FBI Law Enforcement Bulletin

Features

Departments

Nontraditional Training Systems

Realizing the Effectiveness of an Agency's Most Valuable Resource

By BRIAN C. DELLA, M.S.

Training is the most significant human resource function undertaken by law enforcement agencies. All law enforcement management textbooks cover the importance of implementing effective training programs. Each similarly defines training as the "planned effort by an organization to facilitate employees' learning of job-related competencies."[1]

Most law enforcement officers receive more training now than they have in the past. Many agencies spend a significant amount of time training new officers and increasing on-the-job learning through in-service training programs. The majority of this training focuses on cognitive (or factual) outcomes, not affective (or emotional) outcomes. Most law enforcement agencies, however, can make better use of their in-service training programs by shifting their paradigm to take into account the needs of adult learners and by teaching with purpose, not just to cover the material.[2]

FOCUSING ON TRAINING

Unfortunately, some instructors place little emphasis on teaching adult learners or, further, communicating with the increasing number of "Generation Xers."[3] Both groups are unique in their learning preferences and needs. Historically, law enforcement agencies have used a traditional training system model not particularly conducive to adult learners' needs, but, instead, seemingly built around the needs of the organization. Often, some

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classes appear to cover repetitive, uninspiring topics simply to meet mandated requirements, rather than satisfying these standards in a self-directed study curriculum. Training with a traditional approach does not always realize the full effectiveness of the organization's most valuable resource—its people; agencies waste this important management tool. "A well-conceived training plan is a necessary ingredient.... It helps police personnel toward a change in attitudes and practices...and in providing more effective police services."[4] While training mandates establish uniform minimal standards of performance, the progressive law enforcement agency recognizes that although training provides the opportunity to acquire and improve job-related skills, it also extends further to career planning and development.[5]

Training is a set of activities that provides an opportunity to acquire and improve job-related skills. A majority of officers have mastered much of the mandated training and often work in areas where the training has little job relevancy. Covering this material in a self-directed study program and using the time and resources saved to broaden officers' career development in more challenging and interesting areas would better serve them and their agencies. The cognitive outcomes used to measure the degree to which trainees are familiar with principles, facts, techniques, procedures, and processes easily can be achieved via self-directed study, which allows adult learners to take responsibility for their own learning, and standardized tests. Agencies could tailor the new nontraditional learning objectives to

meet an officer's career development goal.

DEVELOPING CAREERS

The basic framework for formal career planning involves a five-step framework "beginning with personal assessment and then progressing through analysis of opportunities, selection of career objectives, and implementation of strategies."[6] Training programs that challenge and move people to higher levels of intellectual thought keep personnel motivated and improve the agency's ability to serve the community. The benefits from this type of training program may not be immediately recognizable, but subtle, long-term results will occur.

By focusing on career development, agencies pay more attention to affective outcomes, such as attitudes and motivation (which may include tolerance for diversity, motivation to learn, safety attitudes, and customer-service orientation), that will positively change an employee's attitude toward the organization and the mission. Focusing on affective outcomes and not cognitive outcomes (the degrees to which officers are familiar with facts and procedures) simply measured on a multiple-choice test compounds the organization's return on investment and the benefits derived from a training program.

Law enforcement officer in-service training can move progressively forward with an emphasis on purpose. Purposeful teaching[7] moves away from traditional training systems (characterized by presenting topics in specific time frames and composed of lectures and demonstrations with results measured in multiple-choice test formats) to a systems approach, which aligns all elements of the educational process. A successful training program first must take into consideration some established principles of learning and recognize the student's apperceptive base: "The student's past training and experience and his ability to integrate these with his new learning and experiences will materially affect his learning rate."[8]

IDENTIFYING NEEDS OF ADULT LEARNERS

Law enforcement in-service training programs should reflect Malcolm Knowles' theory of andragogy developed specifically for adult learners. Andragogy emphasizes that adults are self-directed and expect to take responsibility for their decisions; all adult-learning programs must accommodate this. Basically, andragogy means that instruction for adults needs to focus more on the process and less on the content. Strategies, such as case studies, role-plays, simulations, and self-evaluation, are most useful, with the instructor acting more as a facilitator or resource than a lecturer. Andragogy is based on four assumptions about the design of learning.

1) Self-concept: In contrast to the dependency of children, adults have a deep psychological need to be self-directing. They resent and resist situations that do not allow for self-direction or courses in which the trainer and the design shove

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Established Principles of Learning

- Principle of readiness: The conditions in the student's environment are such that they establish an attitude favorable to learning.

- Principle of effect: The effect of the student's success in learning is pleasurable and satisfying. The student will strive to continue doing what provides a pleasant effect to continue learning.

- Principle of repetition: Experiences that are pleasing or satisfying lead to an accompanying desire to repeat the experience.

- Principle of primacy: Things learned first create a strong impression in the mind that is difficult to erase. For this reason, negative approaches to teaching should be avoided.

- Principle of recency: Information acquired last generally is remembered best; frequent review and summarization help fix in the mind the material covered.

- Principle of intensity: The more intense the material taught, the more likely it will be retained.

Source: E. Hilgard, G. Bower, Theories of Learning *(New York, NY: Appleton Century-Crofts, 1966).*

trainees into dependent roles of children.

2) Experience: Adults have accumulated a reservoir of experience that serves as a resource for learning, as well as a broad base to relate new learning.

3) Readiness to learn: Adults become ready to learn things that they need to know or be able to do to fulfill their role in society. For example, instructors should not teach the principles of good composition, but, rather, how to write an effective business letter.

4) Orientation to learning: Children have a subject-centered orientation to learning; adults tend to have a problem-centered orientation. For example, children master content to pass a course or to be promoted to the next grade; adults seek the skills or knowledge they need to apply to real-life problems they face.

Other adult-learning theorists support Knowles' andragogy principles. One theorist maintains that "adult-learning programs should capitalize on the experiences of participants while challenging adults to move to increasingly advanced stages of personal development.... Adults should have as much choice as possible in the availability and organization of learning programs."[9] Participants who learn from purposeful teaching tend to become lifelong learners who seek further educational and training opportunities, and they also lean toward modeling these behaviors in their own teaching and managerial roles.[10] Four key points facilitate an interactive learning setting: 1) create a low-risk learning environment, which is accomplished by specific seating arrangements in the classroom to the manner that

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questions are answered and the response to answers given; 2) encourage higher levels of engagement, such as critical thinking and problem solving; 3) examine student learning to alter instruction if necessary; and 4) increase the student's level of critical thinking by incorporating specialized questioning. Further, certain principles allow the instructor/facilitator to break away from the incorrect assumptions made with a traditional model of teaching.

- Telling is teaching and listening is learning.
- Covering content will transfer into practice in the field.
- Recall is an appropriate way to test mastery of learning.
- All expertise and control of learning necessarily resides in the instructor.[11]

Law enforcement training can move its focus on student learning from mere knowledge cognition to higher levels of expressed learning. Benjamin Bloom's cognitive domain taxonomy[12] ranks the levels of thinking and provides instructors with a framework they can use to build curriculum materials that take learners more deeply into an area of study. The cognitive domain involves knowledge and the development of intellectual skills, including the recall or recognition of specific facts, procedural patterns, and concepts that serve in the development of intellectual abilities and skills. The domain includes six major categories, from the simplest behavior to the most complex, and can be thought of as degrees of difficulties—the first one must be mastered before the next one can take place.[13]

1) Knowledge: recalling or recognizing information.

2) Comprehension: organizing learned material described in own words.

Purposeful Teaching

"Real teaching is more than imparting knowledge. Learning is defined as a demonstrated change of the participants' behavior sought by the instructor. The behaviors sought must not just be a regurgitation of information provided but, instead, must be a demonstration of the behaviors required for effective application." This "Purposeful Teaching" approach focuses on learning, not just covering material, and is composed of six essential elements.

1) The creation of an environment supportive of and conducive to learning; the major factor is a high-intensity, but relatively safe, learning environment where the instruction builds on successful experiences, not coercive or demeaning activities.

2) Clearly stated outcomes expressed in terms of how learners will demonstrate their acquisition of knowledge and skills.

3) Activities structured for the needs of the learners, such as the use of their experience, teaching to multiple learning styles, and their inclusion in defining how they will be taught.

4) Learners' active physical and mental engagement in the learning process, rather than reliance on passive listening, watching, and reading activities.

5) Interactive teaching techniques that enable a continuous checking for participant learning so instruction can be modified for optimal learning.

6) Activities structured to precipitate critical thinking and problem solving; these skills are not subjects to be taught, but processes to be involved in and reflected upon.

Source: K. Spencer, Center for Excellence in Teaching, Johns Hopkins University, Baltimore, MD, Purposeful Teaching, http://www.rcmp-learning.org/docs/ecdd1140.htm.

3) Application: using previously learned material to solve a problem.

4) Analysis: identifying reasons, causes, and motives and considering available evidence to reach a conclusion, inference, or generalization.

5) Synthesis: combining ideas or related information, producing original communica-tions, and making predictions based on information.

6) Evaluation: judging the merit of an idea, solution, or work.

PLANNING TRAINING PROGRAMS

After establishing where training efforts should take law enforcement and the outcomes they should provide, agencies must plot the course to reach these improved and expanded outcomes. The instructional design process is a systematic approach for developing a training program. The design should emphasize that effective training programs involve more than choosing the easiest or most familiar training approach. Agencies should focus on ensuring education and changing perceptions, not on meeting mandates. To this end, they can

follow a process that will guide them through the design of instruction planning, from recognizing needs, creating the right environment, and selecting the best methods to evaluate the success of the program.[14]

Departments can implement this process for any training program; however, mandated training requirements exist for all law enforcement officers. For example, some agencies mandate a certain amount of classroom training for all firearms, covering the 1) purpose of firearms instruction; 2) care, cleaning, and safe handling and storage of service weapons; 3) legal aspects of the use of firearms; and 4) fundamentals of shooting, such as sight alignment, sight picture, stance, grip, and trigger control. Without question, these represent important topics for law enforcement officers to understand and master; however, they typically do not focus on the adult learner. Instead, they stress the cognitive through material lectured to officers each year. This curriculum, built around the constraints of the organization and the needs and abilities of the instructors, often prevents the department from fulfilling the needs of the officers and may create an atmosphere of resentment because abilities go unrecognized. Typically, instructors conduct firearms in-service training by lecture and demonstration of the most basic procedures and review of the use-of-force continuum and significant case law with little consideration for the in-service attendees' experience or expertise in the area. Officers, usually grouped in classes with significantly different levels of experience and training, often receive the same training with little modification every year. By applying a sound instructional

> *...in-service training programs should reflect Malcolm Knowles' theory of andragogy developed specifically for adult learners.*

design process, departments can create a more effective course that moves the learning from simple cognition to affective learning, reflecting a change in attitudes and practice.

Recognizing Needs

By conducting a needs assessment, departments rightfully could conclude, for example, that training officers in the care, cleaning, safe handling, and legal aspects of firearms is necessary. The public expectation is high, and officers certainly should be proficient with their duty weapons to avoid litigation and to provide proper answers to citizens if questioned about firearms safety. Further, many pressure points, such as performance problems, new technology legislation, or an officer's lack of basic skills, may suggest or mandate the need for training. An organizational analysis certainly would confirm the appropriateness of this particular training. A personal analysis would determine whether lack of proficiency was the result of inadequacy of knowledge, skills, or abilities and determine which, and to what extent, individuals need training. A task analysis would identify the important task, knowledge, skills, behaviors, and attitudes to emphasize in the training.

Creating the Right Environment

The next step to successful change is ensuring officers' readiness for the training and the enhancement of their motivation to learn. The most important aspect concerning firearms training is letting the officers know that the purpose of the training is to try to improve performance, rather than to point out incompetence. By creating a learning environment that recognizes the needs of adult learners, a permanent change in behavior can occur.

Officers must know why they are learning the material, which, in turn, instructors should express in objectives that provide the training's purpose and expected outcomes. Training objectives have three components: 1) a statement of what the officer is expected to do, 2) a statement of the quality or level of performance deemed acceptable, and 3) a statement of the conditions under which the officer must perform.[15] Officers also need to use their own experiences as a basis for learning. Here is where the move from the traditional pedagogical instruction method (the one-way transfer of knowledge from the instructor to the student) must take place. The andragogical style, which promotes the mutual involvement of the student and instructor in the learning process to help enhance the learning environment, should replace the pedagogical instruction method. Allowing officers to learn by observing and interacting with others and by giving them opportunities to practice what they have learned further enhances the learning environment, providing immediate positive feedback. These crucial elements should become key components of the curriculum.

Selecting the Best Methods

Training is only effective if the knowledge, skills, and behaviors are transferred to practice. The transfer of training needs to be supported and encouraged within the culture of the organization. Therefore, management not only must support the training but verify that officers have opportunities to apply the learning. Agencies can employ different methods to determine that they have selected the right training method. While the lecture process has merit in ensuring the presentation of material, it proves the least effective method for teaching adult learners. Also, law enforcement is one of the few pro-fessions where the onus for up-to-date training and certification maintenance rests with the or-ganizations, not the individual. This lack of personal responsibility, coupled with the fact that adult learners are more motivated when their need for active participation in the learning process is recognized, encourages the move to more self-directed learning practices. Providing officers with printed material clearly outlining and explaining information that easily measures knowledge, comprehension, and application prior to formal training allows for more class time to progress instruction into areas that encourage analysis, synthesis, and evaluation of the topic. This moves the training from the coverage and regurgitation of content onto selected response tests to the demonstration of

Our Retention Levels

- 10 percent of what we read
- 20 percent of what we hear
- 30 percent of what we see
- 40 percent of what we see and hear
- 60 percent of what we discuss with others
- 70 percent of what we experience personally
- 80 percent of what we discover and solve individually or in groups
- 95 percent of what we teach to someone else

Source: K. Spencer, Center for Excellence in Teaching, Johns Hopkins University, Baltimore, MD, Purposeful Teaching, http://www.rcmp-learning.org/docs/ecdd1140.htm.

new knowledge during a competent field performance. Other best practices to facilitate adult learners and ensure learning include case study methods, work groups, discussion panels, and practice sessions. Employing as many of these methods as possible ensures that personal learning preferences are considered, and by strategically applying all of the different levels of engagement, law enforcement managers can exponentially increase the learner's retention to obtain the most transfer of training to application.

Evaluating the Program

In evaluating training programs, agencies must focus on the training outcomes, which they can measure in several ways: 1) cognitive; 2) skill-based; 3) results; and, most important, 4) affective, or the changes in officers' motivations and attitudes. With in-service firearms training, agencies more easily can measure the cognitive outcomes, which typically involve an ability to recite information previously presented. In challenging adult learners to affective learning, agencies will call upon them to compare and contrast, design, develop, critique, and justify the materials instructed.

Few law enforcement training programs are evaluated in a rigorous manner. Most training evaluations use routine trainee evaluation forms that ask participants to describe their attitudes about the adequacy and relevancy of program content and the capabilities of the instructional staff. But, any training program evaluation also should include an assessment of the participants' degree of learning, which indicates if the trainees' knowledge of the subject has increased or if certain skills have improved. In addition, it may include measures of attitudes toward specific concepts or procedures. An assessment of what students have learned in a training program is important because changes in knowledge, skills, and attitudes usually can be linked to changes in behavior and performance.[16]

After emphasizing the importance of recognizing the adult learners' needs and ways to accommodate and develop better training programs suited to these needs, departments must consider a lesson plan that incorporates teaching methods focused on the adult learner, as well as one that reflects a progressive, affective outcome-based management philosophy. Without a systematic, comprehensive lesson plan, the instructor, students, and the department lack a significant resource. The lesson plan constitutes the blueprint to meaningful instruction, which departments can duplicate and use as a basis for testing. Further, it can provide the specificity and detail required to determine the purpose of the training, the desired outcomes, the conditions under which the student must perform, and what type of testing took place to ensure learning, items often missing in training outlines.

CONCLUSION

Law enforcement has come a long way in recognizing the importance and significance of training. To keep the training evolution progressing, trainers and managers can incorporate approaches that consider the needs of adult learners and allow them to be accountable for their own learning.

By moving away from the traditional lecture formats and creating learning environments that facilitate self-directed learning, agencies can increase officers' retention capacities and better ensure that they put their training into practice. Mandated training requirements have a valid purpose, but agencies should ensure that they base teaching methods on the needs of the students, not the constraints and needs of the organization. Simply telling someone how to do something does not mean that learning has occurred; covering mandated content does not mean that officers will transfer the material into practice on the job. Instead, by adopting the principles of andragogy, agencies can instruct with a higher purpose and help their officers achieve full potential. ✦

Endnotes

[1] R. Noe, J. Hollenbeck, B. Gerhart, P. Wright, *Human Resource Management: Gaining a Competitive Advantage* (Boston, MA: McGraw Hill, 2000).

[2] For additional information on adult learners, see Ralph Kennedy, "Applying Principles of Adult Learning: The Key to More Effective Training Programs," *FBI Law Enforcement Bulletin*, April 2003, 1-5.

[3] Some experts place the age range as those born during the years 1961 through 1981, while others say between the years 1966 and 1976. For additional information, see Elizabeth Foley and Adrienne LeFevre, "Understanding Generation X," *Trial*, June 2000, 58-62; retrieved on December 15, 2003, from *http:// www.zmf.com/articles/art_gen_x.html.*

[4] G.T. Felkenes, *Effective Police Supervision: A Behavioral Approach* (San Jose, CA: Justice Systems Development, Inc., 1977).

[5] This opinion was confirmed via an informal research method conducted by the author that included a survey of Johns Hopkins University Police Executive Leadership Program graduate and under-graduate students, representing 12 law enforcement and fire service agencies throughout Maryland and Washington, DC. Nine students indicated that their agencies' in-service training curriculum was constructed around the needs of the agency and mandated topics, which personnel often resented due in large part to the perceived minimization of the officers' intelligence and abilities and curricula not tailored for adult learners and their career objectives.

[6] J. Schermerhorn, J. Hunt, R. Osborn, *Organizational Behavior* (New York, NY: John Wiley and Sons, Inc., 2000).

[7] K. Spencer, Center for Excellence in Teaching, Johns Hopkins University, Baltimore, MD, *Purposeful Teaching*, retrieved from *http://www.rcmp-learning. org/docs/ecdd1140.htm.*

[8] N. F. Iannone and M. P. Iannone, *Supervision of Police Personnel* (Upper Saddle River, NJ: Prentice Hall, 2001).

[9] K. P. Cross, *Adults as Learners* (San Francisco, CA: Jossey-Bass, 1981).

[10] Supra note 7.

[11] Supra note 7.

[12] For additional information on Benjamin Bloom, see *Prospects: The Quarterly Review of Comparative Education* 30, no. 3 (Paris, UNESCO: International Bureau of Education, September 2000); and *http:// faculty.washington.edu/krumme/guides/ bloom.html.*

[13] For additional information, see *http://www.nwlink.com/~donclark/hrd/ bloom.html.*

[14] Supra note 1.

[15] Supra note 1.

[16] C. D. Hale, *Police Patrol Operation and Management* (Englewood Cliffs, NJ: Prentice Hall Career and Technology, 1994).

Police Practice

Role-Play Training for Negotiators in Diverse Environments

By James R. Maher, M.S., M.P.A.

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Negotiations in the new millennium present significant challenges for crisis intervention teams throughout America. The multitude of violent incidents that take place in previously unusual venues, such as schools in Columbine, Colorado, and the recent random shootings in the Washington, D.C. area, confirm that the United States has entered an increasingly complex and difficult era. These "new-age offenders"[1] possess sophisticated weaponry and a willingness to harm innocent people in areas previously considered sacrosanct.

Hostage negotiators must train for these new challenges. For a long time, experts in the field have felt that negotiators can enhance their communication abilities through training "as a way of improving their negotiation skills" and by providing members "with a structured opportunity to practice their new skills to enhance confidence."[2]

Further, practicing strategies and risk assessments using actual case studies can prove extremely helpful.[3] By using locations previously unfamiliar to team members and tactical units, commanders may decrease the anxiety associated with a particular environment while also role-playing in a realistic setting.

ONE AGENCY'S EXPERIENCE

The Suffolk County, New York, Police Department is attempting to address potential incidents by training in a variety of locations and venues to understand and respond more quickly and effectively to a hostage or barricade incident. Suffolk County's police hostage negotiation team began in 1976 with a small group of detectives trained in the concepts and theories by the early pioneers in this field.

The Suffolk hostage negotiation team (HNT) presently has 24 members and responds to incidents in the 5 western townships that encompass the Suffolk County Police District. All members are either detectives or detective supervisors and serve in various capacities within the investigative commands, including general services, arson, rackets, narcotics, and other specialized units. The team has responsibility for areas within the police district, as well as for the remaining eastern townships stretching to Montauk Point on the south fork of Long Island and Orient Point on the north fork. All totaled, these combined areas have over 1.4 million residents and encompass more than 911 square miles.

The unit has evolved and expanded over the years with increased training conducted by the FBI's Crisis Negotiation Unit (CNU) and local training via its New York office. To maintain, broaden, and develop the necessary skills, the team conducts training exercises approximately every other month. Currently, all members of the team receive, at a minimum, a 1-week training school conducted by members of the FBI's New York office. Some members also have attended a crisis

negotiation course at the FBI Academy. During both of these schools, members take part in classroom instruction, as well as exercises designed to simulate actual barricade or hostage events.

Further, the team has trained jointly in the past with neighboring departments, which proves beneficial as an information-sharing event, as well as a cost-effective way to reduce training expenses. The tactical, technical, and emergency services units, as well as the Special Investigations Bureau (SIB), work closely with the HNT providing logistical and electronic support for training exercises.

Planning

Proper planning is a key element to the success of training in varying settings. HNT supervisors meet with representatives of the various facilities, arranging a suitable location for negotiations, observation, and presence of communication equipment and ensuring separation and privacy from actual activities taking place. Each training location presents a different environment; therefore, supervisors should address potential obstacles at the location and what types of incidents already have occurred there. For example, because the Suffolk hostage team members used a training building framed in steel, unexpectedly, their police radios did not function. To access equipment, the team requests blueprints of potential buildings to determine the location of heating, cooling, and communication systems. Consultation with officials at the proposed site enable HNT supervisors to design and implement a realistic role-play scenario based on the possible threat environment unique to that location.

Role-play scripts and scenarios are designed to provide the best and most realistic training within the limitations of time and personnel available. Tactical officers from the emergency services unit

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...negotiators can enhance their communication abilities through training....
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(ESU) use their tools and refine their procedures in a simulated crisis environment. Further, these exercises help members evaluate candidates for positions on the team. Prospective members participate in structured role-plays and are examined for their ability to "handle stress, think rationally, make decisions, and work as a team member."[4] In these environments, candidates are evaluated, as well as given the chance to decide if this activity is what they ultimately want to do on a regular basis.

Locations

The team consistently has sought locations that could become potential hostage situation sites. These locations have been limited only by the imagination of those who plan them. In 1998, the team executed a realistic hostage incident in a building that previously had been a local bank branch but now was slated for demolition. In the summer of 2001, and in response to various school shootings nationwide, HNT and ESU conducted a full-scale exercise in a local high school using the facility during the summer when it was not used for classes. In addition to the realism of using an actual school, the exercise gave education officials and police an opportunity to examine how an actual incident might develop. They encountered such difficulties as the inaccessibility of floor plans for tactical personnel and limitations on radio contact within the building. They evaluated and addressed these problems in advance so that in the event of an actual incident, they already would have resolved or minimized such difficulties.

Other locations used for role-play exercises have included the local jail and the Suffolk County Correctional Center, where team members and corrections officers assigned to the facility staged a possible hostage scenario in an actual secure prison environment. The sheriff's emergency

response team and tactical personnel assigned to the facility worked closely with negotiators in the command post to ensure that communication and the flow of information was available to members making critical decisions during the exercise.

Other venues for training exercises for the team included a large medical facility at a local Veterans Affairs medical center where radioactive material for medical treatment was on site. Additionally, this location had an outpatient base of persons with emotional and mental disabilities. The team also conducted reality-based exercises in a state university dormitory and a local municipal park. In each of these locations, negotiators and tactical personnel interacted with the employees and security forces who worked there and had knowledge of the facility's operations.

When circumstances forced team members to negotiate face-to-face on a number of occasions, they realized that they needed to conduct practical exercises that simulated such a difficult task. Some of the exercises following this discovery encompassed extensive face-to-face negotiations. Working in this virtual environment makes it less stressful on the negotiators when an actual incident occurs.

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Results

Command staff and team members long have recognized the benefits of such training contributing to their success in negotiations. For example, in 2001, the Suffolk County HNT handled 32 incidents, most of which involved barricaded subjects, and their rate of successful resolution without a violent conclusion was over 95 percent. Further, in 2002, 34 hostage or barricaded subject incidents occurred, and all of these also were resolved successfully. The reason for this success is at least partially due to continuous and various training.

CONCLUSION

Today, crisis negotiators face unprecedented challenges. Role-plays offer them opportunities to improve communication skills, practice strategies, and increase their chances of success. Experience with the Suffolk County, New York, police hostage negotiation team has proven that continued and varied training benefits both law enforcement and the communities it serves. Representatives from each of the locations have expressed strong positive reaction to the exercises and have requested additional ones in the future. Negotiators and tactical personnel have become more familiar with the particular locations and their potential problems. By expanding such training, the department hopes to be prepared for the unexpected and often unique situations that negotiators may encounter. ✦

Endnotes

[1] The author uses this term to identify offenders with little or no previous contact with law enforcement and who are willing to commit suicide or homicide to carry out their missions.

[2] Arthur Slatkin, "Enhancing Negotiator Training: Therapeutic Communication," *FBI Law Enforcement Bulletin*, May 1996, 1-6.

[3] Chuck Regini, "Crisis Negotiation Teams: Selection and Training," *FBI Law Enforcement Bulletin*, November 2002, 1-5.

[4] Michael McMains and Wayman C. Mullins, *Crisis Negotiations: Managing Critical Incidents and Hostage Situations in Law Enforcement and Corrections* 2d ed. (Cincinnati, OH: Anderson Publishing Company, 2001), 441.

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Compstat Implementation

By JON M. SHANE

The final stage of any new managerial approach involves implementing the process. Compstat, as described in the first two parts of this article, is no different; implementation presents the final challenge.[1] Just as with the design element, Compstat implementation must have the complete support of the leaders of a law enforcement agency.[2] These individuals must ensure that all of their employees understand the importance of the process and witness the high level of commitment that they bring to the entire effort.

IMPLEMENTATION

After designing its Compstat program, an agency now must implement the process. To do this, the agency must consider a few key elements: training, the Compstat meeting protocols, the interaction (line of questioning), and the roundtable discussion.

Training

Training for Compstat (or the lack thereof) constitutes a frequent complaint of the participants. But, an agency can accomplish training by first preparing a sample Compstat book that exactly matches the one it will produce every week. The agency must announce ahead of time any subsequent changes to the book so no surprises occur for anyone held accountable for the altered portion.[3]

Next, the agency should conduct a plenary session with all required attendees, chaired by the chief and the facilitators, at the facility where it will hold future Compstat meetings, using the actual equipment. This will give participants the look and feel of the impending meetings and ease their transition once

the real meetings begin. During the plenary session, the agency must describe fully the purpose, rationale, techniques, anticipated organizational change, and expectations and ensure that the participants understand all of these issues. For further development, the agency may send participants to an actual Compstat session in a practicing community to observe firsthand what they can expect.[4]

Compstat Meeting Protocols

First, the department must identify the day and time for Compstat meetings, which must be the same each week. This is not only imperative to data collection but to consistency, as consistency breeds conformity. Because crime is dynamic and trends emerge and dissipate quickly, particularly due to the commanders' efforts, the

department should hold the Compstat session at least on a weekly basis. For example, if a city has four police precincts, one precinct each week becomes the featured command; therefore, the *Compstat period for each precinct* occurs every 4 weeks (once per month).[5] Participants should expect to spend 2 or 3 hours at each session to cover all of the material.

Next, the department must address the seating arrangement. It should configure the Compstat room in a square (see Figure 1), with assigned seating. The chief and other executives sit at the head of the table; the commanders or designated participants sit on either side of the table; the featured command sits directly opposite the chief, facing the executive audience; the division support staff members

sit behind the commanders; and any guests sit in the gallery behind the chief.

The dress code becomes the next protocol to approach. All personnel attending Compstat should appear in uniform-of-the-day attire, preferably the dress uniform. Again, this promotes consistency and sends a message to both participants and observers that Compstat is a formal process worthy of everyone's undivided attention and professional appearance.

The chief opens the Compstat session by welcoming everyone and acknowledging the guests by name (if only a few attend, otherwise by their organizations). The first order of business is accolades. Insofar as possible, commanders should bring their personnel to Compstat for the recognition of outstanding performance. The commander calls the officers before the Compstat group, provides a brief overview of the action that led to the accolade, and commends the officers. This public display of praise strengthens morale and sends the message that individual efforts produce a synergy that contributes to the whole.

The recap, prepared from the scribe's notes of the previous meeting, occurs next. The facilitator reviews the items, and the commanders in question explain what they did to abate the problem. The commanders

> **" Just as with the design element, Compstat implementation must have the complete support of the leaders of a law enforcement agency. "**

Captain Shane is the commanding officer of the Policy and Planning Division of the Newark, New Jersey, Police Department.

must narrowly tailor their answers to the recap question without superfluous detail.

Following the recap, the featured command members take their places at the table. The session begins with the featured commander providing an overview of his crime posture and crime-control strategies since he last appeared at Compstat.

The [overview] is intended to be a comprehensive and informative recapitulation of criminal activity and police activity within the command, showcasing what the commander is doing to identify and solve problems.... The executives may interrupt and direct the [commander] to focus more closely on a particular issue, or they may interrupt to focus on a particular case. The overall process of interaction is fluid and flexible, with few fixed rules.

The [overview] is the commander's chance to impress executives and other personnel present at the meeting with his...knowledge, leadership talents, crime-fighting abilities, and overall career potential. This is the commander's [opportunity] to bring problems and issues (especially those concerning the adequacy of resources and crime patterns that cross precinct boundaries) to the attention of the executive staff—in essence, to publicly communicate [his] needs and, in doing so, to place some of the responsibility and some of the accountability on the executives.[6]

> *Insofar as possible, commanders should bring their personnel to Compstat for the recognition of outstanding performance.*

The key to success for any commander rests with being *prepared*. This means exhibiting a willingness and commitment to knowing and understanding the data and the underlying conditions within the command, devising effective strategies and tactics, relentlessly following up on initiatives, and possessing the ability to articulate plans and conditions.

Interaction

After the overview, the facilitator asks a series of direct, probing questions concerning current investigations, quality-of-life conditions, and crime-control strategies. The questioning, at times, may become adversarial, especially if the commander failed to implement a plan of action. Commanders should maintain their focus and *never* lie as a means to extricate themselves from difficult questioning. The following example provides a typical line of questioning that might arise in a robbery pattern involving two suspects using a blue vehicle:

Facilitator: I see that six robberies involving the same vehicle occurred between August 3 and August 20 in your precinct. These six robberies account for a 6-percent increase over last week, a 2-percent increase from last month at this time, and a 10-percent increase over this time last year. Explain the increase to me and what you are doing about it.

Commander: Chief, my crime control officer identified the pattern 2 weeks ago and assumed that the drug trade in the area was fueling the problem. As the robberies occurred between 2200 and 0300, I increased patrols during those times. I issued a directed patrol order for the train station because four of the six robberies occurred in that vicinity. I notified the transit police officers who patrol the interior and a portion of the perimeter of the train station, and I briefed

them on the details. I personally spoke to the chief of the transit police and advised him to post crime bulletins where commuters could see them. The transit chief said that he also would increase patrols during those hours and review surveillance tapes from fixed cameras outside the station. I assigned two officers to a task force assembled by the robbery division. The MO and the vehicle description are the same on each of the robberies, but I am not certain if one person committed all six robberies or if there are six separate suspects.

Facilitator: Robbery division commander, what are you doing about it?

Commander: Chief, I deployed a task force of detectives and precinct personnel who are working exclusively on this investigation. I have some officers in uniform, others acting as decoys, and a team conducting street surveillance. So far, the results have been negative. I will continue these tactics for another week; however, if the results remain the same, I will reassess the tactics. I issued a crime bulletin to all commands, here is a copy. On Tuesday, we will have the latest victim meet with the police artist to develop a sketch. The earlier victims could not identify the gunman because he wore a mask, but the last victim struggled with the suspect and

managed to pull off the mask. The earlier victims said that they could identify the voice, a deep male voice. When an apprehension occurs, I will obtain a voice exemplar and have the victims listen to it. As for the mask, I had it sent to forensics for analysis.

> **" After the overview, the facilitator asks a series of direct, probing questions concerning current investigations, quality-of-life conditions, and crime-control strategies. "**

Facilitator: Crime scene commander, what is the disposition of the mask?

Commander: Chief, hair fibers were recovered from inside the mask. It is being tested for DNA right now. Once I have the DNA analysis, I will run it through our database to search for a comparison. I should know something by the end of the day. No other evidence was recovered from any of the other crime scenes.

Facilitator: Place that on the recap: crime scene commander to provide results of

DNA testing on the suspect's mask by 5 p.m. today. Obviously, robbery is the motive. The precinct commander asserted that the local drug trade is fueling the problem, and it is a high-narcotics area. Let me see the map of narcotics complaints. Narcotics division commander, tell me what you are doing about this? Is there a nexus between the drug trade in the area and the robberies?

Commander: Chief, on Monday, Tuesday, and Thursday of last week, I conducted 12 different buy-bust operations, two during the a.m. and two the during the p.m. hours, which yielded 12 arrests for sale and possession of cocaine or heroin; 15 field interviews, 5 of which resulted in arrests for outstanding warrants; 6 traffic summonses; and 4 vehicles impounded. Unfortunately, the prisoner debriefings were negative. We continue working to establish a connection to the drug trade and to ascertain the suspects' identities.

Facilitator: Gang division commander, is the vehicle description listed in the gang database? Do any vehicles of known gang members match this vehicle?

Commander: Chief, I am not sure. I will check on that and advise the robbery division by the end of the day.

Facilitator: Place that on the recap: gang division to

Figure 1

Compstat Conference Room

Division Support Staff

Prisoner Detention Division • FBI Task Force • ATF Task Force • DEA Task Force • Special Operations Division • Traffic Division • District Commander • District Commander • District Commander • District Commander • ABC Director • Taxi Commission Director

Display Screen for Crime Maps

Crime Control Officer • Commanding Officer • Executive Officer • Detective Squad Supervisor

Featured Command

Display Monitor with Maps and Data

Legal Affairs • Deputy Chief - Criminal Inv. Bureau • Chief of Staff • Chief of Police • CompStat Scribe • Deputy Chief - Operations Bureau

Research & Planning Division • Police Academy • Records Division • Auto Crimes Division • Sexual Assault Division • Robbery Division • Homicide Division • Internal Affairs Division • Fugitive Division • Narcotics Division

Division Support Staff

Seating for Invited Guests

review the database of identified gang members to see if any similar vehicles fit the description and to notify the robbery commander by 5 p.m. today. Auto crimes commander, have any blue vehicles been impounded since August 20, the date of the last incident?

Commander: Chief, three blue vehicles were impounded. I assigned a single detective to investigate all three. I also notified crime scene to print

each vehicle and advise me of the results. Two of the three vehicles were stolen; the other was towed for street cleaning.

Facilitator: For the recap, the auto squad commander will present the findings of the investigation of the three blue vehicles and the crime scene commander will determine whether latent prints or other forensic evidence was recovered from any of the vehicles by 1 p.m. Monday, August 23.

Robbery division commander, what is the victimology? Do the victims have a criminal history?

Commander: Chief, all six victims have prior drug arrests. Two are on probation, and I notified the county probation department of that fact on August 16.

Facilitator: Robbery commander, check with parole and DOC to determine who currently is on parole and living in the area, as well as who

recently was released from prison and moved to the area.

Commander: Chief, the task force already is working on that. I should have some answers by next Wednesday, August 25.

Facilitator: For the recap: robbery commander to identify the results of parole and DOC inquiry on parolees' residences by Wednesday, August 25. Let's move on. To the commanders, I want intense monitoring of this investigation. Advise my office the minute something breaks.

The interaction during Compstat is dynamic. No standard questions exist, except for a few that the chief always will want answered.

- What was the motive? Was it robbery, jealousy, revenge, thrill, bias, dispute, domestic, debt?

- What is the victimology (i.e., a complete history of the victim, including lifestyle, personality traits, and employment)? Other important factors include the victim's age, occupation, family background, reputation, likes and dislikes, drug/alcohol use, financial troubles/stability, religious beliefs, routines/habits (e.g., checking mail or walking the dog), criminal history, connection to area or suspect, DOC

history, and gang affiliation, along with name and vehicle record checks pertaining to the victim, the last known person the victim spoke to or was seen with, and the circumstances, enemies, or any known reason why someone may have wanted to harm the victim.

> " *Adaptability stands as one of the distinctions about Compstat.* "

- What is the profile of the offender? This includes the offender's "signature" (i.e., identifiable characteristic) and other known information, such as financial troubles/stability, religious beliefs/fanaticism, reputation/propensity for violence, drug/alcohol use, known hangouts, NCIC inquiry, outstanding warrants, criminal history, likes/dislikes/obsessions/infatuations/perversions, the last known person the offender spoke to or was seen with and the circumstances, enemies, connection to area or victim, DOC history,

gang affiliation, and name and vehicle record checks.

- Was the incident suppressible?[7] Could patrol or a proactive street-crime unit have prevented the incident? Could detectives have been more assertive?

- Why is performance up or down? Patrol or investigative strategies and tactics, motor vehicle checkpoints, supervision, motivated employees, morale, vacation, sick time, and personnel strength can affect performance.

- What connection does the suspect have to other crimes? Multiple victims who identify the same suspect, the suspect's MO or "signature" matches other similar unsolved crimes in the area, and the examination of forensic evidence and surveillance tapes represent three ways to determine a connection.

- What progress has been made to date? Statements taken, polygraph administered, suspects identified, warrants issued or served, composite sketch, and assets seized can measure progress.

- What is the deployment and strength level? The number of sector cars, overlap/umbrella cars, walking

posts, overtime detail, special units, and uniformed and plainclothes personnel can provide data.

- Is there a nexus to gangs, drugs, or organized crime? Drug rip-off, drug kingpin, gang leader/member, member of crime family or criminal enterprise, and potential for vertical prosecution (e.g., RICO) or an enhanced prosecution/sentence can show a link.

- Does recovered forensic evidence have a connection to other crimes? Comparing samples, such as DNA, trace evidence, bullets or shell casings, pry or tool marks, latent prints, impressions (tires and shoes), written documents, audio and video tapes, liquids, paint chips, and shards of glass, along with examining computer hard drives and Internet history can reveal a connection.

- What is the plan of action or what are the next steps? Develop a task force; serve warrants; raze buildings; tow derelict autos; padlock notorious businesses; issue summonses/motor vehicle enforcement; seize assets; conduct inspections of buses, taverns, bodegas, ATMs, convenience stores, gas stations, and taxi cabs; present case to a grand jury;

seek civil enforcement (nuisance abatement); increase patrols; and initiate overtime constitute some next steps.

Above all, the chief *does not* want a recitation of the incident report. On occasion, a summary may prove useful, and, if so, the chief will ask for it. Otherwise, reciting the incident report amounts to a superfluous detail and makes commanders appear to be temporizing because they are unprepared. Commanders must expect a variety of questions unique to each investigation.

Once the crime presentation ends, the performance presentation begins, during which the featured commander must answer for how his command compares with others. As with any other portion of Compstat, the commander must articulate why performance has increased

or decreased, what action plans he has created, and where he expects to adjust strategies if necessary.

Roundtable Discussion

During the presentations, other commanders should not interject issues unrelated to the discussion, causing the facilitator to engage in boundering.[8] Instead, they should make notes and save their comments for the last portion of Compstat, the roundtable. At this time, the chief polls all of the other commanders and asks if they have anything to discuss. Commanders can debate training issues, announce other city or department initiatives, review budget issues or procurement problems, and handle other similar items. When the roundtable discussion ends, the chief thanks everyone for attending and dismisses them.

ADAPTABILITY

Adaptability stands as one of the distinctions about Compstat. It is easily adaptable to subdivisions of the organization, such as internal affairs (IA), or to other segments of government. When organized properly, IA Compstat can reduce personnel complaints while lessening corruption and increasing integrity. This promotes a much higher degree of overall organizational discipline, and "a well-disciplined

work force is in voluntary compliance with the rules and regulations of the organization and works efficiently to attain the goals of the organization."[9]

Purchasing and procurement can provide another element subject to Compstat. Scrutinizing the purchasing process will ensure that the agency acquires much-needed equipment and matériel as expeditiously as possible. Compstat can identify unscrupulous vendors and practices, as well as uncover contractual problems, system delays, and funding obstacles. Because purchasing often involves other elements of local government, participants may include the city manager/business administrator, the budget director, and the purchasing agent.

How the Philadelphia Police Department uses the process to focus on specialty units can illustrate Compstat's adaptability. Because of its size and decentralized command structure, the department holds Compstat meetings every 4 weeks that focus exclusively on its specialized units, including SWAT, canine, mounted, aviation, bomb disposal, environmental response, marine, and accident investigation. At these meetings, participants identify and discuss performance measures, such as the number of cases involving

barricaded persons handled by SWAT personnel, the number of vehicle pursuits engaged in by aviation officers, and the number of code enforcement violations issued by environmental response officers.[10] As another example, Baltimore uses CitiStat, a variant of Compstat, to monitor all of the city's operations.[11]

CONCLUSION

Law enforcement agencies can do well embracing the Compstat process. "By adopting a flexible, accountability-driven law enforcement structure, cities that have made little progress to date can achieve reductions on par with the most dramatic declines in urban crime during the last decade, while those cities that already experienced success can continue to force crime down to ever lower levels."[12] Crime rates

among the cities practicing Compstat reveal the program's true success. In New York City over the last 10 years, crime came down 64 percent; in Philadelphia, crime fell 23 percent between 1995 and 2002; in Baltimore, crime decreased 31 percent between 1995 and 1999; and in Newark, crime declined 51 percent between 1995 and 2001.[13]

Law enforcement agencies need invest only a negligible amount of money to implement Compstat. The *key* is for law enforcement agencies to structure for success. "Creating that structure requires extensive central data collection and analysis and constant feedback and review of the effectiveness of police programs. Perhaps, most important of all, a culture of accountability must be instituted within the structure. At every level, from the whole city to a single street, the law enforcement personnel entrusted with preventing crime must take responsibility for [mistakes] and be recognized for success."[14]

Compstat—a transparent accountability system that objectively measures performance and holds those responsible open to scrutiny—offers more than police rhetoric. It offers favorable, achievable results for large or small law enforcement agencies.[15] ◆

Endnotes

[1] Jon Shane, "Compstat Process," *FBI Law Enforcement Bulletin*, April 2004, 12-21; and "Compstat Design," *FBI Law Enforcement Bulletin*, May 2004, 12-19.

[2] For illustrative purposes and to maintain clarity, the author refers to the leaders of law enforcement organizations as chiefs and employs masculine pronouns for these individuals, as well as other command-level personnel, throughout the article as needed.

[3] To better manage spontaneous events, the Newark Police Department established a "24-hour rule," which states that a commander is not expected to answer for the 24-hour period immediately preceding a Compstat session. A shooting, for example, that occurred overnight will not be part of the *regular* Compstat meeting; however, the commander must be able to answer basic questions about the incident, but not the usual intimate details. Inquiries about an event within the last 24 hours constitute "breaking the 24-hour rule." If the chief breaks the 24-hour rule, it usually occurs after the recap items. The rule exists so commanders are not surprised by questions that arise from a spontaneous event and because they have not had sufficient time before Compstat to explore the details.

[4] Some agencies practicing Compstat include Newark, NJ; Philadelphia, PA; Boston, MA; Indianapolis, IN; Baltimore, MD; New Orleans, LA; Broward County, FL; Washington, DC; Austin, TX; Seattle, WA; Mount Vernon, NY; Durham, NC; Lowell, MA; Longmont, CO; Maryland State Police; Los Angeles, CA; Minneapolis, MN; Chicago, IL; San Diego, CA; and, of course, New York, NY; see P.P. McDonald, *Managing Police Operations: Implementing the New York Crime Control Model—Compstat* (Belmont, CA: Wadsworth, 2002), 26.

[5] Generally, an overlap of data analysis occurs with specialty commanders (e.g., robbery, narcotics, homicide, and auto crimes) who participate each week. The 2-week interval gives these commanders a better picture of trends and patterns than the normal 1 week of data.

[6] V.E. Henry, *The Compstat Paradigm: Management Accountability in Policing, Business and the Public Sector* (New York, NY: Looseleaf Law Publications, 2002), 227. See also *http://www.nyc.gov/html/nypd/html/chfdept/strategies.html*.

[7] An incident is deemed suppressible if 1) it occurred on view, that is, the location was visible from the street or 2) it occurred as part of a pattern of recidivist behavior by an identified suspect. For example, there is an active domestic violence investigation pending by the police department, and the suspect has been identified. If the detectives fail to make an arrest or take some other enforcement action (e.g., serve a restraining order) and the suspect commits another domestic violence incident, the second incident is deemed suppressible.

> *The key to success for any commander rests with being prepared.*

[8] Boundering is a questioning technique used by an interviewer to prevent an interviewee from straying from the subject matter being discussed. See Donald Schroeder, Frank Lombardo, and Jerry Strollo, *Management and Supervision of Police Personnel* (Binghampton, NY: Gould Publications, 1995), 133.

[9] Ibid.

[10] Philadelphia Police Department, *The Philadelphia Compstat Meetings* (Philadelphia, PA, 2003); retrieved on May 6, 2003, from *http://www.ppdonline.org/ppd_compstat.htm*.

[11] R.M. Linden, *Working Across Boundaries: Making Collaboration Work in Government and Nonprofit Organizations* (San Francisco, CA: Jossey-Bass/John Wiley and Sons, 2002); retrieved on June 1, 2003, from *http://www.josseybass.com/WileyCDA/Section/id-10980.html*. For more information, see *http://www.baltimorecity.gov/news/citistat/*.

[12] G.L. Kelling and Ronald Corbett, The Center for Civic Innovation at the Manhattan Institute, *Civic Bulletin 32*, "This Works: Preventing and Reducing Crime" (New York, NY, March 2003).

[13] New York City crime figures from the New York City Police Department's CompStat Unit for the week of April 21 through April 27, 2003; retrieved on May 6, 2003, from *http://www.nyc.gov/html/nypd/pdf/chfdept/cscity.pdf*; and Philadelphia, Baltimore, and Newark crime figures retrieved from U.S. Department of Justice, Federal Bureau of Investigation, *Crime in the United States*, for the years 1995 through 2001.

[14] Supra note 12.

[15] "Case studies conducted in six New York City police precincts in 2000 show that precinct commanders use Compstat technology to identify when specific types of crime, such as robbery and burglary, become unusually serious problems. Incidences of such crimes fell after the commanders employed specifically devised tactics to combat the identified problem"; see G.L. Kelling and William H. Sousa, Jr., The Center for Civic Innovation at the Manhattan Institute, *Civic Report 22*, "Do Police Matter? An Analysis of the Impact of New York City's Police Reforms" (New York, NY, 2001), 1-2; retrieved on May 4, 2003, from *http://www.manhattan-institute.org/html/cr_22.htm*.

The X-Factor in Policing

By Todd Wuestewald, M.S.

I t is my honor to be here with you today to share in this most important event in the career of a law enforcement officer—academy graduation. When asked if I would speak at this graduation, I started thinking about what it must be like to be a young law enforcement officer beginning a new career. How is it different today than when I graduated from the academy many years ago, seemingly, in another century? Certainly, the differences are many. The problems and concerns these new officers will confront are far different from those my generation of police officers faced. Their watches will revolve around issues like terrorism, technology, diversity, and problem solving.

Today, law enforcement is on the front line in a war on terrorism, both foreign and domestic, in a way that I never would have imagined. It is a global war, which stretches from Oklahoma to the far reaches of the earth. And, it is a war these men and women will be fighting throughout their careers. The fight will require special skills, knowledge, and equipment. Homeland security is now a basic requirement of the job.

There is also the challenge of diversity. Our society is far more diverse than it was 30, or even 20, years ago. This fact creates new hurdles for law enforcement in terms of language and culture. We will have to bridge these gaps to provide service to everyone equally. And, then, there is the ever-expanding role of law enforcement in this age of community policing. Certainly, our communities expect much more from a police officer today than when I first pinned on the badge. It's not as simple as putting the bad guys in jail anymore. Citizens expect us to communicate and collaborate. They expect openness and access. They expect us to solve problems and form partnerships. Police work always has involved much more than enforcing the law. But, today, the social aspects of policing are center stage. It is certainly a much more complex job we are asking these officers to perform.

Of all the differences between my day and theirs, technology represents the greatest contrast and the supreme challenge. Consider this: when I began my career as an officer, technology was a 1977 Plymouth Fury with a 400-cubic inch, 4 bbl V-8, an old hickory nightstick, and a .357 revolver. Now, compare that with the fact that these officers will drive a police car with more sophisticated electronics than the first Apollo moon shot—cars fully equipped with state-of-the-art mobile data computers, digital video cameras, and 800 megahertz radios. They will wear lightweight ballistic vests made of space-age material that provide incredible new levels of protection. They will carry high-capacity, .40-caliber semiautomatic pistols, pepper spray, and electronic impulse Tasers capable of stopping even the meanest and most determined attacker. They will have access to infrared and thermal-imaging devices to help them see into the darkness. They will use lasers to catch speeding

Chief Wuestewald heads the Broken Arrow, Oklahoma, Police Department.

motorists, and they will swipe a digital driver's license to produce an electronic ticket. They will use DNA to identify violent offenders and GPS tracking devices to follow drug dealers, and crime mapping will help them predict where the next burglary will occur.

Theirs is, indeed, "Brave New World," as Aldous Huxley termed it nearly 70 years ago in his classic science fiction novel. However, just as Huxley warned, there is danger in our overreliance on technology. Technology tends to lull us into complacency. Yet, technology cannot change one basic aspect of policing—the human element. It is that element that continues to be the critical factor in our collective success or failure. I am talking about the human element in these men and women who wear the badge, as well as the human element in those we serve.

This is the X-factor in policing. It exerts itself in the form of officer discretion, decision making, and interpersonal communications; it can be found in the human behind the wheel of the police car or in whose hands the technology is grasped. And, it is evident in the victims of crime, even in the perpetrators of crime. We must be attentive to the X-factor to be successful. It will not be our technology that spares us from the next horrific act of terrorism—it will be one human whispering an important piece of information into the ear of another and that person knowing what to do with it. Technology is a great tool for making cases, but it is the hard work and the communication between individuals that really solve crime. The cop on the beat, the detective beating the bushes, relationships between people—these are the tried and true techniques of police work. If we are going to be successful in building bridges with our diverse constituents, engaging our communities, combating terrorism, and solving the complicated problems of this era, it is this X-factor, the human side of police work, that will get the job done.

> " …this X-factor, the human side of police work, …will get the job done. "

If there is one piece of advice I can offer to the graduates, it would be that in this brave new world of yours, do not forget the X-factor as you embark on your law enforcement careers. Remember that it will be your sound decision-making human relations skills, perseverance, compassion, and courage that will see us through. No matter the nature of the problem or the trappings of the profession, the human element always has been and always will be the critical factor.◆

Chief Wuestewald delivered this speech on December 17, 2003, at the graduation ceremony of the Oklahoma Council on Law Enforcement Education and Training (CLEET).

Anyone who has delivered a speech recently and would like to share the information with a wider audience may submit a transcript of the presentation to the Bulletin for consideration. Presenters should submit their transcripts typed and double-spaced on 8 ½- by 11-inch white paper with all pages numbered. When possible, an electronic version of the transcript saved on computer disk should accompany the document. Send the material to: Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Madison Building, Room 201, Quantico, VA 22135.

The Fair Labor Standards Act and Police Compensation

By MICHAEL E. BROOKS, J.D.

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Congress passed the Fair Labor Standards Act (FLSA)[1] during the economic depression in 1938 in an effort to expand the number of jobs available in the United States. They reasoned that if an employer was required to pay employees extra for working more than 40 hours a week, the employer, instead, would decide to hire new workers at the lower wage, thus creating more jobs. In 1974, Congress amended the FLSA, making it applicable to public sector employees.

However, in *National League of Cities v. Usery,*[2] the U.S. Supreme Court held that the 1974 amendment of the FLSA was unconstitutional with respect to employees performing traditional government functions, such as law enforcement. In 1985, the Supreme Court reversed itself and ruled that Congress did have the power to apply the FLSA to state and local governments.[3]

It is essential that a law enforcement administrator charged with scheduling

employees has an understanding of the applicability of the FLSA's compensation provisions to public sector employees. Failure could lead to significant financial liability for unpaid wages and overtime. For example, the failure to properly credit employees one-half hour per day for time spent performing a government function could mushroom into millions of dollars of liability when that one-half hour is multiplied by the number of employees performing the function and by the

number of days the function was performed over a period of 2 to 3 years. This is especially true when considering that in some instances, such employees would be entitled to liquidated damages in an amount equal to the lost wages, as well as court costs and attorneys' fees.[4] To fairly compensate employees and avoid the consequences that may flow from miscalculation of wages, administrators must have a working knowledge of who is covered by the FLSA, what activities of covered workers must be compensated, what constitutes overtime under the FLSA, how much a covered employee must be paid for any overtime, and when a police agency can give a covered employee compensatory hours off in lieu of paying overtime wages. This article addresses these issues.

At the time that this article was written, the U.S. Department of Labor was proposing a number of changes to the definitions of exemptions from FLSA coverage. For example, under the proposed changes, most salaried managers and supervisors no longer will be entitled to overtime pay under the FLSA if their most significant responsibility involves the supervision of other employees. Currently, the law generally requires that such individuals spend a majority of their time

engaged in the actual supervision of other employees to be exempt from these provisions.[5] Commentators have argued exactly how much impact these changes actually will have on law enforcement.[6] On April 19, 2004, Secretary of Labor Elaine Chao announced modifications to the proposed changes. Among these modifications is language that clearly states that police officers generally are covered by the FLSA.[7] The original proposed changes did not make this distinction. All of the proposed changes, which are scheduled to take effect in August 2004, are detailed at the Department of Labor Web site at *www.dol.gov*.

Coverage

The FLSA covers all public employees not specifically

exempted by the law. However, there are a number of specific exemptions. First, elected officials and their appointed staffs specifically are exempted from coverage.[8] In a sheriff's department, that would include the sheriff and those policy-making officials directly appointed by the sheriff. One U.S. circuit court of appeals has expanded this exemption to sheriff's deputies.[9]

The most significant exemption to law enforcement agencies is the white-collar exemption. This provision exempts salaried executive, administrative, and professional personnel as long as the salary is greater than $8,060 per year.[10] Under this exemption, the salary may not fluctuate except for absences of more than 1 day.[11] In one case, the U.S. Supreme

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The FLSA covers all public employees not specifically exempted by the law.

"

Special Agent Brooks is a legal instructor at the FBI Academy.

Court ruled that a salaried police sergeant still would fall within the white-collar exemption, even though the sergeant could be subject to discipline that could result in the loss of salary unless there was a "significant likelihood" such an event will occur.[12] Currently, the executive subgroup of the white-collar exemption encompasses the largest number of police personnel. As noted, under the current law, an executive or manager generally must spend a majority of work hours directly supervising the activities of other employees to qualify under this exemption. The Department of Labor's proposed change to the definition of an executive will exempt an individual who 1) is compensated on a salary basis in excess of $455 per week; 2) has the primary responsibility of managing the "enterprise" or managing a department or subdivision of the enterprise; 3) customarily or regularly directs the work of at least two or more full-time employees; and 4) has the authority to hire and fire or make suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees.[13] This change likely will result in a number of first-line police managers no longer being covered by the FLSA. For example, currently salaried sergeants who spend a majority of their time patrolling are covered by the FLSA. If the new executive definition takes effect, those same sergeants will not be covered by the FLSA if their most significant responsibility is the management of two or more employees and the sergeants evaluate those employees' job performance.

Currently, there is no maximum salary that exempts an employee from coverage under the FLSA. Instead, the responsibilities of a salaried employee determine whether that employee is exempt from coverage. Under the proposed Department of Labor changes to the definitions of exempt

> **"*...elected officials and their appointed staffs specifically are exempted from coverage.*"**

employees, most salaried employees who earn more than $100,000 per year in total compensation, not counting health and retirement benefits, will be exempt from coverage as a "highly compensated" white-collar worker as long as they have any duty identifiable as executive, administrative, or professional.[14] Most police officers have some duties that could qualify as administrative in nature under the new definitions. Therefore, a highly paid officer, even one who receives much compensation as a result of overtime, likely will be covered no longer by the FLSA once total compensation exceeds $100,000 per year. However, public employers who have a contractual or state statutory obligation to pay overtime will continue to be required to meet those contractual and statutory obligations.

One last issue in the area of covered employees is that of volunteers. There must be an employment relationship before the FLSA applies to an individual and an employer. A volunteer is not covered by the FLSA. Whether an individual is an employee or volunteer is a question of state law or contract. This does not allow a public employer to permit an employee to "volunteer" to perform the work of the employer during off-duty time. Such an employer would be required to compensate under the FLSA if that employer "allows" the employee to "volunteer" such work, even if the employer is not factually aware that the work is occurring.[15] However, one U.S. circuit court of appeals has ruled that under the FLSA, a police agency is not required to compensate an

employee who volunteers to work at a rescue squad during off-duty hours, even though the rescue squad is directed by the same governmental agency that oversees the police department.[16]

Compensated Activities

Once an employee is determined to be covered under the FLSA, the next issue is what activities of the covered employee must be counted toward determining the number of hours that employee has worked and for which the employee must be compensated. In general, a covered employee must be compensated for performing the work of the employer. In law enforcement, the issues of the compensability of time on-call, in travel, in training, caring for equipment or animals, and during meal breaks are frequent problems for the law enforcement administrator.

Generally, time spent on-call is not compensable under the FLSA unless the employees are required to remain at the employer's premises or are so restricted that they cannot engage in personal activities.[17] In *Ingram v. County of Bucks,*[18] a group of county sheriff's deputies were subject to on-call shifts when they were not required to stay at work or wear their uniforms. They were required, however, to wear pagers, respond to a summons

back to duty within a particular period of time; refrain from doing anything that would leave them incapable of returning to duty, such as consuming alcohol; and remain within a geographical boundary. The deputies sued, claiming that they should have been compensated under the terms of the FLSA for their time spent on-call. The Third Circuit U.S. Court of Appeals held in favor of the department. The court noted

that the deputies could trade their on-call shifts and agreed with the Pennsylvania U.S. District Court, which concluded that the deputies were not limited significantly in their personal activities while on-call and that the on-call shifts were not so numerous as to be unduly burdensome.

Time spent commuting from home to work is not compensable under the FLSA. This is true even if the employee uses,

or is required to use, a government vehicle in the commute.[19] In *Imada v. City of Hercules, California,*[20] a group of officers demanded compensation under the FLSA for time spent traveling directly from their home to training activities required for their law enforcement certification. They did not receive any such compensation unless such travel occurred during the normal work day. The officers noted that travel time from their station to the training site was compensated and that the training primarily benefitted the agency. The Ninth Circuit U.S. Court of Appeals upheld a lower federal court ruling that denied the compensation. The court noted that under the FLSA, employers are not required to compensate employees for "walking, riding, or traveling to and from the actual place of the performance of the principal activity or activities which such employee is required to perform."[21] The court also noted that training is a normal activity for a law enforcement officer and benefits both the officer and the agency. As such, travel time is not compensable under the FLSA. However, the statute only applies to the use of the employer's vehicle "within the normal commuting area for the employer's business or establishment." Therefore, an agency that requires an employee to use

a government vehicle to travel to training outside the normal commuting area would have to compensate the employee driving the vehicle. However, the employer would not have to compensate other employees in the vehicle unless the travel occurs during the normal work day.[22]

While time spent traveling to and from training generally is not compensable under the FLSA, time actually spent engaged in training, which primarily benefits the employer or is done at the employer's direction, is compensable.[23] The FLSA rules apply to law enforcement trainees, in a training academy, as long as they are factually employed by a law enforcement agency.[24] However, not all time at the academy is compensable. In *Banks v. City of Springfield*,[25] an Illinois U.S. District Court ruled that time spent at an academy not in class or involved in mandatory training is not compensable under the FLSA.

The FLSA does not require compensation for short periods of time spent caring for equipment. However, if the total period of time spent in such an activity is determined to be more than *de minimis*, then the employee must receive compensation. An employee who spends 30 minutes once a month cleaning a weapon need not be compensated for that

activity. However, the same employee who spends 30 minutes every day caring for a dog that the employee uses as a canine officer must be compensated.[26] This is true regardless of who pays for the animal's food, equipment, and veterinary expenses.[27] Agencies may reach agreement with their employees on how they will be compensated for such activities. Any such agreement, however, must compensate the employee at least as generously as they would be compensated under the FLSA.[28]

> **"*...a police agency is not required to compensate an employee who volunteers to work at a rescue squad during off-duty hours....*"**

The FLSA does not mandate the compensation of employees for time spent during meal breaks provided certain criteria are met. First, the break must be at least 30 minutes long.[29] Second, the employee must be relieved of work responsibilities during the break.[30] However, a law enforcement employee may be subject to recall during a

break and may be required to receive permission before taking a break without requiring compensation under the FLSA.[31] If an employee is called back to duty during the first 30 minutes of the meal break, that employee must be compensated for all time actually spent on the break.

Overtime Considerations

For most employers, a covered employee must be paid overtime for all hours over 40 worked in a given week. This requires that an employer know how many hours an employee is working. This includes salaried employees who are not exempt from FLSA coverage. The FLSA does not permit most employers to "average" work hours (i.e., 60 hours one week and 20 the next) to avoid having hours count as overtime. However, there are special rules governing law enforcement employees that, in effect, permit a certain amount of averaging. For employees who perform law enforcement duties, as opposed to support positions, an agency may base compensation on a work schedule that bases overtime entitlement on how many hours the employee works in a period of up to 28 days.[32] If the agency elects to use this so-called "7k method" of overtime, the agency does not have to start paying overtime, until after the employee works 171 hours

during the 28-day period. As an example, Police Officer Smith works 50 hours a week for 4 consecutive weeks, or 28 days. She has worked a total of 200 hours and normally would have to be paid 10 hours of overtime each week for 40 hours total. Under Section 7k, she would not be paid any overtime until she has worked 171 hours (during the fourth week) and then will be entitled to only 29 hours of overtime pay. Agencies may use a shorter period and prorate the number of hours. For example, an agency which elects a 2-week, or 14-day, period would not have to begin paying overtime until the law enforcement employee has worked 85.5 hours.

This method allows the law enforcement administrator some flexibility when confronted with significant staffing requirements over a short period of time. More commonly, it allows agencies to use rotating shifts where employees routinely work one number of shifts one week and a different number of shifts the next. For example, an agency could work officers three 12-hour shifts the first week and four 12-hour shifts the second. Over a 28-day period, such a method would result in an officer working a total of 168 hours without any entitlement to overtime compensation under the FLSA. In the same situation, other nonlaw enforcement employers would be required to pay 8 hours of overtime for each of the 2 weeks the employee worked the four shifts.

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Overtime Pay

The FLSA requires that covered employees be compensated for overtime at the rate of one and one-half times their regular hourly wage. For hourly wage employees, this is computable by simply multiplying the hourly wage times 1.5 and that result by the number of overtime hours. For nonexempt salaried personnel, there are several methods of computing the rate of overtime pay. The simplest is to figure the regular weekly wage (yearly salary divided by 52); divide that number by 40; multiply the result times 1.5; and then multiply that result times the number of hours worked over 40 in a given week.[33] If the Section 7k method is used for a 28-day period, the computation would be as follows: divide the yearly salary by 13 (the number of 28-day periods in a year); divide that number by 171 (the number of hours a law enforcement officer must work in a 28 day period before being entitled to overtime); multiply the result times 1.5; and then multiply that result times the number of hours worked over 171. The FLSA allows for another method of computing overtime for non-exempt salaried employees who work a fluctuating amount of overtime. Under this method, the employee must be paid a salary designed to compensate the employee for all hours worked, and the employee must work a fluctuating number of hours of overtime every week. The employer and employee must agree that this method of compensation will be used. This method requires a new computation every week based upon the number of hours actually worked. Payment under this method results in the employee generally receiving only one-half of their regular hourly wage for hours worked over 40. This method of compensation is rarely available to law enforcement in that such employees are typically scheduled for specific shifts, and, as such, the employer cannot argue that the employee works a "fluctuating"

schedule depending upon the amount of work in a given week.[34]

Compensatory Time

The FLSA allows another method of overtime compensation for public employees—compensatory time. A public employee may be given one and one-half hours compensatory time off for every hour of overtime worked.[35] A public safety employee may only be allowed to accumulate 480 hours of compensatory time before that employee must be paid overtime.[36] When an agency has a collective bargaining agreement with employees, it is required to negotiate if and how the agency will use compensatory time in lieu of overtime pay. Any such agreement must be in conformity with the FLSA.[37]

The use of compensatory time creates a potential financial liability for an agency. Employees who leave an agency must be paid for accumulated compensatory time based upon their salary when they leave the agency or their average salary over the last 3 years, whichever is higher.[38] As such, an agency may wish to "force" employees to take compensatory time when it is advantageous to the department. In *Christensen v. Harris County,*[39] the U.S. Supreme Court ruled that the FLSA permits a public employer to

order an employee to take compensatory time off whenever the employer chooses to do so. This raises another issue. Can an employee demand to be allowed to take compensatory time off whenever the employee wants to take the time off? The law on this issue is less clear. The FLSA provides that an

> "
> *...time spent at an academy not in class or involved in mandatory training is not compensable under the FLSA.*
> "

employee who has earned compensatory time by working overtime must be allowed to take such time off within a reasonable time of the request unless doing so would cause an "undue disruption" to the agency's operations.[40] In 1994, the Department of Labor wrote an opinion letter on this issue wherein it stated that a police agency could not turn down a request to use compensatory time as an undue disruption because the agency would have to pay overtime to another employee.[41] Two U.S. circuit courts of appeals have interpreted the justification for

denying compensatory time off less restrictively. In *Houston Police Officer's Union v. City of Houston,*[42] the Fifth Circuit U.S. Court of Appeals addressed a Houston Police Department policy that placed an inflexible cap prohibiting more than 10 percent of the force being scheduled off on a particular day for such things as annual leave and compensatory leave. Thus, an officer who requested to use compensatory time on a day when 10 percent already had scheduled off would have that request denied. The court found this policy in compliance with the FLSA, stating that the statute only requires that an agency permit an employee to take compensatory time within a "reasonable" period after the request. This court interpreted the Department of Labor's opinion letter as prohibiting the denial of compensatory time because of the requirement to pay another employee overtime when there was no period within a reasonable time after the request when the agency could avoid paying overtime and allow the employee to use compensatory time. In *Aiken v. City of Memphis,*[43] the Sixth Circuit U.S. Court of Appeals reviewed a challenge to a Memphis Police Department policy that required officers to sign a log book for the shift during which they wished to use compensatory time. Shift

commanders decided how many time-off spaces were available in the log book for a given shift based upon anticipated staffing requirements. Once those spaces were filled, no other officer would be allowed to use compensatory time during the shift. The court ruled that this policy was in compliance with the FLSA as long as an officer would be permitted compensatory time off within a reasonable time of the request. However, in *DeBraska v. City of Milwaukee*,[45] a Wisconsin U.S. District Court ruled that a denial of compensatory time may not be based solely on the fact that another officer would have to be paid overtime even when the officer requesting compensatory time could be given another shift off within a reasonable time. The *Debraska* ruling is not binding on any other court, whereas the *Aiken* and *Houston Police Officer's Union* cases are binding in those circuits.

Conclusion

The rules contained in the FLSA are complex. The cost to a police department for failure to adhere to the rules can be astronomical. In addition, the police administrator involved in such scheduling and finance issues must understand and comply with contract terms and state statutes that deal with these same issues. Fortunately, there is a resource available.

The Department of Labor will respond through its Web site, at *http://www.dol.gov,* to requests for interpretation of the FLSA. Good-faith reliance on such interpretations will allow a police department to avoid some of the damages caused by violation of the statute.[45] In large departments, a professional support staff should be employed to conform to these requirements. ✦

Endnotes

[1] Title 29 U.S.C. §§ 201 *et seq.*

[2] 426 U.S. 833 (1976).

[3] *Garcia v. SAMTA*, 469 U.S. 528 (1985).

[4] Title 29 U.S.C. § 216(b). Unpaid employees are only denied such damages when the employer can establish that it acted in good faith upon a written opinion from the U.S. Department of Labor. *See* Title 29 U.S.C. § 259. An employer who can establish that it objectively acted in good faith and had no reason to know it was in nonconformity with the FLSA can avoid the liquidated damages. *See* Title 29

U.S.C. § 260. However, ignorance of the law is never good faith. *See Thomas v. Howard University Hospital*, 39 F.3d 370 (D.C. Cir., 1994).

[5] Title 29 Code of Federal Regulations § 541.103. There are other methods by which an employee will be exempt as a manager/executive under the FLSA white-collar exemption without spending a majority of time managing other employees. These require that the exempt employee perform such tasks as hiring and firing. *See* Title 29 Code of Federal Regulations § 541.1.

[6] The International Union of Police Associations, AFL-CIO, has claimed that the new rules would result in a minimum of 200,000 law enforcement officers becoming exempt from FLSA coverage. *See* Michael Leibig, "Report on Proposed DOL Rules Changes"; retrieved from *http://www.iupa.org.newsroom/ DOLRulesChanges.html.*

[7] *See http://www.dol.gov/esa/regs/ compliance/whd/fairpay/fs17i_first_ responders.htm.*

[8] Title 29 U.S.C. § 203(e)(C)(ii).

[9] *Nichols v. Hurley*, 921 F.2d 1101 (10th Cir., 1991).

[10] Title 29 Code of Federal Regulations Section 541.1. Under the Department of Labor's proposed changes, this will increase to $23,600 per year.

[11] Title 29 Code of Federal Regulations § 541.118.

[12] *Auer v. Robbins*, 519 U.S. 452 (1995).

[13] *See http://www.dol.gov/esa/regs/ compliance/whd/fairpay/fs17b_ executive.htm.*

[14] *See http://www.dol.gov/esa/regs/ compliance/whd/fairpay/fs17h_highly_ comp.htm.*

[15] Title 29 U.S.C. § 203(e)(4)(A)(ii).

[16] *See Benshoff v. City of Virginia Beach*, 180 F.3d 136 (4th Cir., 1999).

[17] *Armour and Co. v. Wantock*, 323 U.S. 126 (1944). Title 29 Code of Federal Regulations § 785.17.

[18] 144 F.3d 265 (3rd Cir., 1998).

[19] Title 29 U.S.C. §§ 251-262.

[20] 138 F.3d 1294 (9th Cir., 1998).

[21] Title 29 U.S.C. § 254(a)(1).

[22] *Id.*

[23] Title 29 Code of Federal Regulations Sections 785.27 - 785.32. In *Dade County v. Alvarez*, 124 F.3d 1380 (11th Cir., 1997); *cert. denied* 523 U.S. 1122 (1998). Voluntary, off-duty training as part of a general physical fitness program was ruled not compensable under the FLSA.

[24] Title 29 Code of Federal Regulations § 553.226(c).

[25] 959 F.Supp. 972 (C.D. Ill., 1997).

[26] *See Reich v. New York City Transit*, 45 F.3d 646 (2d Cir., 1995).

[27] *See Albanese v. Bergen County*, 991 F.Supp. 410 (D.N.J., 1997).

[28] *See Leever v. Carson City*, __F.3d__(9th Cir., 2004); 2004 WL 396269.

[29] Title 29 Code of Federal Regulations, §§ 785.18 - 785.19, 790.6(b).

[30] Title 29 Code of Federal Regulations § 785.19.

[31] *See Henson v. Pulaski County Sheriff*, 6 F.3d 531 (8th Cir., 1993).

[32] Title 29 U.S.C. § 207(k).

[33] Title 29 Code of Federal Regulations, § 778.113.

[34] Title 29 Code of Federal Regulations, § 778.114.

[35] Title 29 U.S.C. § 207(o).

[36] Title 29 U.S.C. § 207(o)(3)(A).

[37] Title 29 U.S.C. § 207(o)(2)(A)(i).

[38] Title 29 U.S.C. § 207(o)(4).

[39] 529 U.S. 576 (2000).

[40] Title 29 U.S.C. § 207(o)(5).

[41] 1994 WL 1004861.

[42] 330 F.3d 298 (5th Cir., 2003).

[43] 190 F.3d 753 (6th Cir., 1999).

[44] 131 F.Supp.2d 1032 (E.D.Wis., 2000).

[45] Title 29 U.S.C. § 259. *See Supra* note 4.

Law enforcement officers of other than federal jurisdiction who are interested in this article should consult their legal advisors. Some police procedures ruled permissible under federal constitutional law are of questionable legality under state law or are not permitted at all.

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The Bulletin Notes

Law enforcement officers are challenged daily in the performance of their duties; they face each challenge freely and unselfishly while answering the call to duty. In certain instances, their actions warrant special attention from their respective departments. The *Bulletin* also wants to recognize those situations that transcend the normal rigors of the law enforcement profession.

Sergeant Pon

Early one morning, Sergeant Eric Pon of the Wilmer, Texas, Police Department awoke to discover a fire in his apartment and several others. Sergeant Pon immediately gathered his young daughter and enough clothing for the two of them to exit the building. He then secured his child outside with a friend and, without regard for his own possessions, began alerting the other residents of the raging fire and assisting them to safety. In all, 40 units were destroyed by the fire, and all of Sergeant Pon's personal property was lost. His heroic and selfless actions resulted in many saved lives.

Officer Scioletti

On Christmas Eve, Officer Maurice Scioletti of the Stratford, Connecticut, Police Department was at home, off duty and preparing for the holidays. While exiting his house, Officer Scioletti observed smoke bellowing from the cellar windows of the home of two recluse, elderly sisters. Without concern for his own safety, Officer Scioletti entered the building; flames now were clearly visible in the windows and were breaking through the siding. Facing intense heat and heavy smoke, he located one sister, dazed and confused from the smoke, and brought her outside to safety. Officer Scioletti then reentered the house, despite the steadily worsening conditions, and located the second sister, who was searching for her shoes at the top of the stairs. After strongly urging the second woman to leave with him and providing her with his own shoes, Officer Scioletti rescued her as well. Due to his quick thinking and selfless, heroic actions, the two sisters sustained only minor injuries.

Nominations for the **Bulletin Notes** should be based on either the rescue of one or more citizens or arrest(s) made at unusual risk to an officer's safety. Submissions should include a short write-up (maximum of 250 words), a separate photograph of each nominee, and a letter from the department's ranking officer endorsing the nomination. Submissions should be sent to the Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Madison Building, Room 209, Quantico, VA 22135.

Patch Call

The patch of the Charlestown, Rhode Island, Police Department features the Charlestown Breachway where Ninigret Pond flows to the Atlantic Ocean. Located on the southern coast of Rhode Island, Charlestown was incorporated on August 22, 1738.

The emblem on the patch of the Rock Hill, South Carolina, Police Department reflects the energy and diversity of the key themes of the city's "Empowering the Vision" program. The six arrows, representing each theme, work toward a central point in a unified manner.