit, also recently held in *United States v. Zaleski*, 2012 U.S. App. LEXIS 14341 (2d Cir. 2012), that the defendant's conviction of possessing various machine guns, resulting in a jail sentence of 101 months, was valid. Even though the defendant was a member of a militia in Connecticut, the Second Amendment does not protect an individual in possession of machine guns. It only extends to weapons typically possessed "by law abiding citizens for lawful purposes."

²³*Gamble v. United States*, 30 A.3d 161, 164 (D.C. Ct. of App. 2011).

²⁴*Id.*

²⁵*People v. Mitchell*, 2012 Calif. App. LEXIS 1064 (Ct. of App. Fourth Dist. 2012).

²⁶*Matter of Dubov*, 2012 N.J. Super. Unpub. LEXIS 1957 (App. Div. 2012).

²⁷*Matter of Caputo*, 2011 N.Y. Misc. LEXIS 251 (New York Co. Sup. Ct. 2011).

Cloud Computing in Law Enforcement: Survey Results and Guiding Principles

By David J. Roberts, Senior Program Manager, IACP Technology Center

Law enforcement agencies throughout the United States and around the world are increasingly considering cloud computing as a viable option to support information management and operations. The IACP and SafeGov recently cohosted a symposium called “Leveraging the Cloud for Law Enforcement,” held January 31 at the Newseum in Washington, D.C.

The symposium featured presentations by IACP President Craig T. Steckler, chief of the Fremont, California, Police Department; IACP Executive Director Bart R. Johnson; Michael Chertoff, chairman of the Chertoff Group and former U.S. Department of Homeland Security secretary; U.S. Rep. Mike Rogers (R-MI), chairman of the U.S. House of Representatives Permanent Select Committee on Intelligence; Richard Holgate, chief information officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and Jerome Pender, executive assistant director of the Information and Technology Branch at the Federal Bureau of Investigation. In addition, several IACP members spoke on panel discussions throughout the day with other subject matter experts to address cloud planning and implementation issues, challenges, and successes. Approximately 110 people attended the event and participants remained engaged throughout the day.

The IACP released preliminary results of a new survey on cloud computing in law enforcement and announced the publication of *Guiding Principles on Cloud Computing for Law Enforcement* during the symposium.

Cloud Computing Survey

The IACP, the Ponemon Institute, and SafeGov recently completed a survey of IACP member agencies regarding cloud computing and its application to law enforcement. The survey examined how state and local law enforcement officials view the potential of cloud computing in law enforcement, their concerns, and their plans for the future. Invitations to participate in the online survey were distributed over three weeks in late December 2012 through mid-January 2013 to 4,771 IACP members representing municipal and county police departments, sheriffs’ departments, and state police agencies. A total of 272 agencies responded, representing a response rate of 6 percent.

Nearly three-quarters (71 percent) of survey respondents were the chief executive officers of their agencies, and an additional 11 percent were command staff (see table 1).

Table 1

Respondent Position	n	%
Chief Executive/Sheriff	193	71
Command Staff	31	11
Information Technology Director	15	6
Information Technology Manager	22	8
Sworn Officer	8	3
Contractors	2	1
Other	1	0
TOTAL	272	100

It is worth noting that respondents closely reflected the agency size stratification (in number of sworn officers) of the IACP membership from which they were drawn (see table 2).

Table 2

MUNICIPAL/COUNTY CHIEFS, SHERIFFS, AND STATE POLICE		
Agency Size (Sworn Officers)	Sample	IACP
Fewer than 25	36%	43%
25–49	22%	22%
50–99	15%	16%
100–249	13%	11%
250–499	6%	4%
500–999	3%	2%
1,000 or more	5%	3%
TOTAL	100%	100%

Survey results illustrate that chiefs and sheriffs broadly understand the potential value of this new computing paradigm, are actively engaged in considering the adoption of the technology, and are seeking guidance

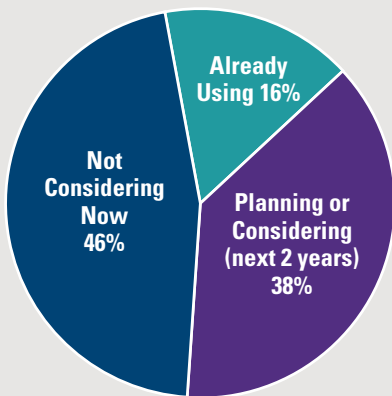
Table 3

Applications	Using (%)	Considering (%)	Not Considering (%)	TOTAL (%)
Cloud Email	17	29	54	100
Cloud Storage	15	35	50	100
CJIS Access	11	40	49	100
RMS, Crime Reporting, and Analysis	10	37	53	100

for effective planning and implementation. More than half (54 percent) of the 272 IACP-member respondents indicated that they had implemented or were planning or considering implementing cloud-based solutions in the next two years (see chart 1).

Chart 1

Cloud Use or Consideration



Of those agencies that indicated they are not now considering cloud computing, more than half (54 percent) indicate the their current law enforcement applications are not presently offered as cloud-based solutions, and 44 percent expressed concerns that cloud-based services do not provide sufficient security for their information systems and data.

Email is the application most frequently used by agencies who have already adopted cloud solutions, but several others—including cloud storage; the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) access; records management systems (RMS); crime reporting; and analysis and mapping applications—are being considered for implementation among responding agencies (see table 3).

Although backup and disaster recovery and email were viewed as the two applications “most suitable” for cloud computing, survey respondents also identified a wide range of law enforcement applications as “potentially suitable,” including crime analysis and mapping applications; crime reporting; CJIS/National Crime Information Center (NCIC) access; and access to key state systems, such as computerized

criminal history (CCH), departments of motor vehicle (DMVs), and warrants, as well as RMS and computer-aided dispatching (see chart 2).

Realizing cost savings was the most popular reason (61 percent) responding agencies indicated they were adopting, planning, or considering to adopt cloud computing, followed by an expectation that they will be able to eliminate their need to manage their own software and hardware (52 percent) (see chart 3).

Respondents viewed external threats, either to the cloud service provider’s infrastructure (70 percent) or their own infrastructure (60 percent), as the greatest threats surrounding cloud computing (see chart 4).

Nearly three-quarters (71 percent) of respondents view compliance with FBI CJIS security policies as a “make-or-break” requirement for cloud service providers, and 74 percent view the requirement that employees of cloud providers pass criminal background checks as “very important.” More than half of respondents indicated that they were “very familiar” (23 percent) or “somewhat familiar” (35 percent) with FBI CJIS security policies, but 10 percent had no knowledge of the policies, and nearly one-third (32

Chart 2

Suitability of Apps for Law Enforcement Cloud Computing

■ Most Suitable
 ■ Potentially Suitable
 ■ Least Suitable

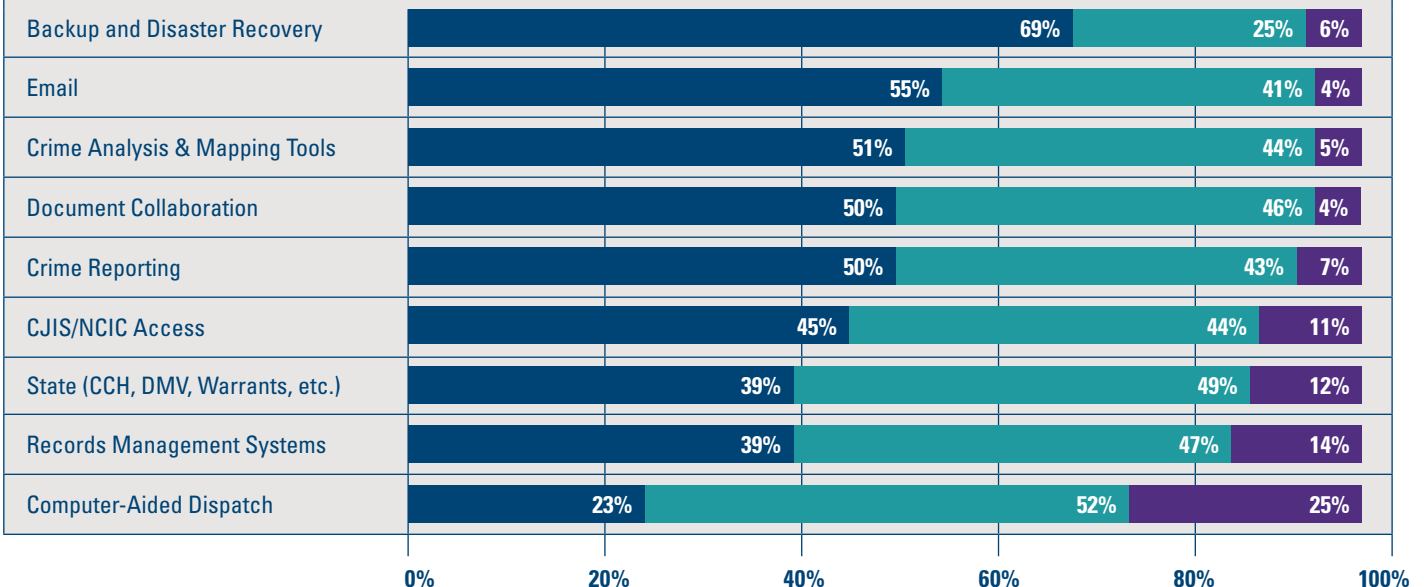


Chart 3

Why Are They Going Cloud?

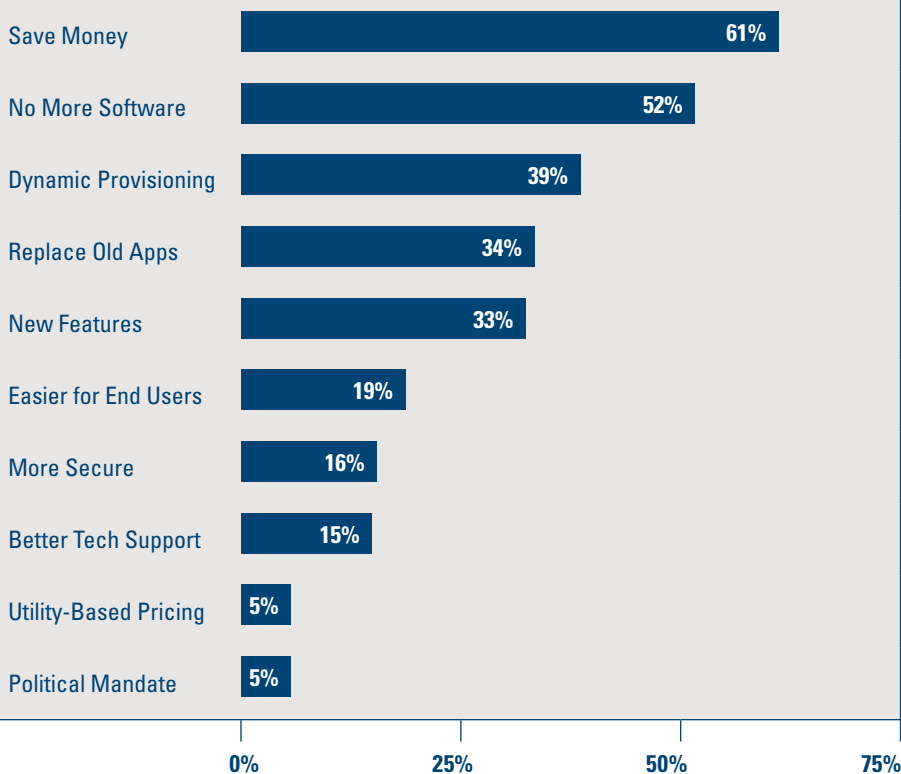
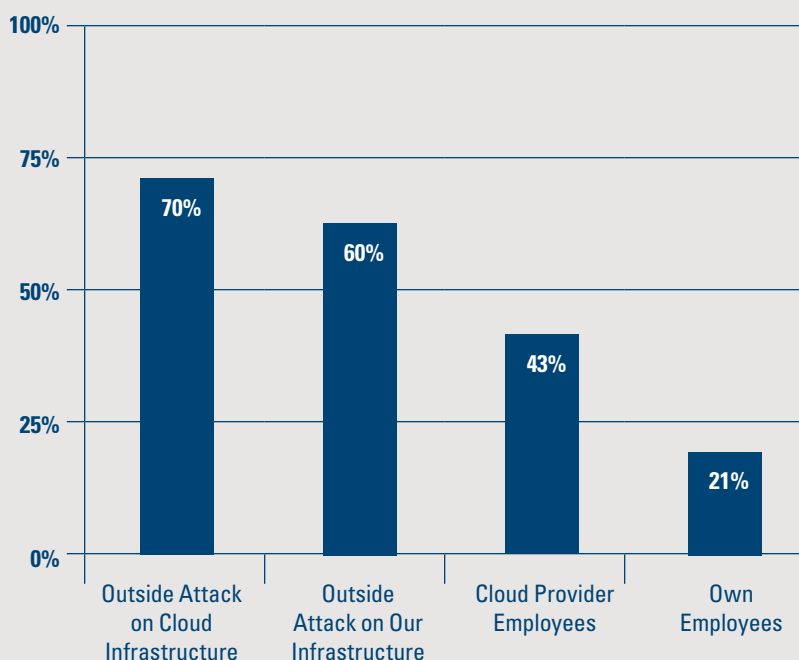


Chart 4

Where Is The Greatest Cloud Security Risk (Very High/High Risk)?



percent) indicated they were aware of but not familiar with them.

Eighty-nine percent of respondents indicated that cloud providers must abstain from mining of their data, and 87 percent of respondents supported having the IACP develop model clauses for cloud procurement contracts banning inappropriate or unauthorized use of customer data by cloud providers and reinforcing the confidentiality and security requirements of law enforcement data

Guiding Principles on Cloud Computing for Law Enforcement

The IACP also released *Guiding Principles on Cloud Computing for Law Enforcement*. Developed in collaboration with experts from SafeGov.org and key law enforcement subject matter experts from around the United States, the principles establish clear and concise parameters and a path forward for the exploration of cloud-based computing solutions and services by law enforcement. The principles cover such issues as ensuring that

- cloud providers comply with FBI CJIS security policies;
- law enforcement agencies retain ownership of their data;
- the cloud provider does not mine or otherwise process or analyze their data for any purpose not explicitly authorized by the law enforcement agency;
- regular audits are scheduled and conducted on the use and access to their data, and compliance with the terms of any agreement;
- data are portable and interoperable with other systems;
- the cloud provider will maintain the physical and logical integrity of the data and ensure their ongoing confidentiality, availability, reliability, and performance; and
- the terms of the agreement and the service provided survive irrespective of the commercial viability of the service providers or changes in operations, ownership, structure, and so forth. The *Guiding Principles* document also provides sample contractual language that agencies may consider using in contracts or service-level agreements.

The IACP will be working in the coming months to develop model policies associated with cloud computing through the IACP National Law Enforcement Policy Center. Model policies are expected to be released at the annual IACP conference, October 19–23, 2013, in Philadelphia, Pennsylvania.

More detail regarding preliminary survey figures and the *Guiding Principles on Cloud Computing for Law Enforcement* are available on the IACP website at <http://www.theiacp.org/About/PressCenter/CloudComputing/tabid/1113/Default.aspx> (accessed February 8, 2013). ♦



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NTSB Issues Safety Recommendations to IACP

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

The National Transportation Safety Board (NTSB) investigated wrong-way driving crashes and also held a two-day forum last spring in Washington, D.C., called “Reaching Zero: Actions to Eliminate Substance-Impaired Driving.” As a result of these efforts, the NTSB tasked the IACP and the National Sheriffs’ Association (NSA) with Safety Recommendations H-12-37 and H-12-49.¹

Wrong-Way Driving Crashes

Each year in the United States, there are relatively few collisions where vehicles traveling the wrong-way on controlled-access highways strike, usually head-on, other vehicles traveling lawfully in the prescribed direction (that is, right-way drivers). Yet, on average, 360 lives were lost annually between 2004 and 2009 in 260 fatal crashes, which represent about three percent of the collisions on controlled-access highways. More than 75 percent of these collisions occurred between 6:00 p.m. and 6:00 a.m.; about 57 percent happened on weekends (Fridays, Saturdays, and Sundays); and most of them took place in the lane immediately adjacent to the median. The vast majority of wrong-way driving crashes resulted from drivers erroneously entering controlled-access highways using *exit* ramps.²

Alcohol impairment clearly is the primary cause of wrong-way driving collisions. While only 6.5 percent of right-way drivers in this type of fatal collision between 2004 and 2009 had alcohol involvement, approximately 60 percent of wrong-way drivers in these fatal crashes had alcohol involvement. Almost 70 percent of those drivers for which blood alcohol concentrations (BACs) were available had BACs of .08 grams per deciliter (g/dL) or greater, with 10 percent being between .08 and .15 g/dL and 59 percent at .15 or above g/dL.³ The NTSB believes a more accurate understanding of alcohol impairment in these and other types of fatal collisions could result from increased collection and reporting of BACs.⁴ For example, fewer states reported BAC results for more than 80 percent of fatally injured drivers in 2010 (23 states) than in 1990 (28 states), and the reporting rate for two states (Alabama and Iowa) was less than 25 percent.⁵

Another cause of wrong-way driving crashes is drivers aged over 70 years, who were overrepresented in fatal wrong-way driving collisions

between 2004 and 2009. In fact, the number of wrong-way drivers exceeded that of right-way drivers *only* in every 10-year age category above 70 years. There were almost 2.5 times more wrong-way drivers between 70 years old and 79 years old and in excess of 30 times more of them were over 80 years old.⁶

One immediate safety initiative that police chiefs and law enforcement executives can undertake is to caution officers, like the California Highway Patrol did, to drive on controlled-access highways—especially during nighttime hours—in lanes in other than the lane immediately adjacent to the median:

When driving on a freeway or divided highway at night, consider wrong-way drivers, most of whom are either under the influence of alcohol/drugs or confused. In either case, impaired drivers will usually be found in the left lane which is perceived as the right lane. When cresting an overpass or rounding a curve at legal speeds, there may be a closing rate of 110 mph or 165 feet per second. At this speed, the only chance would be to instantly swerve the vehicle; braking would be futile. The only real defense against the wrong-way driver is to watch well ahead. When the line of sight is reduced because of the highway configuration, the odds are better driving in the right lanes.⁷

The NTSB recommended that the 33 states that have not enacted laws requiring the use of alcohol ignition interlocks by *all* drivers convicted of an impaired driving offense, along with the Commonwealth of Puerto Rico and the District of Columbia, do so. It also highlighted the incentive to pass such legislation that is included in the recently enacted Moving Ahead for Progress in the 21st Century Act (MAP-21); MAP-21 directs the U.S. Department of Transportation to award special grants to states that mandate the use of alcohol ignition interlocks by all of those convicted of impaired driving violations.⁸ Thus, the NTSB recommendation expands the scope of an existing effective technology in order to spare additional lives. National Highway Traffic Safety Administration (NHTSA) data indicate that drivers with BACs of .08 or higher involved in fatal crashes in 2011 were seven times more likely to have had a prior impaired-driving conviction than were drivers without alcohol impairment at the time of the fatal crash.⁹

Research indicates that limited enforcement of impaired driving statutes can allow offenders to drive under the influence between 200 and 2,000 times prior to apprehension and that even high-visibility enforcement of these laws still can permit them to drive impaired 80 times before an

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arrest.¹⁰ To vastly reduce the number of impaired drivers who escape capture, the NTSB encourages NHTSA and the Automotive Coalition for Traffic Safety Incorporated to expedite the development and implementation of passive safety technologies, such as the Driver Alcohol Detection System for Safety (DADSS), as opposed to active ones, such as alcohol ignition interlocks. DADSS is intended at this stage of development to detect BAC passively using two sensor systems: one based on breath, and the other based on touch.¹¹ QinetiQ North America's DADSS project leader Bud Zaouk suggested that DADSS could be "the equivalent of the seat belt of our generation," preventing thousands of impaired driving deaths each year,¹² but it currently is at least a decade away from being available as optional equipment in new vehicles.¹³

The NTSB recommended that the IACP and the NSA "work together to develop a best practices document to provide guidance to law enforcement officers summoned to respond to a wrong-way movement on a divided highway."¹⁴ The IACP Highway Safety Committee (HSC) intends to begin exploring Safety Recommendation H-12-49 at its 2013 Agenda Screening Meeting in New Orleans, Louisiana, this month.

The Place of Last Drink

Responsible alcoholic beverage service either in commercial establishments or in private settings is key to reducing impaired driving arrests and collisions. "Dram shop liability laws," which have been enacted in 43 states and the District of Columbia, allow victims of impaired driving crashes or their families to hold bars and alcohol beverage retailers civilly liable for death, injury, or damage caused by intoxicated customers.¹⁵ Similarly, "social host liability laws," some form of which have been passed in 27 states, operate to hold private individuals legally responsible for knowingly serving alcohol to minors or intoxicated adults who subsequently drive vehicles that are involved in collisions resulting in death or injury.¹⁶ Obviously, determining the place of last drink (POLD) is crucial to the successful enforcement of such laws. Additionally, ascertaining POLD can bolster an impaired driving arrest by providing a time frame as to where, when, and what the defendant was last served. Consequently, the NTSB recommended that the IACP and the NSA inform their members of the value of collecting POLD data as a part of any arrest or crash investigation involving an alcohol-impaired driver.¹⁷ The HSC will discuss Safety Recommendation H-12-37 at its 2013 Agenda Screening Meeting.

The NTSB remains concerned about the following substance abuse-related driving issues:

- Alcohol-impaired collision deaths involving drivers with BACs equal to or greater than .08 g/dL decreased from 49 percent of total traffic fatalities in 1982 to 33 percent of them in 1994 and essentially have remained stagnant since 1994,¹⁸ accounting for 31 percent of total traffic deaths in 2011.¹⁹
- Driving under the influence of drugs is increasing, but its magnitude cannot yet

be measured because standards for post-crash drug testing and reporting have not been established.²⁰

The HSC welcomes these opportunities to partner with the NTSB to reduce the deaths and the debilitating injuries relating to wrong-way driving crashes and to substance impairment. ♦

Notes:

¹Deborah A.P. Hersman to Joseph A. Farrow and Aaron D. Kennard, November 21, 2012, National Transportation Safety Board (NTSB) Safety Recommendation, H-12-37, <http://www.nts.gov/doclib/recltters/2012/H-12-037.pdf> (accessed January 28, 2013); and Hersman to Craig Steckler, December 26, 2012, NTSB Safety Recommendation H-12-49, <http://www.nts.gov/doclib/recltters/2012/H-12-049.pdf> (accessed January 28, 2013).

²NTSB, *Wrong-Way Driving*, December 11, 2012, 1, Highway Special Investigation Report NTSB/SIR-12/01, <http://www.nts.gov/doclib/safetystudies/SIR1201.pdf> (accessed January 28, 2013).

³Ibid.

⁴Hersman to Farrow and Kennard, November 21, 2012, 2, <http://www.nts.gov/doclib/recltters/2012/H-12-037.pdf> (accessed January 28, 2013).

⁵Ibid., 3; NTSB, *Wrong-Way Driving*, 11.

⁶NTSB, *Wrong-Way Driving*, 37.

⁷Department of California Highway Patrol, *Enforcement Driving Guide*, July 10, 2008, 5-6, http://www.californiaduiguide.com/documents/CHP_Docs/Enforcement%20Driving%20Guide.pdf (accessed January 28, 2013).

⁸NTSB, *Wrong-Way Driving*, 35, 58.

⁹NHTSA's National Center for Statistics and Analysis (NCSA), *Traffic Safety Facts: 2011 Data Alcohol-Impaired Driving*, NHTSA publication no. DOT HS 811 700, December 2012, 4-5, <http://www.nrd.nhtsa.dot.gov/Pubs/811700.pdf> (accessed January 28, 2013).

¹⁰Traffic Injury Research Foundation, *Understanding Drunk Driving*, 2010, 9-10, http://www.tirf.ca/publications/PDF_publications/wg_messaging_brochure_final_web.pdf (accessed January 28, 2013).

¹¹NTSB, *Wrong-Way Driving*, 35-37, 58.

¹²Michael Walsh, "Alcohol Detecting Technology Could Save 10,000 a Year from Drunk-Driving Death: Scientists," *New York Daily News*, January 3, 2013, <http://www.nydailynews.com/news/national/alcohol-detecting-technology-save-10-000-year-drunk-driving-death-article-1.1231763#ixzz2Iokviz39> (accessed January 28, 2013).

¹³NTSB, *Wrong-Way Driving*, 37.

¹⁴Ibid., 52, 58.

¹⁵FindLaw, "Dram Shop Laws," http://dui.findlaw.com/dui-laws-resources/dram-shop-laws.html?DCMP=ADC-DUI_LawsBroadModifier-DramShop&HBX_PK=dram+shop (accessed January 28, 2013).

¹⁶FindLaw, "Social Host Liability," <http://injury.findlaw.com/accident-injury-law/social-host-liability.html>, (accessed January 28, 2013).

¹⁷Hersman to Farrow and Kennard, November 21, 2012, 8, <http://www.nts.gov/doclib/recltters/2012/H-12-037.pdf> (accessed January 28, 2013).

¹⁸Ibid., 1; NTSB, *Wrong-Way Driving*, 55.

¹⁹NCSA, *Traffic Safety Facts: 2011 Data Alcohol-Impaired Driving*, 1.

²⁰Hersman to Farrow and Kennard, November 21, 2012, 7-8, <http://www.nts.gov/doclib/recltters/2012/H-12-037.pdf> (accessed January 28, 2013); NTSB, *Wrong-Way Driving*, 39-40.



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.

Correctional Officer Eliezer Colón-Clausells
Puerto Rico Department of Corrections and Rehabilitation
Date of Death: January 10, 2013
Length of Service: 10 years

Agent Mayra Ramírez-Barreto
Puerto Rico Department of Justice
Date of Death: January 10, 2013
Length of Service: 30 years

Police Officer Kevin A. Tonn
Galt, California, Police Department
Date of Death: January 15, 2013
Length of Service: 3 years

Trooper Michael Slagle
Tennessee Highway Patrol
Date of Death: January 25, 2013
Length of Service: 35 years

Sergeant Rick Riggenbach
Chitimacha Tribal Police Department,
Charenton, Louisiana
Date of Death: January 26, 2013
Length of Service: 15 years



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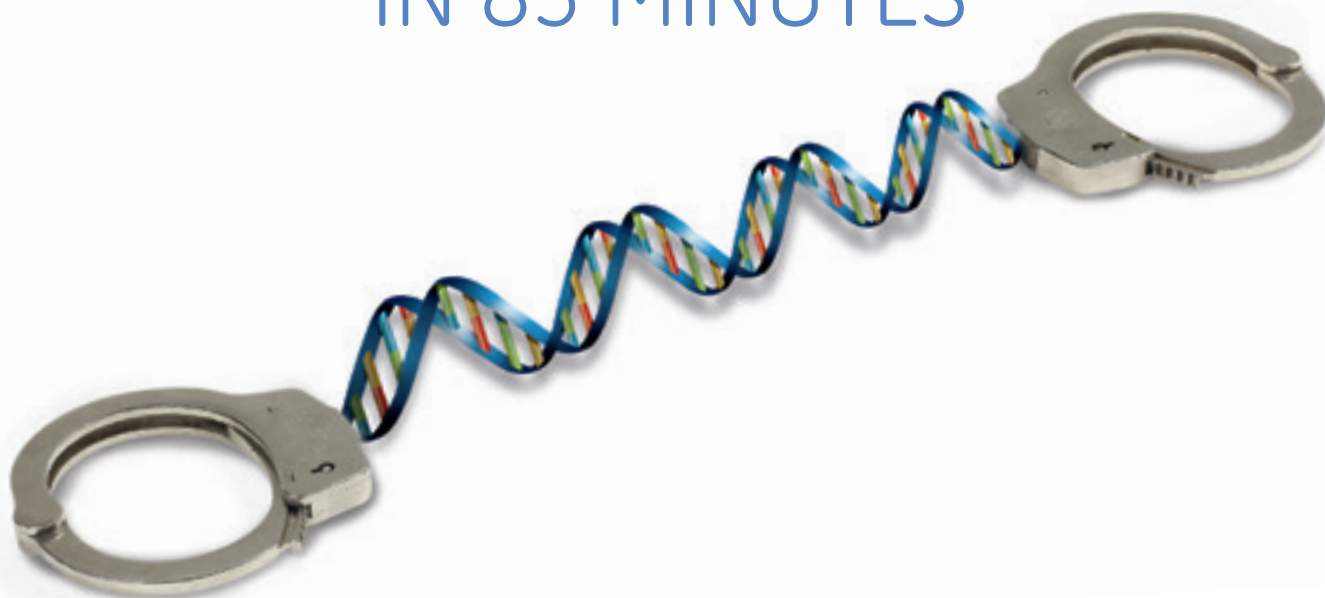
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