AMERICAN CRIMINAL JUSTICE ASSOCIATION

L.A.E. JOURNAL

2007

1937-2007

70 YEARS OF PROGRESS

"Dedicated to professionalism in the administration of justice and public safety"

AMERICAN CRIMINAL JUSTICE ASSOCIATION

LAMBDA ALPHA EPSILON

This Association was formed at San Jose, California in 1937. It was incorporated under the laws of the State of California as a non-profit society on August 31, 1954.

American Criminal Justice Association/Lambda Alpha Epsilon is dedicated to the advancement of professionalism in the administration of criminal justice. Membership is open to collegiate and professional personnel, as well as those who have retired from the criminal justice field.

Inquiries regarding membership should be directed to the nearest local chapter or to the Grand Chapter.

Publication

The L.A.E. Journal of the American Criminal Justice Association is published annually. Copyright (1988) by the American Criminal Justice Association/Lambda Alpha Epsilon. All rights reserved. No part of this journal may be reproduced without the permission of the Journal Editor.

Membership

Membership in the American Criminal Justice Association/ Lambda Alpha Epsilon is available at $36.00 for the first year and $30.00 thereafter. Individuals interested in membership should write the Executive Secretary, Karen K. Campbell, P.O. Box 601047, Sacramento, California 95860. Membership in the Association includes a subscription to the L.A.E. Journal.

Editorial Policy

The L.A.E. Journal of the American Criminal Justice Association publishes general interest articles on all facets of the criminal justice system. The Journal provides a forum for academicians, practitioners and students in criminal justice in order to improve communications and to increase understanding and knowledge of the system. Articles are desired which deal with issues, problems and research in law enforcement, criminology, juvenile justice, courts, corrections, prevention, and planning and evaluation. Related articles on education, career development and student attitudes will also be considered.

Submission of Manuscripts

Manuscripts should be submitted to: Fred R. Campbell, Journal Editor, P.O. Box 601047, Sacramento, CA 95860. One printed copy should be submitted along with a 3½" disk or CD stating which word processing program was used. (IBM is preferable, but we will accept Macintosh on a 3½" disk.) The author should always retain a copy of the manuscript to safeguard against possible loss of the original.

Specifications for Manuscripts

1. Manuscripts should be typewritten and double-spaced throughout on 8½"x11" quality bond paper.

2. Manuscripts should be no more than twenty (20) pages in length, and should be prepared in accordance with the Publication Manual of the American Psychological Association (2nd edition), with the exception of the metric requirements.

3. To permit anonymous review, all identifying materials should be kept out of the article. The cover page should give the author's name and institutional affiliation; the first page should contain only the title and abstract of the article.

4. Also included should be an abstract of no more than 100 words, together with a brief biographical sketch of each author covering recent publications, professional experience, and research interest. Please be sure the abstract and biographical sketch are included on the disk or CD that is submitted with the article.

5. It is the policy of the Journal Editor not to publish articles which have appeared or are to appear in other publications. Therefore, simultaneous submission to another journal is unacceptable. Every effort will be made to notify authors of editorial decisions within ninety days of manuscript receipt.

The L.A.E. JOURNAL is the official publication of the American Criminal Justice Association; National headquarters in Sacramento, California. The Journal is currently published annually from the Association's headquarters office.

Editor
Fred R. Campbell,
President, Criminal Justice Research Foundation,
Sacramento, CA

Associate Editor
Glenn Schleve
Eastern Wyoming College (retired)
Torrington, WY

Associate Editor
Greg Galardi
Peru State College
Peru, NE

L.A.E. JOURNAL

of the

AMERICAN CRIMINAL JUSTICE ASSOCIATION

ISSN No. 1094-8481

Table of Contents

Message from the President:

As I write this column, I am a little jet-lagged, but happy. I've just returned from the Region 5, 4, and 1 Conferences and have been impressed by the level of dedication of our members as well as their many talents. Some little snippets are:

At Region 5, I got to see what happens when a university ***really*** steps up and helps out their chapter. American Intercontinental University pretty much turned their building over to us for the Friday writtens. All of the written exams were taken at the University, in their Learning Centers. Alpha Omega Xi's advisor, Michael Shapiro, had written a program that graded the tests as soon as the student had finished taking that test; then, the program broke it out into Lower, Upper and Pro and ranked the scores within each division!! All within seconds! WOW! I'm trying to figure out how to take advantage of that.

At Region 4, the Ferrum Chapter, a newly reorganized chapter, put on a play which was written by a member of their faculty. I was blown away by the professionalism of their acting. Anyone wanting to check the play out, go to www.thousandkites.org. Not everything is posted to that website as yet but will be soon. It is a very thought-provoking commentary on the effects of incarceration on the entire community. There were workshops which also made you think about how incarceration affects us all.

Region 1's conference was in Portland and the chapter there responded with enthusiasm and creativity. Envision a hotel where you can walk to the Range—and, for the physically fit ones—even on to the Physical Agility! The Clackamas County SWAT Team allowed us to use ***their*** physical agility course, and even came out on their day off to proctor it for us —unfortunately, there were injuries. The law enforcement class of the local high school prepared lunch for us, as a fund-raiser for them, and helped us throughout the weekend. The theme was "Alternatives to Patrol" with 3 different seminars offered simultaneously for 3 different time periods so you could learn: the prosecution of DV from the DDA who does just that; SWAT and TEMS from a regional team; and how to work around a canine.

I want to remind all of you that Region 3 is working very hard to ensure that the 2008 National Conference (April 6th---11th) is excellent. They are giving updated information to Karen about other opportunities and venues that will be available to us while we are there. Please check the website to stay fully informed. I hope to see everyone there as this will be a terrific conference.

One matter that needs to be addressed is when someone becomes a member of ACJA-LAE. There seems to be some confusion on this matter. You are not a member of ACJA-LAE until your application and initiation fee have been received at the National Office and approved by the National Secretary (Article III. C. 1. of our National By-Laws). Please share this information with prospective members. Also, national dues are due and payable by January 31st of each year. A re-reading of Article III. of the By-Laws can help.

I also wanted to remind everyone that the cutoff dates approach for: Student Paper, Scholarship, and the Jim Hooker Award. All the information and application forms can be found on www.acjalae.org website.

Abby Schofield
National President

Conference Highlights - 2007

453 members and guests attended the 2007 National Conference held in Wilmington, Delaware. Many thanks to John Wilt, Region 4 President and Conference Director, and Steve Atchley, Conference Coordinator, for putting on a great Conference.

1. Dr. Henry Lee autographs his book for Richard Gillespie from Region 3
2. National Firearms Competition
3. Executive Board and ACJA-LAE members attend the National Business Meeting
4. Gamma Epsilon Delta, Region 3, took home their share of the trophies
5. Jill Miller, Delta Phi Upsilon Chapter Advisor, addresses the assembly at the National Business Meeting
6. Members taking written exams
7. Presentation of the Colors at the Opening Banquet

8. National President, Abby Schofield and Region 5 President, Warren Mowry share a hug

9. Many ACJA-LAE members attended the Job Fair

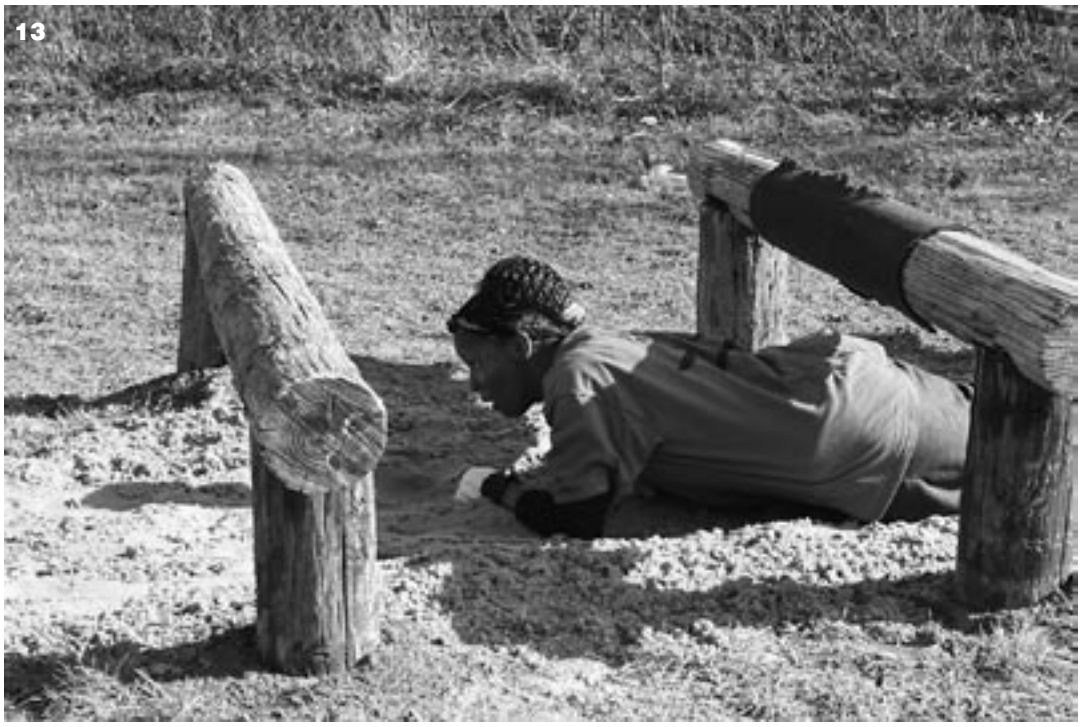
10. Members always have a good time at the annual Lip Sync / Talent Contest

11. (l-r) Steve Atchley, 2007 Conference Coordinator; Joseph T. Walsh, Retired Delaware Supreme Court Justice; John Wilt, Region 4 President and 2007 Conference Director

12. The physical agility competition was competitive

13. Physical agility down and under

—The Association would like to thank Lary Lehman for his time and for contributing these pictures of the National Conference



CONFERENCE COMPETITION WINNERS — 2007

Top Academic: Jackie Mehrens **Top Gun:** Richard Gillespie **Spirit Award:** Tri Omega
Sweepstakes Award: Gamma Epsilon Delta

LAE KNOWLEDGE

Lower Division:
3rd Place: Katy Cleyman, Beta Kappa Rho
2nd Place: Ashley Hughes, Gamma Epsilon Delta
1st Place: Alanna Del Bosque, Delta Psi Chi

Upper Division:
3rd Place: Angela Dudley, Gamma Epsilon Delta
2nd Place: Mary Andrew, Gamma Epsilon Delta
1st Place: Jessica Nelson, Gamma Epsilon Delta

Professional Division:
3rd Place: Raymond Patterson, Sigma Iota
2nd Place: Roger Pennel, Gamma Epsilon Delta
1st Place: Brittany Allen, Lambda

JUVENILE JUSTICE

Lower Division:
3rd Place: Katy Cleyman, Beta Kappa Rho
2nd Place: David Schack, Gamma Epsilon Delta
1st Place: Morgan Lee, Gamma Epsilon Delta

Upper Division:
3rd Place: Maria Kaylen, Chi
2nd Place: Charlie Pappert, Gamma Epsilon Delta
1st Place: Jackie Mehrens, Beta Upsilon Delta

Professional Division:
3rd Place: Robert Barnes, Theta Psi Omega
2nd Place: David Stumpf, Sigma Delta
1st Place: Jill Miller, Delta Phi Upsilon

POLICE MANAGEMENT & OPERATIONS

Lower Division:
3rd Place: Travis Mahaffey, Chi Tau Epsilon
2nd Place: Daniel Sangaree, Theta Alpha Delta
1st Place: Nick Zotos, Chi

Upper Division:
3rd Place: Evan Flanagan, Member-at-Large
2nd Place: Jackie Mehrens, Beta Upsilon Delta
1st Place: Heather Barklage, Gamma Epsilon Delta

Professional Division:
3rd Place: David Stumpf, Sigma Delta
2nd Place: Roger Pennel, Gamma Epsilon Delta
1st Place: Robert Austin, Kappa Xi Sigma

CORRECTIONS

Lower Division:
3rd Place: Hayley Spicer, Lambda Omega
2nd Place: Morgan Lee, Gamma Epsilon Delta
1st Place: Kyrie McLemore, Alpha Epsilon

Upper Division:
3rd Place: Charlie Pappert, Gamma Epsilon Delta
2nd Place: Angela Dudley, Gamma Epsilon Delta
1st Place: Jackie Mehrens, Beta Upsilon Delta

Professional Division:
3rd Place: Joe Nedelec, Chi
2nd Place: William Osborne, Alpha Psi Delta
1st Place: Richard Patterson, Beta Upsilon Delta

CRIMINAL LAW

Lower Division:
3rd Place: Phillip Jeter, Omega Alpha Omicron
2nd Place: Daniel Sangaree, Theta Alpha Delta
1st Place: Lance Sagers, Lambda Omega

Upper Division:
3rd Place: Charlie Pappert, Gamma Epsilon Delta
2nd Place: Heather Barklage, Gamma Epsilon Delta
1st Place: Angela Dudley, Gamma Epsilon Delta

Professional Division:
3rd Place: Roger Pennel, Gamma Epsilon Delta
2nd Place: Richard Patterson, Beta Upsilon Delta
1st Place: Warren Mowry, Beta

FIREARMS (Individual)

Lower Division:
3rd Place: Jordan Olsen, Rho Beta Psi
2nd Place: Phillip Jeter, Omega Alpha Omicron
1st Place: Andy Cronquist, Sigma Delta

Upper Division:
3rd Place: Kate Weyerich, Gamma Epsilon Delta
2nd Place: Brandon Myer, Gamma Epsilon Delta
1st Place: Brody Samson, Gamma Epsilon Delta

Professional Division:
3rd Place: Brian Meloy, Sigma Chi
2nd Place: Charles Tomlin, Gamma Epsilon Delta
1st Place: Richard Gillespie, Gamma Epsilon Delta

FIREARMS (Team)

Lower Division:
3rd Place: Jeff Ahrens, Caleb Silgjord, Andy Cronquist, Sigma Delta
2nd Place: Jeffrey Beaulieu, Travis Joyce, Jordan Olsen, Rho Beta Psi
1st Place: Travis Bailey, Tom Noble, Bryan Wilkins, Gamma Epsilon Delta

Upper Division:
3rd Place: Kate Weyerich, Jeremy Cook, Bobby Warner, Gamma Epsilon Delta
2nd Place: Ben Hall, Charlie Pappert, Derrick Jones, Gamma Epsilon Delta
1st Place: Brody Samson, Michael Staat, Brandon Myer, Gamma Epsilon Delta

Professional Division:
3rd Place: Nicci Koban, Jeff Ingemie, Joe Walsh, Chi Omega Pi Sigma
2nd Place: Neal Oppenheimer, Fred Mowrey, Brian Meloy, Member-at-Large & Sigma Chi
1st Place: Richard Gillespie, Charles Tomlin, Ryan McQuire, Gamma Epsilon Delta

CRIME SCENE

Lower Division:
3rd Place: Gabriel Roman, Marisol Quezada, Tawny Vasquez, Tri Omega
2nd Place: Bryan Savaloja, Nate Fromm, Tom Borash, Sigma Delta
1st Place: Matt Gutierrez, Ann Thomas, Ken Rayburn, Beta Upsilon Delta

Upper Division:
3rd Place: Elizabeth Atlicks, Caitlin Walker, Carol Griffin, Gamma Epsilon Delta
2nd Place: Nicholas Zotos, Marie Kaylen, Gabrielle Stocke, Chi
1st Place: Lindsay Lambert, Bea Kelrick, Lauren Block, Chi

Professional Division:
3rd Place: Nicci Koban, Diana Bauer, Jess Lehman, Chi Omega Pi Sigma
2nd Place: Jennifer Graham, Erika Knauff, Bridgett Wilson, Sigma Chi
1st Place: Josh Bevil, Warren Mowry, James McDonald, Beta

PHYSICAL AGILITY

Female under 25:
3rd Place: Theresa Jaremchuk, Lambda Omega
2nd Place: Alisha Espinoza, Sigma Pi
1st Place: Jessica Frausto, Tri Omega

Male under 25:
3rd Place: Ryan Dominguez, Chi Tau Epsilon
2nd Place: Lorenzo Uribe, Sigma Pi
1st Place: Ariel Gatus, Chi Tau Epsilon

Female 26 to 35:
3rd Place: Tawny Vasquez, Tri Omega
2nd Place: Maria Jeffery, Tri Omega
1st Place: Miriam Camargo, Tri Omega

Male 26 to 35:
3rd Place: Levard Missick, Alpha Omega Xi
2nd Place: Jonathan Auclair, Alpha Omega Xi
1st Place: Sebastian Ascencio Tau Sigma Chi

Female 36 and over:
3rd Place: No Entry
2nd Place: Alecia Wright, Mu Gamma Gamma
1st Place: Jennie Salcido, Tri Omega

Male 36 and over:
3rd Place: Dave Davis, Sigma Delta
2nd Place: John Wilt, Omega Alpha Omicron
1st Place: Mark Munoz, Beta Upsilon Delta

Announcement of the 2009 ACJA/LAE National Scholarship & Student Paper Competition

Applications will be available after April 30, 2008 for the 2009 National Scholarship and Student Paper Competitions. Entries for the National Student Paper Competition must be original papers dealing with issues and problems in areas of criminology, law enforcement, juvenile justice, courts, corrections, prevention, planning and evaluation, career development, or education in the field of criminal justice.

Applications for both Competitions may be obtained by calling or emailing the National Office or can be downloaded from our website. The deadline for submission of papers for the 2009 National Scholarship is December 31, 2008. The deadline for submission of papers for the 2009 National Student Paper Competition is January 31, 2009. Papers are reviewed by separate committees and winners will be announced at the 2008 National Conference.

All papers must be accompanied by an application. Incomplete applications will not be considered for the awards. **Also, you must be a member-in-good-standing at the time of submission for the respective awards and at the time the awards are made.** Members can compete for both awards. If you have any questions, please do not hesitate to contact the National Office at P.O. Box 601047, Sacramento, CA 95860; telephone (916) 484-6553; Fax (916) 488-2227; Email: acjalae@aol.com.

2007 NATIONAL SCHOLARSHIP AWARDS

Lower Division:
3rd Place: David Jones, Pi Gamma Epsilon
2nd Place: Rebecca Wenger, Pi Gamma Epsilon
1st Place: Jodi Stone, Delta Alpha Upsilon

Upper Division:
3rd Place: Brittany Allen, Lambda
2nd Place: Clarinda Garrett, Gamma Epsilon Delta
1st Place: Mary Martin, Sigma Delta

Graduate Division:
3rd Place: No Entry
2nd Place: Kimberly Wheeler, Gamma Epsilon Delta
1st Place: Sherri Harmer, Lambda Omega

2007 STUDENT PAPER AWARDS

Lower Division:
3rd Place: Michelle Gavin, Kappa Delta Pi
2nd Place: Nicholas Zotos, Chi
1st Place: Tanya Jones, Beta Kappa Rho

Upper Division:
3rd Place: Deanna Kleinfelder, Tau Omicron Rho
2nd Place: Matthew Hunt, Tau Omicron Rho
1st Place: Michael Muder, Tau Omicron Rho

Graduate Division:
3rd Place: Nicole Negron, Tau Omicron Rho
2nd Place: Keisha Costello, Gamma Epsilon Delta
1st Place: Heather Barklage, Gamma Epsilon Delta

EXECUTIVE SECRETARY'S REPORT

Between March 1, 2006 and February 23, 2007, the Association chartered 38 new or re-chartered chapters. The number of active chapters has grown from 75 in 1990 to 141 in 2007. A total of 453 members and guests attended the 2007 National Conference in Wilmington, Delaware. The theme of the Conference was "The Real CSI." Dr. Henry Lee held an all-day Workshop for ACJA-LAE members. Members enjoyed five days of competitive competitions, banquets, and entertainment. As of the 2007 National Conference, the number of active members and chapters nation-wide included:

	Members	Chapters
Region 1	305	16
Region 2	418	20
Region 3	302	17
Region 4	643	31
Region 5	659	34
Region 6	579	23
Total	**2,906**	**141**

Star Member

The Star Member Award is an earned recognition of members who have substantially contributed to the furtherance of ACJA-LAE. A nominee for this award must have displayed exemplary loyalty and dedication to the Association and shall have provided service which is substantially superior to that performed by other members. The right to issue Star Membership rests with the voting members of Grand Chapter. Three quarters (3/4) vote of the voting membership present at the Annual Conference is required and the voting is by secret ballot. Star Members are elected to Life Membership in recognition of their outstanding contribution to the Association and are presented with a Star Membership Certificate and Star pin.

Star Members – 2007

Chuck Kenyon

At the 2007 National Conference held in Wilmington, Delaware, Chuck Kenyon was elected to Star Membership. Chuck was nominated by Joe Davenport, National Vice-President, who is also a Star Member.

Chuck has served as one of several Chapter Advisors to the Beta Upsilon Delta chapter at Eastern Wyoming College since 1993. He has also served as Region 3 Vice President, National Vice-President and National President. His term as Immediate Past President ended at the National Conference. Chuck is the first resident of Wyoming to receive this award in the Association's 70 year history. Region 3 President and Star Member Glenn Schleve presented Kenyon with the award on behalf of the Association because Chuck was unable to attend the National Conference.

Ian Frazer

At the 2007 National Conference held in Wilmington, Delaware, Ian Frazer was also elected to Star Membership. Ian was nominated by Brian Meloy, Region 1 Vice-President.

Ian has been a member of the Association for 21 years. He has served as Chapter Advisor for the Sigma Chi Chapter at Sacramento State University. He has also served as Region 1 President, Vice-President, and Secretary-Treasurer. In addition, he has also served on several Regional and National Committees and has served on the National Firearms Committee for over ten years. Ian is a sworn officer for the East Bay Regional Park District Police Department.

Chuck Kenyon receives his Star from Region 3 President, Glenn Schleve.

Ian Frazer receives his Star Award from National President, Abby Schofield

Prosecutorial Misconduct:

The Problem, Current Solutions, and Possible Future Remedies to Curb These Miscarriages of Justice

1st Place Winner, Graduate Division, 2007 National Student Paper Competition

By Heather Barklage, Gamma Epsilon Delta Chapter, University of Central Missouri, Warrensburg, MO

Introduction

In his letter from Birmingham City Jail, Martin Luther King, Jr. wrote, "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly" (Washington, 1986, p- 290). This principle represents the problem of miscarriages of justice today.

It can be assumed that miscarriages of justice have always been a problem because no manner of deciding guilt and innocence is one hundred percent infallible. However, this problem has only recently come to the forefront of public knowledge. While the most obvious explanation of a miscarriage of justice is a verdict that finds an innocent person guilty and allows the guilty person to go free, there is another way that a miscarriage of justice may be described. Baron's Law Dictionary defines a miscarriage of justice as the "damage to the rights of one party to an action that results from errors made by the court during trial and that is sufficiently substantial to require reversal" (Gilts, 1996, p-319)i

It is upon this second definition of miscarriages of justice that this paper relies. 'There are various ways that suspects' rights may not be given adequate consideration. A particular way is by prosecutorial misconduct. Within the *purview* of prosecutorial misconduct, there are also numerous manners in which a suspect's rights may be neglected.

First, there will be a discussion of cases that deal with some of these actions that constitute misconduct. Specifically, these will be the use of testimony that is known to be perjured, the suppression of evidence and improper arguments made in the course of trial. Second, the various ways that the misconduct of prosecutors is now dealt with by the court will be examined. Finally, possible new options for dealing with the prohibited actions of prosecutors will be offered.

Prosecutorial Misconduct

Huff (2002) offers a variety of causes for wrongful convictions, including overzealous law enforcement officers and prosecutors who engage in misconduct". He continues by clarifying that other specific actions that constitute misconduct, often more than one, is present in a given instance. Following are a few examples of the actions that prosecutors may incorporate into a trial that could be considered misconduct. Note that some cases are discussed more than once, such as *Pyle v. Kansas* (1942); the case illustrates Huff's (2002) claim that often two or more prohibited actions may collectively result in a miscarriage of justice.

Use Of Testimony Prosecution Knows To Be Perjured

There are two possible ways that the prosecution can use perjured testimony to their advantage against a defendant. The first scenario is by calling a witness the prosecutor knows will perjure him or her self on the stand in order to impeach their own witness. While it is permissible for counsel to impeach his or her own witness, it is not permissible to do so in order to bring in otherwise inadmissible evidence *(United States* v. *lnce,* 1994). In order to impeach a witness, certain types of regularly inadmissible evidence are allowed into evidence to show that a witness's testimony may be unreliable.

In *Untied States* v. *Ince* (1994), this is exactly the action taken by the prosecution. The prosecutor called a witness that had stated in the first trial that she could not remember everything that occurred immediately alter the murder in question. Knowing she would claim this again in the second trial, the prosecutor then called another witness that gave hearsay testimony of statements the first witness had told him. The specific statement in question offered an admission of guilt by the defendant to the first witness, which was then told to the second witness. While this situation may be permissible under certain conditions, the opinion of the court held that in this particular situation, this behavior was not permitted due to the fact that "evidence attacking her credibility had no probative value for impeachment purposes" and the hearsay testimony of the second witness was "highly prejudicial" to the defendant *(United Slates v. Ince,* 1994).

The second manner in which a prosecutor may use perjured testimony to his or her advantage is by calling a witness that he or she is aware will be less than truthful on the stand, but in favor of a guilty finding against the defendant. To knowingly allow a witness to lie on the stand is obviously wrong on the part of the prosecutor. Former United States Supreme Court Justice Murphy wrote the opinion in the case of *Pyle v. Kansas* (1942) in which the court remanded the case for further proceedings. The judgment was based on newly found evidence by the defendant that the prosecution had not only suppressed favorable testimony for the defense, but that the prosecution had also coerced false testimony from two of the State's witnesses. In this instance, the prosecutor acted in two ways that constituted misconduct.

Suppression Of Evidence

Pyle v. Kansas (1942) not only addresses the introduction of testimony the prosecutor knows to be perjured, but also the problem of the prosecutor suppressing exculpatory evidence. This is frequently the case with perjured testimony that is known to the prosecution unless the State is planning on impeaching its own witnesses as previously discussed. If the perjured testimony is known, then the State will be responsible for suppressing impeachment evidence from the defense. This is the obvious case in Pyle in which the impeachment evidence is the coercion used by the state against two witnesses in order to introduce testimony against the defendant. However, *Pyle* delves deeper into suppression testimony, due to the fact that in addition to using threat to receive testimony for the prosecution, intimidation tactics were also utilized to prevent key testimony in favor of the defense to be introduced.

Testimony is not the only type of evidence the State may suppress. In *Commonwealth v. Smith* (1992) the evidence in question was rubber lifters that extracted sand off the bottom of the victim's feet. While the case was originally set for a retrial, due to the allowance of hearsay *(Commonwealth v. Smith,* 1989), the court in later proceedings discharged Mr. Smith due to the "intentional prosecutorial misconduct designed to secure a conviction through the concealment of exculpatory evidence" (*Commonwealth v. Smith,* 1992).

The United States Supreme Court had previously made distinctions on what evidence is considered exculpatory and what is not. The Court concluded that evidence is considered exculpatory if a "constitutional error would be committed if evidence omitted by a prosecutor created a reasonable doubt about guilt" (*United States n Abuses,* 1976). This is rather vague and thus leaves this determination to the individual courts to decide. In this particular case, *United States v. Agues* (1976), the Supreme Court found that the withholding of the victim's criminal record to show a history of violence and thus support the defense's claim of self-defense was not sufficiently prejudicial to be considered exculpatory evidence.

The case now used on rulings of evidence suppression is *Brady v. Maryland* (1963). In the opinion of the Supreme Court of the United States, it is "the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution" (*Brady v. Maryland, 1963*). In subsequent cases, the question at hand has been whether the evidence suppressed is Brady material in accordance with this finding.

Improper Arguments

Trials are stressful situations in which both sides may become overzealous. This situation may lead to inapprpriate comments in the courtroom. In *United States v. Young* (1985), the defense began by making inappro-

priate comments in the closing argument, to which the prosecution replied improperly in its closing argument; these began with an insinuation that the prosecution did not believe the defendant was really guilty of the crime and was answered by the prosecutor that he did believe the defendant to be guilty. However, in considering statements by counsel, they are often found not to be so offensive as to prejudice the fact finding process, such as in *United States v. Young* (1985) where an "invited error'' analysis was utilized.

In *State v. Mayhorn* (2006), however, the court found that the prosecutor not only used inappropriate arguments, generally degrading the defendants character and actions, in the closing, but also erred in the cross-examination of the defendant. The following specific points were brought by Mayhem in front of the Supreme Court of Minnesota; that the prosecutor did act in such a way as considered to be misconduct by:

> commenting on the defendant's credibility as a witness (....) inflaming the passions of the jury(....) commenting on the defendant's failure to call a particular witness (....) intentionally misstating the evidence and asking a'were they lying?' question (....) referring to threats not in evidence (....) aligning self with the jury and character attack (....) commenting on the defendant's opportunity to tailor his testimony (....) [and] commenting on the credibility of a witness. (*Slate v. Mayhorn*, 2006)

The prosecutor even admitted many of these errors. This particular case shows just how improper and prejudicial prosecutorial misconduct can become. The majority of the prior instances of misconduct were done during the course of cross-examination of the defendant. Some were objected to at trial, while some were not. However, under Minnesota's prior cases, despite having not raised an objection, issues can still be considered on appeal under the plain error doctrine.

Rather than deciding there was prejudice which impacted the verdict, the Mayhorn Court explained that due to the numerous types of misconduct the jury was not really able to focus on the questions before them in the trial (*State v. Mayhorn,* 2006). This shows an obvious problem with the fact finding process of a trial, if prosecutors are acting in a manner that prevents the members of the jury from contemplating the relevant questions before them. However, there are remedies in place to act in a corrective manner after the fact and hopefully act in part as a preventative measure for prosecutors, warning them against committing questionable acts in the course of trials.

Current Controlling Procedures

It is clear that there is a problem concerning the actions of prosecuting attorneys and that prosecutorial misconduct can improperly impact the outcome of a trial. There are remedies in place to deal with these types of miscarriages of justice. Unfortunately, in many situations, it is deemed that the prohibited conduct of prosecutors does not have a significant impact on the verdict, resulting in little or no action being taken to prevent the prosecution from participating in the conduct again. However, when the banned conduct that the prosecution takes part in does have a major impact on the outcome the trial, there are procedures in place to correct the wrong that may have been committed.

These procedures may or may not have an impact on future actions of prosecutors. In cases where the prosecutor's actions are questionable, the burden of proving harmless error is on the prosecution, and if it is not proven, the court "must automatically reverse the conviction" (*United States v. Thee,* 1994). However, it is arguable that a court finding prosecutorial misconduct will impact the attorney any more than calling for a new trial. Huff (2002) writes:

> in examining 381 murder convictions that had been reversed due to police or prosecutorial misconduct, not once was a prosecutor disbarred, even when knowingly allowing perjured testimony or deliberately concealing exculpatory evidence. Most of the time, they were not even disciplined. (p.5)

Remand of Cases

Probably the most commonly used procedure when misconduct is found to have a prejudicial effect on the verdict against the defendant is remand of the case. In this situation, the case may go back to the lower court for further proceedings (*Pyle v. Kansas,* 1942). In cases where it is unclear if suppressed evidence would have an obvious effect on the outcome of the trial, the case may also be remanded, possibly with specific instructions and for specific findings. In *Brady v Maryland* (1963) the United States Supreme Court affirmed the Maryland Court of Appeals decision to remand on the question of punishment only, where the guilty finding was not an issue, only the imposition of the death penalty.

When the court considers remand for a new trial or other proceedings, the prejudicial effect is not only considered specifically in relation to the government actor's actions but also to the case itself. The prejudicial value of the actions must be deemed as having an effect on the outcome of the trial. Therefore, the relevant evidence produced in trial must also be measured. Where the case is strong against the accused, it is more likely that misconduct on the part of the prosecutor would not have substantial prejudicial value; likewise, if the evidence is weak, the prejudicial value would be considered greater, due to the lack of overpowering evidence of the suspect's guilt (*Berger v. United States,* 1935).

Barring Retrials

In certain situations, although somewhat rare, where prosecutorial misconduct is present, rather than remanding the case for a new trial, the result may be to discharge the appellant. The overwhelming amount of evidence that the prosecutor suppressed and the investigation prompted by the prosecutor of an officer for perjury when he gave truthful testimony in relation to that suppressed evidence led to the discharge of the appellant in *Commonwealth v. Smith* (1992). The Supreme Court of Pennsylvania found the misconduct to ban retrial under the state's double jeopardy clause. The Court discussed prior case law, both at the state and federal level, which applied the double jeopardy doctrine to mistrials caused by misconduct on the part of the Government.

These procedures in place by the court help remedy the problem, however it is doubtful that they help prevent the problem of misconduct from reoccurring. For this reason, other ideas for dealing with this issue are clearly worth exploring.

Possible Options for Future Procedures

The following ideas are possible ways to curb prosecutors' use of actions that are deemed improper. While many of them are corrective in nature, like the procedures already in place, perhaps they will have a more beneficial effect. 1f more responsibility is put on the prosecutors, they may refrain from the conduct. If they are aware that their time may be more pressed upon by employing these prejudicial tactics than it is currently, they may avoid those tactics. The following three ideas could lead to more retrials and more appeals, thus having a negative impact on prosecutors' time.

Subjective Analysis of Misconduct

As previously discussed, in matters of misconduct on the part of the Government, what would be considered an objective test is utilized. The important factor is seen as the prejudicial effect the misconduct has on the verdict; however Gershman (1998) argues in favor of employing a subjective test in which the intent of the Government actors would be considered in determining if the offensive conduct resulted in an improper verdict This is a rational proposition, if not a good suggestion. It could be argued that the intent of a prosecutor should be considered for at least two reasons: (1) as a Government actor, the prosecutor may in fact be denying defendants their Constitutional Due Process rights (*Commonwealth v. Smith,* 1992), and (2) if the prosecutor participates in misconduct knowingly and willingly for the purpose of obtaining a conviction, it can be argued that the prosecutor knows the case is not strong enough to result in a conviction on its own (*United Maley v. Boyd*, 1995).

Gershman (1998) also notes that a subjective analysis is already incorporated to decide if retrials are barred because of double jeopardy in prosecutorial misconduct cases. The idea of a subjective test does not rule out the possibility of mere mistakes on the part of the prosecutor, but it is quite possible that it would result in less misconduct by prosecutors, knowing that there is now an emphasis on why actions were taken rather than only on the impact of those actions on the verdict.

Legislative Change

The petitioner in *Mooney v. Holohan* (1935) suggested a change in procedure. He claimed that in cases in which fraudulent evidence is claimed to have been introduced, the court should have jurisdiction to reopen the cases. As an answer to this suggestion, the United States Supreme Court stated that legislation would have to be enacted in order to give the courts this type of authority. At this time, the only solution to these claims is executive pardon or executive clemency" (*Mooney v. Holahan*, 1935).

While granting the courts the power to reopen eases in similar situations may sound like a reasonable idea, the court systems are already overloaded with cases. If fraudulent evidence can be proven in a court, then it is arguable that it can be proven to an executive, thus resulting in the grant of executive clemency or pardon. The beneficial effect of a policy change may be to reduce the frequency of prosecutorial misconduct, if prosecutors are required to answer for their actions even more.

New Standard for "Invited Error"

The "invited error" analysis, as previously cited, refers to the invitation of an improper statement from one counsel to the other (*United States v. Young*, 1985). In these situations, the impropriety of the statement is not the only point of focus. Rather, the context under which the statement was given is also examined. In *Young*, the Court declared that the trial court should have halted the use of the inappropriate arguments because the prosecutor's comments were in fact error; however, because the prosecutor was only responding to the remarks of the defense, the comments were found not to be overly prejudicial to the defendant (*United Slates v. Young*, 1955).

In Justice Brennan's dissent in the same case (*Untied States v. Young*, 1985), he writes that the "Government is held to a higher standard of behavior," that the invited error' doctrine [may] result in minimizing the gravity of virtually unchecked prosecutorial appeals," and that in this specific case not all of the improper comments made by the prosecution were invited. This is how the doctrine may be abused by extending it to other comments made by the prosecution that are not invited and are unacceptable in the course of trial.

Burden of Proof

On appeal, defendant has the burden of proving plain error. According to Baryon's Law Dictionary:

> Plain error (rule) [is the rule requiring an appellate court to reverse a conviction and award a new trial when an obvious error in the trial proceedings, which was not objected to during the trial and went uncorrected by the trial court, affected the defendant's fundamental right to a fair trial. (*Gifis*, 1996, p. 372)

While the defendant bears this burden of proof, in the recent case of *State v. Ramey* (2006) the Supreme Court of Minnesota placed more responsibility on the prosecution in appellate cases alleging prosecutorial misconduct in relation to plain error. For all intents and purposes, the finding in *United States v. Ince* (1994) has been broadened to also include those cases of plain error in addition to those cases appealed on objections.

In *State v. Ramey* (2006), the Court held that previous case law had neglected to sufficiently deal with the problem of prosecutorial misconduct. Therefore, the ruling in Ramey will inevitably result in being the new case law of the State of Minnesota. Under *Ramey*, once the plain error has been proven, the prosecution will now have the burden of proving that the error did not significantly prejudice the verdict in the case.

This new case law in Minnesota may also be a great idea for other states to implement. It sends a message to prosecutors that their misconduct cannot and will not go unchecked. "Prosecutors are concerned with the message the decision sends and say that proving that something did not prejudice a defendant is a tough burden" (Lore, 2006, 14). This statement shows that prosecutors are paying attention to the new judgment in Minnesota and further indicates that it may have a preventive effect. If prosecutors think it will be hard to meet the burden required, perhaps they will cease in participating in prohibited acts. However, case history shows that prosecution is often favored in the decision of whether the verdict was influenced, thus it may be argued that, the change in case law may not have as much of an impact as the Supreme Court of Minnesota hopes.

Conclusion

There are certain types of conduct that are prohibited for actors of the criminal justice system. This is true not only for prosecutors, but also for judges, law enforcement, correctional officers and every other professional that deals with the justice system. Certain actions are prohibited to keep the public safe from a variety of unfair situations and to enhance ethical conduct on the part of certain actors. It is the duty of law enforcement, courtroom personnel, judges, prosecutors and defense attorneys to guard the innocent from wrongful convictions. In a study taken from a sample of 'prosecutors, judges and law enforcement officials [of Ohio], and a national sample of attorneys general (....) [it was estimated that] wrongful conviction occurs in less than 1% of all felony cases" (Huff, 2002, p. 2). Operating under the assumption that our court system is 99.5% accurate in its convictions, the study showed that the small .5% would amount to approximately 7,500 wrongful convictions in the year 2000 alone (Huff, 2002).

In this context, it is easy to assume that wrongful convictions are a problem in the system today. Perhaps holding government actors to even stricter standards would assist in solving this problem. Only occasionally holding that the misconduct performed by prosecutors is prejudicial to the outcome of a trial is not adequate to reduce the prevalence of prohibited actions. It is difficult in today's society where the public wants convictions for crimes to always act fairly to those that are believed to be guilty.

When prosecutors abandon their commitment logistics by employing prohibited conduct to obtain a conviction, the very principle the system is built upon is in jeopardy; it must always be remembered that the accused is innocent until proven guilty. Unfortunately with the system today, it is impossible to punish all the guilty and still ensure protection to all the innocent. So the *system* does its best to keep making improvements to protect the people; the implementation of some of the previously discussed ideas may help in doing just that.

References

Berger v. United States, 295 U.S. 78, 55 S. Ct. 629, 79 L. Ed. 1314 (1935). Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963).

Commonwealth v. Smith, 523 Pa. 577, 568 A.2d 60, (1989).

Commonwealth v. Smith, 532 Pa. 177, 615 A.2d 321 (1992).

Gershman, B. L. (I 998). Mental culpability and prosecutorial misconduct. *American Journal of Criminal Law. 26(1),* 121-164.

Gifts, 5.11. (1996). *Barron's Law Dictionary* (4th ed.). Hauppauge, New York: Barron's. *Hu R,* C.R. (2002). Wrongful conviction and public policy: The American society of criminology 2001 presidential address. *Criminology, 40(1),* 1-18.

Lore, M. (2006, September 25). Prosecutorial misconduct Ruling by MN Supreme Court has upset some prosecutors. *The Minnesota Lawyer.* Available: http: /web.lexis-nexis.com/universe

Mooney v. Holohan, 294 U.S. 103, 55 S. Ct. 340, 79 L. Ed. 791, (1935).

Pyle v. Kansas, 317 U.S. 213, 63 S. Cl. 177, 87 4 Ed. 214 (1944

State v. Mayhem, 720 N.W.2d 776 (2006).

State v. Ramey, 721 N.W.2d 294 (2006).

United States v. Agurs, 427 U.S. 97, 96 S. Ct. 2392, 49 L. Ed. 2d 342, (1976). United Stales v. Boyd, 55143d 239 (U.S. App. 1995).

United States v. Ince, 21 F. 3d 576 (U.S. App. 1994)

United States v. Young, 470 U.S. 1,105 S. Ct. 1038, 84 L. Ed. 2d 1 (1985)_ Washington, *J.M. (Ed.).* (1986). *A Testament of Hope: The Essential Writings of Martin Luther King, Jr.* San Francisco: Harper and Row.

Forensic Psychology: Borderline Personality Disorder

1st Place Winner, Upper Division, 2007 National Student Paper Competition

By Michael C. Muder, Tau Omicron Rho Chapter, Florida Gulf Coast University, Fort Myers, FL

Abstract

This paper analyzes the etiology of Borderline Personality Disorder from neurological, psychological and alcohol induced perspectives. It attempts to explain the correlation between some other personality disorders and Borderline Personality Disorder and how they interelate in criminal behavior manifestations. Treatment interventions of Borderline Personality Disorder are also discussed.

Etiology of Boderline Personality Disorder

"Your greatest weapon is in your enemies mind"
-Buddha

Sun Tzu 2002, was an Asian strategist who wrote a book titled *The Art of War*, emphasized the concept of psychological warfare. This book, growing in popularity today, is utilized in many contemporary professions (Lung & Prowant, 2002). Buddha said that "your greatest weapon is in your enemies mind," a philosophy, when properly trained is effective for law enforcement on the street or in the courtroom, but most significant, in apprehending criminals. Forensic Psychology is an effective discipline I the delineation of suspects and the identification and apprehension of criminals. It is by understanding the nature of the human mind, pathological disorders and the motivations of criminal activity that we can begin to understand crime. The DSM-IV states that Borderline Personality Disorder, which requires at least five of the criterion are:

1. Efforts to avoid and form or belief of abandonment
2. Unstable or intense interpersonal relationships with alternating extremes of idealization and devaluation
3. Identity disturbance
4. Impulsivity in areas that are may be self-damaging such as spending, sex, substance abuse, reckless driving, binge eating and so on.
5. Reoccurring suicidal behavior, gestures, threats, or self-mutilating behavior
6. Instability due to reactivity of mood lasting often only a few hours and rarely longer than a few days (ex. Episodic dysphoria, irritability, or anxiety).
7. Chronic feelings of emptiness
8. Intense anger or trouble controlling anger
9. Transient stress-related paranoid ideation or severe dissociative symptoms. (American Psychiatric Association, 2000, p.710).

Many factors have been determined to have a role in development of Borderline Personality Disorder. There appears to be a link between physical and/or sexual abuse contributing to the onset of Borderline Personality Disorder, which is supported by clinical evidence and studies conducted into the matter (Laporte & Guttman, 1996), (Zanarini, 2000), (Zanarini et al., 1997). Childhood physical and/or sexual abuse has also been connected to alcohol use disorders in adolescents. In a study of Alcohol Use Disorders adolescents were 6 to 12 times more likely to have a history of physical abuse and 18 to 21 times more likely to have a sexual abused history if a child is suffering from an alcohol use disorder (Clark, Lesnick, & Hegedus, 1997). The University of Pittsburgh Medical Center (2005) conducted a study on the relationships of physical and/or sexual childhood abuse, Alcohol Use Disorders, psychopathology and Borderline Personality Disorder in adults. The results found that some adolescent disorders contributed to psychological issues, which promoted the physical and/or sexual abuse (Thatcher, Cornelius, & Clark, 2005). The correlation of psychological issues to physical/sexual abuse, physical/sexual abuse to Borderline Personality Disorder, alcohol use disorders to abuse, shows that all the factors can have correlations.

Many factors may play a role in the development of Borderline Personality Disorder. The most basic principle is the psychology of the disorder itself. There are several personality disorders that are very similar in criteria with only small differences such as Antisocial, Histrionic, Paranoid, Narcissistic, Schizotypal and Dependant Personality Disorders (American Psychiatric Association, 2000). A study published in the *Journal of Behavior Therapy and Experimental Psychiatry (2005)* showed that individuals diagnosed with Borderline Personality Disorder and Antisocial Personality Disorder both exhibited extreme thinking patterns. The difference between the patterns was that people who were Borderline displayed extreme negative thinking and the antisocial individual acted with a positivity bias (Sieswerda, Arntz, & Wolfis, 2005).

One of the most devastating effects of Borderline Personality Disorder is the rate of suicides among those suffering from the effects. Borderline Personality Disorder is very difficult to treat and can be comorbid with anxiety, depression and substance abuse (American Psychological Association, 1994). Depression is the likely cause of the suicide rates. It was shown in a Swedish study that 19 of 58 suicides or 33% of adolescents were Borderline diagnoses (Runesson & Beskow, 1991). In the general population, Borderline Personality Disorder is prevalent between 0.2% and 1.8% of the population and 15% of psychiatric outpatients

(Widiger & Weissman, 1991). Dobbert (2004) relates an example of Borderline Personality Disorder with suicidal intent. Brenda and Mike go out on a date and they both seem to enjoy the evening just as much. The date concludes with a session of love making and Mike decides he must leave to get up for an early meeting. Brenda is reluctant to let him go, but Mike promises he will call her and says goodnight. He goes to work and finds three messages from Brenda given to him by his secretary. That night the two go out again and end up making love at the end of the night again. When Mike decides to leave due to another meeting in the morning, Brenda is again reluctant but he promises to call her in the morning to discuss their plans for the following night. During the course of his work day Mike finds himself too busy to call her back, even though she has placed many phone calls to his office. Mike begins to get bothered by the persistent phone calls and thinks that maybe Brenda is taking the relationship more seriously than he was. Deciding not to call her back, Mike spends the night with some friends watching basketball. When he arrives at home his answering machine is flooded with messages from Brenda. The last message tells Mike that if he does not call her, she will commit suicide and the blood will be on his hands (Dobbert, 90-91).

Researchers have suggested that Borderline Personality Disorder may be due to disruptive neurocognitive and memory processes. Symptomatic of Borderline individuals is the lack of control over behavior, emotion and cognition. Neurocognition is linked to emotion and personality development and influences prosocial behaviors, affects regulation and ability to solve problems (Derryberry & Reed, 1994), (Posner & Rothbart, 2002). A study in *Clinical Psychology Review* showed that emotional stimuli are linked to increases in the cognitive and memory systems of individuals with Borderline Personality Disorder (Korfine & Hooley, 2000). *Psychiatry Research* conducted a study to look at the neurobiological effects pertaining to Borderline Personality Disorder. It was discovered that when a metachlorphenylpiperazine test was given to measure how serotonin responded, the results processed much slower in people who had histories of physical and/or sexual abuse inferring that the secretion rate was slower (Paris et al., 1994), (Zanarini, 2000), (Rinne et al., 2000). Among three tests conducted, including the one previously mentioned, it was discovered that patients with Borderline Personality Disorder had an overall slowed response of prolactin, a horomone female's use for the secretion of milk (Paris et al., 2004). Research also indicates that perpetrators that engage in domestic violence have registered abnormal levels of testosterone metabolism as well as serotonin. Clinical tests have shown that perpetrators of domestic violence have a set of behaviors and diagnoses related to Anxiety, Depression, Intermittent Explosive Disorder and Borderline Personality Disorder (George et al., 2005). Violent behavior has been associated with cerebral blood flow and the metabolism of glucose in imaging studies of violent criminal offenders and murderers (Soderstrom et al., 2000), (Raine et al., 1997), (Raine & Buchsbaum, 1996). During the course of domestic violence studies,

it has been concluded that 76% of domestic violence perpetrators are violent even when they are not consuming alcohol (Eberle, 1982), (Kantor & Straus, 1990). On many occasions throughout the history of crime, domestic violence has taken the form of crimes such as battery, aggravated battery, murder and so on.

Boderline Personality Disorder and Criminal Activity

The application all of the studies and correlations of Borderline Personality Disorder are of little value to the criminal justice professional if they cannot be applied to law enforcement activities. What is the meaning of all this data? How does it apply to the criminal mind? Dobbert (2004) discusses about personality disorders, sexual paraphilias and the patterns and mind set of sexual predators. Whether Dobbert is discussing Gender Identity Disorder, Pedophilia or Hebephilia, Antisocial Personality Disorder or many others, one thing is clear; they all appear to have some type of factor influencing the disorder they develop. Dobbert (2004) states that the person with pedophilia may be uncomfortable with relationships of people their own age and may tend to find comfort in children, since it does not produce the anxiety as it would with an age appropriate peer. It is due to a fear of social acceptance and concern of peer ridicule that may help reinforce the pedophile's thoughts. Some researchers have suggested that pedophilia can be traced to sexual experience with adults when they were children. Dobbert (2004) indicates that the pedophile will become bored and seek other avenues when pornography, drugs and masturbation no longer sexually arouse him. The pedophile does not believe that his behavior is wrong and consequently have no remorse for what they have done (Dobbert, 2004, p.61-66).

The lack of stable, age appropriate interpersonal relationships and the identity disturbance of Borderline Personality Disordered individual could promote the development of the sexual paraphilia of a pedophile, if other necessary criteria are present. Taking into account the information provided in previous paragraphs, discussing a link between Alcohol Use Disorders, physical and/or sexual abuse and Borderline Personality Disorder, there is no question there likewise be a link between Pedophilia and Borderline Personality Disordered individuals. Gender Identity Disorder could also be comorbid with Borderline Personality Disorder due to instability in identity, but it would probably have to coexist with some other disorder(s) or a paraphilia.

Antisocial Personality Disorder is so very similar to Borderline Personality Disorder that they could easily be comorbid with one another. Due to the fact that most serial killers have Antisocial and/or Narcissistic Personality Disorder, the connection between Borderline, Antisocial and Narcissistic Personality Disorders becomes apparent. Due to such similar criteria for all three disorders, it would be easy to diagnose a person who is Borderline, with somebody who is Antisocial and Narcissistic. It would be a good idea to keep an open mind for all three disorders when encountering a person who is Borderline.

Anxiety, Depression and Intermittent Explosive Disorder comorbid with Borderline Personality Disorder, adds just another complication to the issue of domestic violence and other violent crimes. Due to the lack of control over their behavior, the emotion, cognition and the anxiety that may combine with the anger associated with Borderline Personality Disorder, to precipitate the onset of violent crime. As it was mentioned, Borderline Personality Disorder is very difficult to treat. However, anxiety, depression, intermittent explosive disorder and others are comorbid and are treatable. Zoloft, for example, can be used to treat anxiety. The point being that if some of these disorders, such as anxiety coexist with Borderline Personality Disorder, it may be possible to treat the anxiety reducing the probability of Borderline individuals' actions resulting in criminality. The same treatment could be used with other disorders comorbid with Borderline Personality Disorder that may promote criminality.

Although personality disorders, especially Borderline Personality Disorder have criminal implications, it may be possible to prevent crime by treating other disorders. Borderline Personality Disorder may have neurological roots, environmental triggers, other disorders and even substance abuses that may contribute to criminality, but the afflicted person is criminally culpable and held until a full treatment is found.

References

American Psychiatric Association (2000). American psychiatric association: Diagnostic and statistical manual of mental disorders. (fourth ed., Rev.). Washington D.C.: American Psychiatric Association: task force on DSM-IV.

Arntz, A., & Veen, G. (2004). Borderline Personality Disorder. *Cognitive therapy of personality disorder,* 185-187.

Clark, D. B., Lesnick, L., & Hegedus, A. M. (1997). Traumas and other adverse life events in adolescents with alcohol abuse and dependence. *Journal of the American Academy of Child and Adolescent Psychiatry, 36*(12), 1744-1751.

Coccaro, E. F. (1989). Central serotonin and impulsive aggression. *British Journal of Psychiatry, 155*(8), 52-62.

Derryberry, D., & Reed, M. A. (1994). Temperament and the self organization of personality. *Development and Psychopathology, 6,* 653-676.

Dobbert, D. L. (2004). *Halting the sexual predators among us: Preventing attack, rape and lust homicide.* Westport, CT: Praeger.

Eberle, P. A. (1982). Alcohol abusers and non-users: discriminant analysis of differences between two subgroups of batterers. *Journal of Health Soc Behavior, 23,* 260-271.

George, D. T., Phillips, M. J., Doty, L., Umhau, J. C., & Rawlings, R. R. (2005). A model linking biology, behavior and psychiatric diagnoses in perpetrators of domestic violence. *Medical Hypotheses.* Unknown.

Herpertz, S. C., Werth, G., Lukas, M., Qunaibi, A., Schuerkens, H., Kunert, H., et al. (2001). Emotion in criminal offenders with psychopathy and borderline personality disorder. *Archives of General Psychiatry, 58,* 737-745.

Kantor, G. K., & Straus, M. A. (1990). The "drunken bum" theory of wife beating. *Physical Violence in American Families,* 203-224.

Korfine, L., & Hooley, J. M. (2000). Directed forgetting of emotional stimuli in borderline personality disorder. *Journal of Abnormal Psychology, 109,* 214-221.

Laporte, L., & Guttman, H. (1996). Traumatic childhood experiences as risk factors for borderline personality disordes. *Journal of Personality Disorders, 10*(3), 247-259.

Lobbestael, J., Arntz, A., & Sieswerda, S. (2005). Schema modes of childhood abuse in borderline and antisocial personality disorders. *Journal of Behavior Therapy and Experimental psychiatry.*

Lung, H., & Prowant, C. (2002). *Mind manipulation: Ancient and modern ninja techniques.* New York, NY: Kensington Publishing.

Paris, H., Zweig-Frank, F., Ng, Swartz, H., Steiger, H., Nair , V., et al. (2004). Neurobiological correlates of diagnosis and underlying traits in patients with borderline personality disorder compared with normal controls. *Psychiatry Research, 121,* 239-252.

Paris, J., Zweig-Frank, F., & Guzder, J., et al. (1994). Psychological risk factors for borderline personality disorder in female patients. *Comprehensive Psychiatry, 35,* 301-305.

Posner, M. I., & Rothbart, M. K. (2002). Developing mechanisms of self-regulation. *Development and Psychopathology, 12,* 427-441.

Raine, A., & Buchsbaum, M. S. (1996). Violence, brain imaging and neuropsychology. *Aggression and Violence: Genetic, Neurobiological and Biosocial Perspectives, ,* 195-217.

Raine, D., Buchsbaum, M. S., & Lacasse, L. (1997). Brain abnormalities in murderers indicated by positron emission tomography. *Biological Psychiatry,* 42, 495-508.

Rinne, T., Westenberg, H. G., Deb Boer, J. A., & Van Den Brink, W., et al. (2000). Serotonergic blunting to metachlorophenylpiperazine m-CPP highly correlates with sustained childhood abuse in impulsive and autoaggressive female borderline patients. *Biological Psychiatry, 47*, 548-556.

Runesson, B., & Beskow, J. (1991). Borderline personality disorder in young swedish suicides. *Journal of Nervous and Mental Diseases, 179*(3), 153-156.

Sieswerda, S., Arntz, A., & Wolfis, M. (2005). Cognition and emotion in borderline personality disorder. *Journal of Behavior Therapy and Experimental Psychiatry, 36*(3), 209-225.

Siever, L. J., & Davis, K. L. (1991). A psychobiological perspective on the personality disorder. *American Journal of Psychiatry, 148,* 1647-1658.

Soderstrom, H., Tullberg, M., Wikkelso, C., Ekholm, S., & Forsman, A. (2000). Reduced regional cerebral blood flow in non-psychotic violent offenders. *Psychiatry Research: Neuroimaging, 98,* 29-41.

Thatcher, D. L., Cornelius, J. R., & Clark, D. B. (2005). Adolescent alcohol use disorders. *Addictive Behaviors, 30*(9), 1709-1724.

Trull, T. J., Waudby, C. J., & Sher, K. J. (2004). Alcohol, tobacco and drug use disorders and personality disorder symptoms. *Experimental and Clinical Psychopharmacology, 12*(1), 65-75.

Widiger, T. A., & Weissman, M. M. (1991). Epidemiology of borderline personality disorder. *Hospital and Community Psychiatry, 42*(10), 1015-1021.

Zanarini, M. C. (2000). Childhood experiences associated with the development of borderline personality disorder. *Psychiatric Clinics of North America, 23*(1), 89-101.

Zanarini, M. C., Williams, A. A., Lewis, R. E., Reich, R. B., Vera, S. C., Marino, M. F., et al. (1997). Reported pathological childhood experiences associated with the development of borderline personality disorder. *American Journal of Psychiatry, 154,* 1101-1106.

The Role Art Plays in Prison Rehabilitation

1st Place Winner, Lower Division, 2007 National Student Paper Competition

By Tanya R. Jones, Beta Kappa Rho Chapter, Ferris State University, Big Rapids, MI

"That sound. Rolling heavy door. Sliding and locking down. Standing in that tiny space. Waiting for the opposite door to snap up and roll back. Walking through that threshold. Clanging lock slams shut behind me. Separating one world from another" (Neal, 2002). For years it was believed that incarceration would rehabilitate prisoners because it strips offenders of their freedom, which would cause them to think twice before committing more crimes. Yet, it has been found that the recidivism rate, the act of committing a new crime or violating the conditions of one's parole or probation, is sixty-seven percent ("Prisoner Rehabilitation and Recidivism", 2005). This high recidivism rate has caused correction complexes to look for other rehabilitation methods. One rehabilitation method that has proven to be successful is art. Why does art help rehabilitate prisoners? There are many explanations for why art helps in prisoner rehabilitation, but the most important reason is because it looks beyond prison and focuses on the individual. According to Larry Chandler, warden of the Luther Luckett Correctional Complex (LLCC), a medium/minimum security prison, "Prison is the means, not the product. The product is the man" (as cited in Zelon, 2001).

One reason art plays an important role in prisoner rehabilitation is because it increases self-awareness. According to Ed Griffin, who works at Surrey Continuing Education (SCE), "They [prisoners] start off with a screw-the-system attitude. But then they start writing about their childhoods and they begin to realize all kinds of things. It's a process of learning and of increasing self-awareness" (as cited in Milner, 2000). Art, such as writing, gives prisoners the chance to examine who they are by reflecting on their pasts and becomes a channel to express why they are the way they are to others. A convicted rapist states:

I'm watching chunks of my life slipping away. I'm unable to have a family. I'm unable to do so many things. It's not unjust, but I am fully being punished. There is so much pain in here, but if I hadn't come to jail, I would never have turned inward. I would have nothing to say. I want to tell a story with my drawings. (as cited in Menees, 2001)

By "turning inward", prisoners are able to discover hidden feelings and emotions that they have. Hal, a prisoner at LLCC, participates in Shakespeare Behind Bars and explains that performing in plays has allowed him to "latch on to the character, because it will help [him] bring some of those things to the surface and deal with them" (as cited in Zelon, 2001). Discovering and recognizing wounded emotions allows prisoners to learn and better understand themselves. It gives prisoners a chance to find the root of their behaviors. Why do they react and behave the way they do? For example, prisoners who have experienced violence, abuse, or neglect may be ignorant of the fact that these past experiences are recorded in their emotions and mind. Since their past experiences are recorded in their emotions and mind, they can still feel the effects of them and act upon these wounded emotions (Meyer, 2003, p.23). Prisoners may not realize that these wounded emotions affect their thoughts and actions and therefore, are unable to understand why they are the way they are. But by having a way to express themselves through art, prisoners are able to both recognize and deal with repressed emotions and feelings in a constructive way. According to Demond, another inmate at LLCC participating in Shakespeare Behind Bars, "If I play those dark kinds [of characters], I can sort or release when I'm hurt and angry. I can still see the human because I can still see some good traits" (as cited in Zelon, 2001). This gives prisoners a better understanding of who they are and that even though they have been "dark characters", they are still human beings.

Art also increases a prisoner's self-awareness of who they can be by providing them with the opportunity to discover their talents. According to Sir David Ramsbotham, Chief Inspector of Prisons in the United Kingdom study, "Prison contains people with talent, which so far in their lives they either have not used, or have not had the opportunity to use properly" (as cited in Peaker). Art programs provide prisoners with the opportunity to find something that they are good at and in many cases, something they never believed they could do. For example, in her United Kingdom study, Anne Peaker found that before participating in these activities, prisoners "….never knew that [they] could do anything before [they] did this". Furthermore, inmates who participate in arts are able to use their talent to overcome fears that have held them back in life. Annie, an inmate at Broward Correctional Institute in South Florida, participates in a dance class. At first she was extremely shy and quiet but the dance workshop allowed her to overcome her fear of being in front of people and she even recently sang in a gospel choir (Neal, 2002). Prisoners, such as Annie, discover their talent and then work at developing that talent to become more confident in other areas of their lives. LaBruno, an inmate at New Jersey State Prison in Trenton, developed and improved his poetry skills so much that he has won several poetry writing awards, including one from the Chicago Review (Juri, 1994). Achievements such as LaBruno's or just the simple satisfaction of finding a talent, will build prisoners' confidence, which will then increase their self-esteem.

Another positive effect art has on prisoner rehabilitation, is that it teaches inmates how to socially interact and relate to one another. Many prisoners lack the ability to successfully interact and relate to others, as well the ability to get along with prisoners of different races, religions, backgrounds, etc. "Prison is often harsh self-segregating, but here, as in other programs, whites, blacks and Hispanics sit next to each other drawing, reading their prose and playing in the same band" (Menees, 2001). Khalil Hall, an inmate at LLCC talks about his experience from participating in Shakespeare Behind Bars. "Look at us. We come from all over, from every race and class. A lot of us, we'd never take to each other in the yard. But when we come together in here, we want this to work. We have to rely on each other" (as cited in Zelon, 2001). Throughout art programs such as drama, prisoners learn how to get along with others as well as how to work together as a team to reach a common goal. This forces inmates from different races, classes, religions, etc. to support one another and to become dependent on each other, which is something that many of these inmates have never experienced. A large number of inmates from the Shakespeare Behind Bars comment that performing "has changed them, bound them into a kind of family that many had lacked" (Zelon, 2001). Many prison inmates lacked a family in the past. Many grew up in dysfunctional homes and didn't experience love or security. When prisoners begin to work together as a team, whether in drama or other activities, they begin to find out what it means to depend and care about others. One amazing example of how close prisoners can become involves an inmate named Billy Wheeler from LLCC, who rejected parole in order to perform in a theatre production. He says that the "Parole board never saw nothin' like it. Shoot, finishing something up was worth a few months' more time to me. Besides, I couldn't let the guys down" (as cited in Zelon, 2001).

This shows that to many inmates, other prisoners can become the families that they never had. Leslie Neal, who teaches dance at Broward Correctional Institution in South Florida states:

In this pink room, we share of ourselves differently than in any other space and time in our daily lives. We share our movement, our little girls, our children and our mothers, our pain and our laughter. We play, explore, create, draw, tease, cry and make dances together. We never go outside and outside never comes in. We are dancing inside out, with those pink prison walls. (2002)

The sharing of experience and teamwork teaches inmates how to share feelings and listen to one another. This bonding allows inmates to open up to each other and develop empathy because it teaches them how to listen and understand others.

Furthermore, art also has an impact on prisoner

rehabilitation because it improves rational thinking. According to Anne Peaker, prisoners usually have "limited rational thinking", which prevents them from thinking logically and from thinking through their actions. When prisoners participate in art, they use creativity and have to think about what they are doing and what the outcome of the project will be. This concept allows prisoners to begin to think logically because they must develop a plan and think about what they are going to create. Once a prisoner determines what he or she is going to create, he or she must then figure our how to create their piece of art. This teaches prisons how to think their plans and actions through as well as how to solve any problems that arise during the project. Once prisoners begin their project, he or she will be able to see the cause and effect relationship of their actions. This will also give prisoners a chance to evaluate their actions. If a prisoner's project doesn't turn out like expected, the prisoner can evaluate why and find out where he or she went wrong. This gives prisoners further opportunity to problem solve and to discover what to do or not to do next time (Peaker). Demond, a prisoner at LLCC makes this concept clear when he states, "You messed up? Then you try again" (as cited in Zelon, 2001).

In addition, art has a positive influence on prisoner rehabilitation because it reduces violent behavior:

Numerous studies show the positive effect of arts work with offenders. About 30 per cent of male prisoners and 40 per cent of female prisoners attend art classes. Violent incidents in jails, which have arts programs, are 60 to 90 per cent lower than in those without such programs. (Milner, 2000)

The California Department of Corrections has used an art-in-corrections (AIM) program since the mid-70's and has seen "reduced recidivism rates among participants and reduced rates of misbehavior" (Hillman, 2001). Why does art help reduce violent behavior? One reason is because art helps prisoners learn how to manage their feelings. Demond, an inmate from Shakespeare Behind Bars states, "I was unable to control my emotions so I lashed out" (as cited in Zelon, 2001). But by performing in Shakespeare plays he has learned that, "We all have times when we're angry, frightened, scared of whatever. It's how you contain it" (Zelon, 2001). When prisoners learn how to control and manage their feelings in constructive ways, they are less likely to lash out and harm others. Burgess, an inmate in Green Haven supports this concept and says, "Instead of getting into fights, I put it on canvas" (as cited in Menees, 2001), while Leslie Neal comments that her dancers "dance out [their] pleading and falling and crawling and shrinking…. it helps them to release that particular emotion in a way they've never done before" (Neal, 2002).

Art also reduces violent behavior because "art keeps prisoners busy" (Menees, 2001). According to Ed Howe, activities manager at the State Correctional Institution in Pittsburgh, "If prisoners have idle time, they find their own recreation" (as cited in Menees, 2001). Idle time can result in aggressive and violent behavior, which places officers and fellow inmates in danger of being harmed. An inmate at SCI Albion states, "I was a tough guy. Always brawling. Since I've started painting, I don't have time for all that" (as cited in Mennes, 2001). Art provides prisoners with something to do and allows "[them] [to] [learn] that making art, besides helping them to do their time, might lead to a new way of seeing the world-something to turn to in their spare time besides crime" (Menees, 2001).

Finally, art helps in prisoner rehabilitation because it gives prisoners a future. One reason that it gives prisoners a future is because it allows prisoners to live while they are serving their time. "In prison, you have a choice, you can serve your time or you can live your life, inside the institution", says Officer Heath from LLCC (as cited in Zelon, 2001). Participating in art can add "flavor" to prisoners' lives and give them a purpose to live, even if it is behind bars. For example, Carmen Michael LaBurno was an inmate who died in prison, but while he served his time, he "developed a skill for poetry writing that gave him a new purpose to his time behind bars" (Juri, 1994). Or as Robert Reldan, an inmate in New Jersey State Prison comments,

"….[art] keeps our minds from turning to mush" (as cited in Juri, 1994).

Art also provides prisoners with the opportunity to learn and develop skills that they can use in a positive and constructive way. For example, Demtrius Burrus an inmate who participates in Shakespeare Behind Bars comments before his performance that, "I want to show my mother I'm not just wasting time; I'm doing something positive" (as cited in Zelon, 2001). The skills prisoners develop are not only effective in prison, but can also be used once they are released from prison. For example, while seventeen year old Charmion was serving his second sentence at Huntercombe Young Offender Institute (YOI), he had the opportunity to work in a recording studio and developed recording skills and trained other inmates. Then before he was released, he received funding from the Prince's Trust to return regularly and train other inmates. He comments "I didn't have that terrible thing that trips so many kids up, even if they want to stay straight, of having nothing when they get out" (as cited in Neustatter, 2005). Other prisoners are also offered the opportunity to learn skills that will provide them with work once they are released from prison. The Clean Break Theatre Company and the Escape Artists Theatre Company provide ex- prisoners with training in theatre skills, which they can eventually use to work for professional theatre companies (Peaker). Some prisoners are even able to take the skills they acquired in prison and apply them on their own after they are released from prison without major funding or help from other organizations. For example, David Flury served time in the California State Prison and is now an artist is Los Angeles (Menees, 2001).

Furthermore, art gives prisoners a future because it provides them with a chance to learn important characteristics that promote change. A convicted rapist states, "Not until prison did I start to push myself, to do the things I should have done in college" (as cited in Menees, 2001). Having the opportunity to use their creativity to create something positive can help prisoners learn important traits such as self-discipline, responsibility and determination. These traits can then turn prisoners' lives around and help them grow and mature. This in turn can allow prisoners to change their behaviors, attitudes and actions, which can help them change their lives. Ken, an inmate at the California State Prison in Solano states, "I'd like people to know art helps people to grow. It changes people-white, black, brown…. We want to change" (as cited in Menees, 2001).

"If not art, then what?" asks Tim Menees after studying different prisons with art programs (2001). What rehabilitation method allows inmates to discover who they really are and increases their self-esteem? What method will allow inmates to learn how to interact and relate with others? What method will help inmates improve their rational thinking? What method reduces inmate violent behavior? And finally, what method will give prisoners hope for the future? What better method than art? For according to Robert Relden, an inmate at New Jersey State Prison in Trenton, "Some of us have made mistakes but there's always potential for good if it's tapped" and art is one way to tap the good (as cited in Juri, 1994).

References

Hillman, G. (2001, December). A journey of discouragement and hope: An introduction to arts and corrections. Community Arts Network Website. Retrieved November 7, 2005, from http://www.communityarts.net/readingroom/archivefiles/2001/12/a_journey_of_di.php

Juri, C. (1994, April). Poetry flows from the 'pen' [27]. *Newark Sunday Star Ledger.* Retrieved November 7, 2005, from http://r_r_r.tripod.com/relartcl.htm

Menees, T. (2001, September 30). If not art, then what? Post-gazette.com A&E Website. Retrieved November 7, 2005, from http://www.post-gazette.com/ae/20010930artprison0930fnp2.asp

Meyer, J. (2003). Beauty for ashes (Rev. ed.). New York, NY: Time Warner Book Group.

Milner, J. (2000). Arts impact: Arts in corrections [13]. *Performing Arts & Entertainment in Canada.* v.32, i4, 10. Retrieved October 27, 2005, from www.ecna.org/nca

Neal, L. (2002, September). Miles from nowhere: Teaching dance in prison. Community Arts Network Website. Retrieved November 7, 2005, from http://www.communityarts.net/readingroom/archivefiles/2002/09/miles_from_nowh.php

Neustatter, A. (2005, October). Prison can be the right place for kids: When Angela Neustatter talked to young offenders, she was startled at how many found the security of being locked up a welcome escape from their chaotic lives [17]. *New Stateman.* Retrieved October 24, 2005, from http://findgalegroup.com/itx/infomark.do?&type=retrieve&tableID=T002&prold=GRGM&docld=A90983118source=gale&userGroupName=Iom_llcmain&version=1.0

Peaker, A. Education and the arts in prison. EPEA International Conference Website. Retrieved October 24, 2005, from http://www.epea.org/6thconf/anne.htm

Prisoner rehabilitation and recidivism (2005, April) [49]. *Issues and Controversies.* Retrieved October 24, 2005, from http://www.Facts.com

Zelon, H. (2001). The Shakespeare redemption. *American Theatre,* v18, i8, 32. Retrieved from Infotrac database (Item: A80062008).

Interdisciplinary Service Learning Fingerprinting Project

Complying with Higher Education Background Requirements: An Interdisciplinary Service Learning Fingerprinting Project

By James R. McKean, Camille L. Leadingham, Shannon M. Brogan

This article examines an interdisciplinary service learning project designed to meet new statutory background requirements of The Ohio State Board of Nursing for nursing students at Ohio University Chillicothe. Faculty from nursing, law enforcement and communication studies used a systematic problem solving methodology to formulate alternatives and select the option most suited for the campus and students based on the evaluation criteria. The alternative selected was the Bureau of Criminal Investigation and Identification's digital WebCheck® fingerprinting system. Students enrolled in a law enforcement technology class completed training for this system and conducted the background fingerprint checks for the nursing students. Participating law enforcement students completed research on the foundational elements of service learning prior to the project and submitted a reflection paper on their experiences. A consistent theme from the students was the added value of their service learning experiences that could not be similarly replicated in the classroom. This article is directed primarily at faculty interested in service learning or seeking creative alternatives to comply with state statutory background checks.

Complying with Higher Education Background Requirements: An Interdisciplinary Service Learning Fingerprinting Project

Problem Identification

Each state has a board of nursing that develops a nurse practice act that protects the public by broadly defining the legal scope of nursing practice (Ulaskas, 2005). In addition, the state board sets minimum requirements for nursing licensure. One recent legal standard added to the Ohio licensure requirements is the completion of a criminal background check. Due to the increase in patient abuse, neglect and other crimes, schools of nursing now have the added responsibility of completing these checks.

Safety is a paramount concern that underlies all nursing care (Woude, 1993). Every student entering into a nursing program begins the curriculum by learning that safety and security are basic human needs and patient safety is a responsibility of all healthcare providers. Students are educated that patient safety is not just a mandate but "a moral and ethical imperative in caring for others" (Chappell, Stanhope, Dean, et al., 1999).

This legislation impacts a variety of academic disciplines as well as the law enforcement agencies historically responsible for completing these civilian background checks. According to the Ohio Bureau of Criminal Identification and Investigation (BCI & I), civilian background checks increased from more than 38,000 in 1992 to nearly 500,000 in 2002. The traditional process for submitting fingerprints can be problematic. The individual schedules an appointment with a criminal justice agency where they are typically fingerprinted using inked, rolled fingerprint impressions of all ten digits. The agency then submits these inked fingerprint impressions to the state repository of criminal records. Results of these background checks can take as long as 30 days or even longer if the inked fingerprint impressions are initially unreadable.

Relevant objectives and evaluation criteria

In order to arrive at a preferable solution to our campus problem of complying with Ohio Revised Code Section 4723.09, we decided to identify the most appropriate alternative based on relevant objectives and evaluation criteria (Hatry, Winnie, & Fisk, 1981). Faculty from nursing, law enforcement and communication studies conducted a series of meetings that identified evaluation criteria based on relevant objectives. A primary objective was a service learning component. Service learning is an academic tool that addresses real-life human and community needs through structured educational techniques that involve traditional educational format, active participation and reflection (Penn, 2003). Our goal was to develop an alternative that fulfilled the statutory legal requirements for background checks while providing an interdisciplinary service learning experience for a diversity of students.

Another relevant objective was cost. Currently the cost of performing a civilian background check is set by the criminal justice agency performing the check. Anecdotal information revealed that this fee varied from a minimum of five dollars to a maximum of thirty dollars in the Ohio University Chillicothe service area. Exacerbating the cost is the number of fingerprint cards required by each discipline or licensure board. In other words, if your discipline requires two separate background checks your cost may double depending upon the criminal justice agency performing the check.

Time was another relevant objective considered when determining alternative evaluation criteria. Few would argue that the attacks on our World Trade Center September 11, 2001, dramatically changed the operational focus of our nation's law enforcement agencies. The threat of additional terrorist attacks remains constant. Major federal legislative initiatives place an ancillary burden on critical resources of state and local criminal justice agencies. From the inception of the Brady Act on February 29, 1994 to December 31, 2003, more than 53 million applications for firearms transfers were subject to background checks (Bowling, Lauver, Hickman, & Adams, 2004). State and local agencies conducted about half of these checks while the Federal Bureau of Investigation handled the remainder (Bowling, Lauver, Hickman, & Adams, 2004). Civilian background checks are not considered a high priority by many criminal justice agencies. Student applicants are required to schedule an appointment during limited hours with those agencies that have the resources to perform the checks.

Alternatives Development

Participating faculty subsequently developed a set of alternatives based on the above relevant objectives for consideration by campus administration. Our first alternative, a common alternative in most systematic analyses, simply extends the existing current conditions—maintain the status quo (Hatry, Winnie, & Fisk, 1981). This alternative does not address the service learning component, time or cost criteria. However, it does provide a benchmark for our alternative comparison.

Our next alternative involved initiating a service learning project between law enforcement, nursing and communication studies students. In this alternative, faculty would train law enforcement students to complete the traditional ten digit inked fingerprint cards. We would then send the cards to the Bureau of Criminal Identification and Investigation (BCI & I) along with the required fifteen dollar processing fee. Communication studies students would solicit a contribution for the community cancer research fund during the actual fingerprinting. Law enforcement students participating in the project would conduct research on the benefits of service-learning prior to the project. After completing student fingerprinting they would then write a reflection paper on their learning experiences during the project. Service is integrated into the course by means of the assignment that requires some form of reflection on the student's service in light of course objectives (Weigert, 1998). While this alternative addresses most of the relevant criteria, nevertheless several problems remain. If the inked fingerprint cards are not readable, the check could take in excess of 30 days. If the student needs additional checks or would like documentation of a background check for their portfolio they are still burdened with additional costs.

Given the relevant objectives and evaluation criteria, faculty researched the feasibility of implementing the Ohio Bureau of Criminal Identification and Investigation's WebCheck® system. The WebCheck® system was developed by the Bureau of Criminal Identification and Investigation in collaboration with Cogent Systems Incorporated. This system uses the internet to send encrypted scanned digital fingerprints directly to BCI & I. System components include a single digit fingerprint scanner, driver's license magnetic strip reader and software at an initial cost of $2800. The digital prints enable BCI & I to conduct this civilian background check in a minimum of two hours to a maximum of two

days. The authenticated results are sent to the university program administer or directly to the licensure board. A memorandum of understanding between BCI & I and the university administrator ensures compliance with applicable statutory requirements for privacy, licensure and maintenance of records. The cost of the background check is fifteen dollars. The university can print duplicate authenticated results that the student can include in their portfolio. WebCheck® is limited to residents of Ohio for at least five years with a valid driver's license. While this system is limited to Ohio record checks, it represented the best theoretical alternative based on our evaluation criteria.

Project faculty presented their alternatives to campus administration that supported the purchase of the digital system. Once faculty received the equipment, twelve law enforcement students in a community policing class agreed to participate in this interdisciplinary service-learning project in lieu of an assigned research project. They completed an initial two hour training session provided by WebCheck® under the supervision of the faculty instructor. The training provided students with insight into fingerprint patterns, difficulty in obtaining readable prints and general privacy considerations. The equipment is designed to capture only readable prints. If the print quality is insufficient, the student must attempt an additional scan. The system is designed to capture the two thumbs and index fingers rather than the entire ten digits.

Faculty planned to conduct the project in three hour sessions each Friday for four weeks based on the 125 students and faculty in need of a background check. The system and students proved more efficient and effective than originally planned. During the first session, over 52 students were fingerprinted in the first three hour session. As a result, students completed the fingerprinting in half of the allotted time.

Student Reflection

A law enforcement student stated, "I actually enjoyed doing it, it was quite interesting and fun to get the hands on experience. Learning seems to be easier when you get to actually experience and work with the projects assigned then just reading or listening to lectures on it. The nurses were thankful and very friendly."

Another law enforcement student said, "The hands on experience I got from the service learning project was much more enlightening than any information that I could have ever received from a textbook. I feel that some people learn more from personal experiences rather than trying to imagine how the information given would actually work."

Regarding the community aspect of the project, a law enforcement student said, "I really thought having the candy bars at the sessions and allowing the nursing students to donate to our community's cancer fundraiser was a great idea; and we helped the community all at the same time."

Student research and reflection papers captured the real meaning of integrating service-learning into the academic curriculum. As students participate in structured service activities in the community, they become active, rather than passive learners (Rashotte, 2002).

One law enforcement student relating his experiences summarized, "Now this might sound stupid, but in a world filled with selfish people and the mindset of providing for oneself, this was a perfect project to remind us about service to others because that is what law enforcement in the essence of it is all about."

Like the pedagogy of popular education developed by the Brazilian educator Paulo Freire (1972), service learning connects personal and political transformation. Students transform themselves into citizens and their society into one that welcomes and promotes active citizenship (Mendel-Reyes, 1998). This transformation is critical if we are to address more global problems that transcend the micro perspective of our local communities. Evolving issues of homeland security create a need for active citizens who embrace community service to a higher level than in more recent history. Service learning remains a fundamental pedagogy for a world challenged to foster mutual respect and concern for others.

References

Bowling, M., Lauver, G., Hickman, M. J., & Adams, D. B. (2004). *Background checks for firearms transfers, 2003* (NCJ 204428). Washington, DC: U.S. Government Printing Office.

Hatry, H. P., Winnie, R. E., & Fisk, D. M. (1981). *Practical program evaluation for state and local governments* (2nd ed.). Washington, D.C.: Urban Institute Press.

Mendel-Reyes, M. (1998). A pedagogy for citizenship: Service learning and democratic education. *New Directions for Teaching and Learning, 1998*(73), 31-38.

Penn, E. B. (2003). Service-Learning: A tool to enhance criminal justice. *Journal of Criminal Justice Education, 14*(2), 371-383.

Rashotte, L. S. (2002). Service learning in a small groups course. *Sociological Practice: A Journal of Clinical and Applied Sociology,* 4(1), 79-87.

Weigert, K. M. (1998). Academic service learning: Its meaning and relevance. *New Directions for Teaching and Learning, 1998*(73), 7.

Biographies

James R. McKean is an assistant professor of Law Enforcement Technology at Ohio University-Chillicothe. He is a former chief of police and 28-year law enforcement practitioner. He presented at numerous state and regional conferences. His research interests include learning styles, pedagogical techniques, service-learning, distance education, analytical comparisons of national and international students and problem based learning. In 1995, he completed his M.A. from Ohio State University in Public Policy and Management. He may be reached via email at mckean@ohio.edu or by mail at the address above.

Camille Leadingham is an assistant professor of Nursing at Ohio University-Chillicothe. She presented at numerous national conferences. Her research interests are in clinical nursing, work, family and service-learning in nursing. In 2001, she completed her M.S.N. and received her ANCC Adult nurse practitioner certification. In addition, she holds an ANCC Medical/Surgical nursing certification. She may be reached via email at leadingh@ohio.edu or by mail at the address above.

Shannon M. Brogan is an assistant professor of Communication Studies at Ohio University-Chillicothe. She presented at numerous state, regional and national conferences. Her research interests are in distance education, work, family and balance, standardized testing, service-learning and learning styles. In 1999, she completed her M.A. from West Virginia University and in 2003, she received her Ph.D. in Communication from Ohio University. She can be contacted via email at brogan@ohio.edu or by regular mail at Ohio University-Chillicothe, 101 University Drive, Chillicothe, Ohio 45601.

Treating Bigots Like Pedofiles:

Posting Personal Data Of Convicted Bias Offenders on the WEB

By Jessica S. Henry, Assistant Professor, Montclair State University,
Legal Studies Department

Abstract:

A proposal is pending in Anne Arundel County, Maryland to create the nation's first website for individuals convicted of bias crimes. This article analyses the scope, viability and limitations of the proposed bias website from a criminological, policy and legal perspective. This article further analyses the applicability and utility of sex offender websites as a model for the creation of a bias offender website. Finally, the article evaluates whether the creation of a bias offender website could accomplish the county's stated objectives of promoting a more tolerant society; and raises future research questions relating to the use of the internet to disseminate criminal histories such as bias offenses.

Introduction

In Anne Arundel County, Maryland, a proposal is under review which would create the nation's first website for individuals convicted of bias crimes. Indeed, as part of the state attorney's re-election platform, a proposal to treat bias offenders as pedophiles was publicly touted as one possible response to bias crime in the county. As is true of most bias crime laws (Beale 2000; Gerstenfeld 1992; Jacobs and Henry 1996; Jacobs and Potter 1998), posting bias offenders on the internet would serve a largely symbolic function. Politicians, always eager to demonstrate their opposition to intolerance, could cite the existence of a bias offender registry as evidence of a tough stand against bigots. Yet, the website proposal raises more questions than answers and, in the context of bias offenses, could ultimately undermine the county's stated objectives of promoting a more tolerant society.

Background: Hate Incidents in Anne Arundel County

Anne Arundel County in Maryland is home to Annapolis and a number of smaller incorporated towns and unincorporated areas. It is the fifth most populous county in Maryland, with an estimated population of 510,878. The county is nearly 81% white and 14% black, in contrast with the state's overall population which is 64% white and 29% black. (United States Census Bureau 2006).

In the past few years, Anne Arundel county has experienced a number of hate related incidents, which galvanized the local community and caused it to focus on issues of local racism and intolerance. The county has been the target of recruitment efforts by organized hate groups, most notably the National Alliance, which have engaged in leafleting and literature drops in predominantly white neighborhoods near Annapolis and in Edgewater. In 2005, there were nearly forty hate-literature drops. (Young 2006). At least one Neo-Nazi group has its home in the county. (Southern Poverty Law Center 2007). In that same year, a county resident who claimed membership in the West Virginia-based National Alliance sponsored three screenings on a local public access television channel of a white separatist video containing hate-filled statements against African-Americans and Jews. (Kelly 2005).

In addition, a string of relatively minor bias-based incidents took place in Anne Arundel County between 2000 and 2006. In June 2006, local vandals altered a sign in a local pub to make it say that African Americans and gays were not welcome there. (Horseman 2006). In April 2005, the effigy of an African-American man was hung from a pedestrian bridge. (Henderson 2006). That same summer, a cross was burned in front of the home of an African American woman and racial epithets scrawled on the sidewalk. Residents in southern Anne Arundel County received a notice in their mailboxes that a newly elected community board member of Middle Eastern descent "was not to be trusted" because he was "an infiltrator and did not belong." (Henderson 2006). Profanity-ridden racial epithets were scraped into the finish of a car owned by an African-American. (Siegel 2006b). A sixteen year old boy sprayed racial epithets and swastikas on fourteen homes and businesses. (Daugherty 2005). In a separate incident, "KKK" and a racial epithet were spray-painted onto a white fence. In 2003, racist graffiti and neo-Nazi fliers had appeared in a local high school. (Horseman 2006). In 2001, vandals ransacked and defaced an African- American church. (Horseman 2006). That same year, the letters "KKK" were spray-painted onto the newly purchased home of an African American family. (Horseman 2006).

Further fueling the sense of urgency around race and tolerance was the 2005 acquittal of a white defendant charged in the death of a black teenager. The incident stemmed from a 2004 brawl between a black victim and several young white men at a local house party. Six white men were initially charged with manslaughter, but no bias crime charges were brought. After the prosecution's strongest case resulted in an acquittal, the prosecution dismissed the remaining charges against the other defendants. This decision outraged members of the black community who suggested that the trial was a "charade" and the prosecution put on "a weak case that omitted racial evidence they believed important." (Siegel 2005). Moreover, black leaders expressed anger and disbelief that the prosecution would dismiss charges against all the white defendants in the manslaughter case, but continue to press charges against the one remaining black defendant who had a handgun on the night of the incident. (Siegel 2005).

Although there have been only five bias crime convictions in Anne Arundel county, there was a growing community perception of intolerance. Politicians quickly responded and the Anne Arundel Race Relations Coordinating Council (AARRCC) was formed. AARRCC sought to create a coalition of concerned citizens and law enforcement agencies to respond rapidly and effectively to bias incidents. The committee is comprised of members from local and county police and sheriff offices, the county executive's office, the state attorney's office, the Department of Justice and the YWCA.

AARRC held forums throughout the county to respond to racism and bias crime. These community-based meetings generated several proposals: 1) the formation of rapid response teams who could immediately report to the scene when a hate incident occurs; 2) signs in specific neighborhoods announcing a "tolerance zone" or "hate free zone;" 3) the creation of an on-line hate offender registry for convicted hate offenders where the names and photos of convicted offenders would be posted on the internet. (Siegel 2006a). The registry idea was overwhelmingly endorsed. One county official, Carl O. Snowden, embraced the idea enthusiastically: "I think we should treat bigots like pedophiles." (Seigel February 2006a). Frank Weathersbee, the State Attorney for Anne Arundel County, promised to consider placing the names and photographs of bias crime offenders on a website. (Seigel 2006b). His spokesperson later confirmed Weathersbee's desire to move forward with the website. (K. Riggins, personal communication, September 2006).

The Parameters of a Bias Offender Registry

There are numerous details that would have to be resolved before a hate offender registry could be implemented. For instance, what crimes would qualify for inclusion on the website? Would the website only be limited to offenses under Maryland's bias crime statutes, which prohibit vandalism or harassment against any person because of their "race, color, religious beliefs or national origin?" Or would the website also include offenders who were convicted of a substantive criminal offense, but whose sentences were enhanced because of the underlying bias motivation?

Other questions arise about the duration and scope of information to be included on the website. It terms of duration, for how long after a conviction was rendered would a person's personal information and photograph remain on the website? Forever? The length of parole or probation? Until such time as the offender demonstrates rehabilitation? If there is a provision for de-posting based on rehabilitation, what demonstration would be adequate? Would it be enough to show that the offender has new friends who are members of other religious,

racial or ethnic groups? Or that he no longer utters racial or ethnic slurs? Or that he has not been arrested for a bias crime within a certain period of time?

In terms of the scope of information, would the registry simply contain the name of the offender and the offense for which he was convicted? Would it contain details of the underlying offense? Would it contain a photograph, address information or employment information? Would the scope of the posted information vary depending on the severity of the offense? Further, what controls would exist to ensure the accuracy of information? What steps would be taken to avoid the vigilantism that we have seen against sex offenders?

In addition to these logistical dilemmas, the idea of posting convicted hate offenders on the internet has significant criminological implications. What are the justifications for posting hate offenders on the internet: to control and prevent crime; to send a message that hate will not be tolerated; or to brand and shame certain offenders as bigots? If the objectives are largely symbolic, then does it make good policy sense to in fact publicly and prominently affix a hate offender label to individual offenders? More globally, would the creation of a convicted hate offender website represent one small step toward posting the name, photographs and records of more or even all offenders? If so, would that be a desirable policy initiative?

Obviously, there are a myriad of complex details and policy objectives that would have to be clarified before a bias offender registry could be created. Because a bias offender registry likely would be patterned after Megan's laws, it makes sense to examine sex offender internet registries and their recent proliferation.

The Rationale for Sex Offender Registries and Its Application to Hate Offenses

Publicly accessible internet databases containing detailed sex offender information enjoy tremendous political and public support. And, indeed, all states currently or in the near future will post their sex offender registries on the internet, with varying degrees of accessibility and available information to the public. While the decision of whether to provide internet access to sex offender information is left to the states, the federal government, with the 2006 passage of the Adam Walsh Child Protection and Child Safety Act ("Adam Walsh Act"), created a significant incentive. Among its multi-tiered requirements, the Adam Walsh Act mandates the establishment of a national online sex offender database. It requires states to provide internet access to all sex offender information and to enact criminal penalties for failure to register. States that do not comply with the Act will lose federal funding. (Adam Walsh Act 2006).

In addition, internet sex offender registries have cleared at least one significant constitutional hurdle. In *Smith v. Doe* (2003), the United States Supreme Court rejected a challenge, on *ex post facto* grounds, to an Alaskan sex offender community notification website. The website contained an array of personal information about every convicted sex offender, regardless of the type of sex offense, including the offender's name, address, photograph, license and identification numbers, place of employment, date of birth and criminal history of convicted sex offenders. The Alaskan legislature determined that widespread dissemination of information about convicted sex offenders was necessary to promote public safety. According to the Alaska legislature, the expansive law was required because sex offenders have higher rates of recidivism than other offenders and the public can only protect itself through access to offender information.

Opponents of the legislation argued that the registration scheme was retroactive punishment which violated the *ex post facto* clause of the Constitution. It analogized the notification provisions to shaming punishments from the colonial period, with an even wider impact given the worldwide access of the internet. The respondents also argued that the significant affirmative obligations under the statute were so restrictive as to be punitive. The statute, for instance, requires offenders who move to notify authorities in *one* working day of their new residence; prohibits offenders from shaving their beard or coloring their hair; and does not allow offenders to borrow a car without reporting the event to the authorities. Respondents and their *amici* further argued that the severe stigma from being placed on a sex offender registry has resulted in severe physical harm, threats to family members, lost employment and lost housing. Finally, respondents noted that there was no mechanism for the possibility of rehabilitation and no manner in which an offender could be released from the onerous registration scheme

The Supreme Court agreed with the Alaskan legislation and upheld the broad notification scheme. It reasoned that:

> The purpose and the principle effect of [internet] notification are to inform the public for its own safety, not to humiliate the offender. Widespread public access is necessary for the efficacy of [Alaska's community notification] scheme . . . .

Smith, 538 U.S. at 99. The Court thus concluded that Alaska's civil regulatory scheme was a legitimate means to promote public safety.

The public safety justification underlying an on-line sex offender registry in large part stems from the perceived recidivism rates of those convicted of sexual offenses. The same argument, however, cannot be persuasively made for convicted hate offenders. Hate offenders exist on a continuum. On one end of the spectrum are hardened bigots who are members of extremist groups. This group is responsible for a surprisingly small percentage of all bias crimes. On the other end of the spectrum are youthful pranksters, sometimes referred to as "thrill seeking" offenders, who commit a hate offense because they are "looking for some fun." (McDevitt, Levin & Bennett 2002). These offenders often are not even particularly biased. (Levin and McDevitt 1993). The vast majority of hate offenses fall within this latter category. Given the composition of offenders, it makes sense to ask whether the creation of a hate offender registry, and its corresponding stigmatizing effect, is an overly harsh response which does not serve the same public safety concerns as sex offender registries.

Moreover, unlike in the context of sex offender registries, the creation of a hate offender registry is unlikely to serve as a deterrent. Many hate offenses occur on the spur-of the moment and, as demonstrated by the thrill seeking type of offense, are more situational than premeditated. Whether the existence of a hate offender internet registry would deter these offenses is speculative. First, deterrence cannot work unless would-be offenders are aware of the potential sanctions. Many offenders are not even of aware of bias crime laws and their application, making it unlikely that the threat of additional charges or sanctions could affect their behavior. So too, if an offender was not deterred by the threat of punishment for the underlying substantive offense in the first instance, it is unlikely that they would be deterred from engaging in criminal behavior due to their potential listing on an internet website.

The Symbolic Rationale for a Bias Offender Internet Registry

Neither a public safety nor a deterrence rational appears to apply to the concept of a bias offender registry. Is the symbolic message that is derived from a governmental hate offender website a persuasive rationale? Anne Arundel County in effect would be saying that hate offenders are not welcome there, but the website could yield unintended results.

By creating a special website, the state would be proclaiming to the world that this person – a bigot – committed a crime that was different and worse from all other crimes. As a result, the hate offender is worthy of local and, indeed, given the accessibility of the internet, global condemnation. Much like in the colonial days of shaming punishments, the government would emblazon a scarlet letter "B" on the offender for all to see ensuring that he would "suffer permanent stigmas, which in effect cast the person out of the community." (Massaro 1991). With the advent of the internet, the public disgrace to take on even broader dimensions. The internet enables public condemnation to be heard anywhere in the world. Thus, the offender would be labeled – potentially forever and potentially everywhere – as a hate monger who should be permanently shunned and condemned.

Given the massive and perhaps irreparable damage to privacy and reputation, it makes good sense to consider whether the punishment fits the crime. One example of an individual who could well find himself on Anne Arundel's website is Alan Davis. Davis is a white 19 year old who vandalized a neighbor's car by scraping a racial slur into the finish. He was jailed for 10 days, ordered to pay restitution and obtain treatment for an array of mental health and substance abuse issues. Before this offense, Davis had one prior conviction for marijuana possession and another for drinking and driving. Davis had no links to hate groups and had never before been involved in a hate offense. At sentencing, Davis actively sought to apologize to the defendants, expressed remorse and explained that drinking, not racism, was what caused him to commit the vandalism. (Siegel 2006b).

And Davis is typical of hate offenders nationally. As detailed earlier, most are young, first-time offenders who committed a non-violent property offense. Many of those offenses are misdemeanors. From a policy perspective, affixing a permanent hate offender label – one that says this person is a bigot – may not encourage the rehabilitation that policymakers may well hope to achieve.

Further, the provision of detailed information on the internet about hate offenders could, ironically, undermine its symbolic objectives. For instance, the website could marginalize and alienate those convicted of a hate offense. As an illustration, in the sex offender context, community notification schemes have caused sex offenders and their families to be publicly shunned, humiliated and isolated. Sex offenders are routinely

evicted from housing, fired from jobs and denied new employment opportunities. They are targeted by vigilante community members who harass, vandalize and, in some cases, harm sex offenders who have been publicly identified. (Aguiler and Crist 2004; McQuiston 1997; Peterson 1995). Indeed, convicted sex offenders have even been murdered by community members. (Blankenship 2005).

Many of those who participate in hate offenses are already marginalized youth. With the publication of details about the crime and personal information, the defendant's status as an outlier – as a convicted hate offender – would be confirmed. He would labeled a social pariah, a bigot, who should be ostracized, marginalized and shunned. The public labeling of a hate offender, combined with his loss of social standing, could well reinforce his self-image as a bigot. Under classic labeling theory, this could result in a hardening of bigoted beliefs and behaviors. (Becker 1963).

Alternatively, the proposed website may be counterproductive for the exact opposite reason. Hate offenders who are members of extremist groups are highly prejudiced and are committed to bigotry and perhaps violence. They may welcome the opportunity to be permanently and publicly labeled a hate offender. In that case, the hate offender registry could become a wall of fame, rather than a wall of shame. It could be site of honor among extremists. Public placement on a bias crime registry could actually become an objective in the marginalized world of hate offenders.

Notwithstanding these potential contrarian results, one symbolic message that would not be diluted is that which could be sent by politicians and government officials. Through the very existence of the website, politicians would be able to publicly declare their continued war on bigotry. Rather than rely on existing bias crime laws, politicians could cite to the creation of a hate registry as further proof of their opposition to bias. Individual politicians could cite to the new registry as evidence that they – and not their opponents – are most committed to fighting bias.

Conclusions

Anne Arundel County's proposed hate offender website raises significant concerns. In addition to the questions raised earlier in this article regarding its application, duration and scope, there are significant concerns relating to its constitutional efficacy and the need for public dissemination of criminal convictions generally.

From a legal perspective, would the hate offender internet website survive constitutional scrutiny? The public humiliation of hate offenders through the publication of their most intimate details on a publicly accessible website raises significant privacy, due process and equal protection concerns. While courts have been willing in the sex offender context to defer to general public safety over the concerns of individual sex offenders, there is no corresponding and compelling state interest in the context of bias offenses. Indeed, as discussed earlier, the proposal for a bias offender website appears far more symbolically oriented than safety oriented.

Beyond these specific concerns, the creation of a website containing a convicted offender's criminal history and identifying information must be placed in the context of a broader policy debate. If a website for hate offenders is appropriate, then could not the same argument be made for all criminal offenders? Are low-level hate offenders really more deserving of public stigma and condemnation than those who commit armed robbery or rape or drug offenses? Indeed, why should other offenders hide in relative public anonymity while hate offenders suffer public humiliation?

Conversely, it is questionable whether there are actual benefits to the creation of a permanent sub-category of citizens who are never permitted to rise above their past and become more than the sum of their criminal offense. When personal information about former offenders is made public, we strip our citizens of their most fundamental rights to simply be left alone. A criminal registry severely infringes upon liberty and privacy.

This proposal is also in tension with a small but growing movement away from the public dissemination of criminal history. In cities such as San Francisco and Boston, governmental employers are no longer permitted to ask whether a person has ever been convicted of a criminal offense. (National Employment Law Project 2007). The rationale is to enable former offenders to leave their criminal histories behind and become functioning and productive members of society. Hate offender websites would have the opposite effect, rendering a criminal conviction the most permanently identifying feature of a person.

The posting on the internet of hate offenders is a step towards the collection and mass dissemination on the internet of all criminal histories of all offenders. This information was previously diffuse, albeit not entirely private. We are moving toward this without carefully considering whether this makes good criminological sense. The idea of posting hate offenders on the internet is largely symbolic – but may actually not accomplish – and indeed may undermine – its goal of promoting tolerance. We need to carefully consider whether it, in fact, makes sense to treat hate offenders like pedophiles.

References

Adam Walsh Child Protection and Child Safety Act of 2006, 109 P.L. 248; 120 Stat. 587.

Aguilar, John and Gabrielle Crist. (2004, July 01). "Sex offender falls victim to arson" Rocky Mountain News.

Beale, S. S. (2000). Federalizing Hate Crimes: Symbolic Politics, Expressive Law or Tool for Criminal Enforcement? *Boston University Law Review, 80* 1227-1281.

Becker, Howard (1963) *Outsiders: Studies in the Sociology of Deviance*. New York: The Free Press.

Blankenship, Donna Gordon. (2005, September 7). "Washington Man Admits Killing Two Sex Offenders: Idaho Kidnapping May Have Been a Factor." *San Jose Mercury News*, A13.

Brief for the Office of the Public Defender for the State of New Jersey et. al. as Amicus Curie in Support of Respondents in *Smith v. Doe*, 2001 U.S. Briefs 729, 2002 U.S. S.Ct. Briefs LEXIS 388 (July 31, 2002).

Daugherty, Scott. (2005, August 20). Teen Avoids Hate Crime Charges. *The Capital,* A11.

De Vise, Daniel (2005, July 7). Hate Crime Trend Disputed: Police Say Data and Causes Inconclusive. *The Washington Post*, p. T03.

Gerstenfeld, Phyliss. (1992). Smile When You Call Me That! The Problems with Punishing Hate Motivated Behavior. *Behavioral Sciences and the Law, 10*, 259-285.

Henderson, Nia-Malika. (2006, May 19). Race Relations Council Hold Forums: Session to Teach Residents How to Identify and Respond to Incidents. *The Baltimore Sun*, p. 4G.

Horseman, Jeff. (2006, June 1). Deale Inn's Sign Hit By Racist Vandalism. *The Maryland Gazette*, p. 1

Jacobs, James and Jessica S. Henry (1996). The Social Construction of a Hate Crime Epidemic. *The Journal of Criminal Law and Criminology, 86:2*, 336-391.

Jacobs, James and Kimberly Potter. (1998) Hate Crimes: Criminal Law and Identity Politics. New York: Oxford University Press.

Kelly, Earl. (2005, December 17). *Racist Video Alarms Officials.* The Maryland Gazette, p.A1.

Levin, J and McDevitt J (1993). *Hate Crimes: The Rising Tide of Bigotry and Bloodshed.* New York: Plenum.

Massaro, Toni M. (1991, June). Shame, Culture and American Criminal Law. *Michigan Law Review, 89*, 1880-1944.

McDevitt, Jack, Levin Jack, and Bennett Sarah. (2002). Hate Crime Offenders: An Expanded Typology. *Journal of Social Issues*, 58, 301-317.

McQuiston, John T. (1997, June 20). "Sex Offender is Suing His Neighbors Over Protests." *New York Times*, B1.

National Employment Law Project. "Major U.S. Cities Adopt New Hiring Policies Removing Unfair Barriers to Employment of People with Criminal Records,"http://www.nelp.org/nwp/second_chance_labor_project/citypolicies.cfm (updated January 3, 2007)

Peterson, Iver. (1995, January 12). "Mix-Ups and Worse Arising from Sex-Offender Notification." *New York Times*, B6.

Seigel, Andrea. (2005, May 25). Charges Against Four Defendants Dropped in Pasadena Teen's Death; Decision Stirs Anger in Black Community. *The Baltimore Sun,* p. 1A.

Seigel, Andrea (a) (2006, February 3). Race Coalition Sets Strategy. *The Baltimore Sun,* p. 1G.

Siegel, Andrea (b). (2006, February 15). Official Target Hate Crimes; Sentencing Renews Attention to Issue of Race Relations. *The Baltimore Sun,* p. 1G.

Smith v. Doe, 538 U.S. 84 (2003).

Southern Poverty Law Center. (n.d.) *Intelligence Project: Active U.S. Hate Groups in 2005*. Retrieved March 17, 2007, from http://www.splcenter.org/intel/map/hate.jsp?S=MD&m=4.

Terry, Kerry J. and John Furlong. (2d ed. 2004). *Sex Offender Registration and Community Notification: A Megan's Law Sourcebook* (Civ. Research Inst. 2004).

United States Census Bureau. (January 12, 2007). *State and County QuickFacts, Anne Arundel County.* Retrieved March 17, 2007, from http://quickfacts.census.gov/qfd/states/24/24003.html

Young, J. (2006, May 25). Second Forum Focuses on Hate Crimes. *The Maryland Gazette,* p. 1.

Biography

Jessica S. Henry is an Assistant Professor at Montclair State University, where she teaches in the Department of Justice Studies. She received her Juris Doctorate from New York University School of Law in 1995. Her primary research areas include hate crimes, criminal law and procedure and prisoner reentry.

Correction Officers and Jailers: The Application of Legal Liabilities

By Ferris Roger Byxbe, Ph.D., Sul Ross State University-Rio Grande College
J. Stuart Batchelder, Ph.D.. North Georgia College & State University
Wesley Wynne, Ph.D., Sul Ross State University-Rio Grande College

ABSTRACT

When a correctional officer is sued, several questions of paramount importance arise. For example, what are the procedures for such litigation? And, who will represent me? If convicted of criminal charges, what will be the penalty? If monetary damages are assessed where will the money come from and how much? These questions are of vast importance to all officers who suddenly find themselves in a suit relating to their employment. The focus of this article is to address the above questions and to examine the nature of civil and criminal liability as it applies to officer misconduct.

Most correction officers and jailers realize that if they work in the correctional field long enough there is a good possibility that they will be sued. The threat of lawsuits comes with the territory. Good training, experience and proper management can certainly reduce the risks of such suits, but the only significant personal protection is to always perform duties professionally and in good faith.

A recent American Corrections Association (ACA) study found that, as a general rule, the majority of states provide legal assistance for their correctional officers who are sued for some act or omission arising from their employment. For most states, the assurance is statutory; one state relies on an executive order; other states rely on employee labor contracts with state government; and some states, such as Texas, are under attorney general discretion. The specific provisions reflect those states' awareness of the vulnerability of correctional officers.

Correctional offices, when served with a suit, encounter a maze of details and regulations. In states in which they may be entitled to legal assistance, they non-the-less may have to comply with procedural stipulations and various time limitations. If the state has some type of indemnification process, the officer will be filtered through several layers of bureaucratic red-tape, each level perhaps determining if he or she was acting in good faith, by varying definitions. Even if the officer succeeds, to the extent that only compensatory damages (civil action) will be awarded to the plaintiff, the officer may find a financial ceiling on what the state, county or city will pay. Thus, the judgment, in part, may come out of the pocket of the officer (Palmiotto, 2001).

There is great concern for state, county and municipal agencies in reference to the proliferation of federal criminal and civil rights actions brought against individual officers. Such actions have resulted in the indictment, prosecution and conviction of correctional officers and jailers. A problem that naturally evolves from actions of this nature is how to formulate policies and procedures best suited toward protecting the rights of the officer of investigation.

Actions of this type – criminal liabilities – fall under the jurisdiction of the United States Department of Justice pursuant to Title 18 USC 241, 242 of the United States Code. Essentially, these statutes provide for independent federal jurisdiction where there has been an alleged willful deprivation of any rights, privileges, or immunities secured or protected by the United States Constitution by an individual acting alone or in conspiracy with others under *color of law,* statute, or ordinance. The penalty under 18 USC 241 is up to ten years in prison and/or a fine up to $10,000. If death results, the prison term may be for any length of time, including life. The penalty under 18 USC 242 is up to one year in jail and/or a fine of up to $1000.00 (Title 18 USC 241, 242).

It should be noted that the statute of limitations for such actions is four years. In addition, acquittal in a state court violation of state criminal statutes does not serve as a bar to federal criminal prosecution under sections 241 and 242. While this may give the appearance of double jeopardy, it should again be emphasized that the jurisdictional bases for federal intervention in this area is derived independently from federal statutes and the Dual Sovereignty Doctrine which prohibit state and local officers from depriving citizens of their constitutional rights while acting under *color of law* and official action (Kappeler, 2006).

Investigations of alleged criminal and civil rights actions by state and local officers can be initiated by filing formal written complaints with the U.S. Department of Justice in Washington, the local U.S. Attorney's Office or with local agents of the Federal Bureau of Investigations (FBI). In many instances, especially when dealing with inmates and pre-trial detainees, complaints of this nature are initiated by telephone or oral communication to the previously indicated federal agencies. Generally, the identity of the complaining party will be kept confidential and undisclosed to the officer under investigation. However, in a prison or jail setting confidentiality is difficult to achieve. The FBI, as the investigating body, will conduct the initial investigation into allegations of criminal and civil rights violations by state correctional officers and county or municipal jailers. When the initial investigation is complete, the FBI agent conducting the investigation will file a preliminary report known as a *Local Office Memorandum (LOM)* with the Justice Department in Washington. In many instances, this report will make a recommendation as to whether federal grand jury action is warranted for the commencement of criminal prosecution (Kappeler, 2006).

It is because of FBI involvement that there is generally a problem with many state and local agencies in recognizing and comprehending the full scope of investigations of this nature. While it is extremely important to maintain a good rapport with this federal investigative agency, as with all other organizations, it is vital to be aware that the agent conducting the initial inquiry is on official business with the sole purpose of determining whether, according to existing facts, a criminal or civil rights violation has taken place. Accordingly, any contact with federal agents concerning matters such as this must be viewed as a criminal interrogation, with the state or local officer being the subject of that interrogation. Therefore, it is imperative to adopt formal procedures and guidelines to deal with investigation of this nature. When an initial request to meet with an officer is made by the federal government, it should be made in writing and addressed to the head of the agency involved. This correspondence should request permission to interview the officer under investigation. Once this formal record of investigation has been made, the officer involved must be afforded an opportunity to discuss this matter, confidentially, with an attorney, preferably with the department's assigned legal counsel. No pressure should be exerted on the officer to meet with federal agents until the officer has met with counsel. In addition, investigation should be viewed by the department as one in which an official position is taken in support of the officer – presuming that an internal affairs investigation has exonerated the officer's conduct. An officer has a right to invoke Fifth Amendment protections against self-incrimination in an investigation of this sort (Ross, 2006).

Occasionally, it will be desirable for the officer to make a formal statement to federal agents and meet with them formally. This should be determined only upon advice of counsel. All contact between the investigating agent and the department must be done through legal counsel representing the officer. Under no circumstances, regardless of factual background, should the officer have direct contact with federal agents. If a statement is to be made, it should be a short, written account drafted by legal counsel and should be presented to the investigating agent at the format interview. The site of the interview should be one familiar and comfortable to the officer under investigation. A request to tape-record or video-tape should be made and a record kept of the proceedings for future reference. Under no circumstances should the officer be interrogated, one-on-one by the investigating agent. The accused officer should be represented by counsel at the interview and the meeting viewed in a legal formal light. The written

statement can be presented to the federal agent and an opportunity to question the officer should be afforded the agent. However, no questions should be answered without prior advice from counsel and no information gratuitously volunteered. Miranda warnings should be given to the accused officer prior to commencing the interview and there should be no reluctance to exercise those rights at any given time during the interview. In addition, there should be no hesitation on the part of the officer to request the name of the complaining party.

The Justice Department will usually make a decision within sixty days of receipt of the agent's investigation as to whether further action is necessary. Written request on behalf of the officer by his or her legal counsel should be made to the Civil Rights Section of the Justice Department in Washington, D.C. for written correspondence regarding the disposition of the case. Such correspondence will not, generally, be provided to the officer or defense counsel unless requested in this manner.. A copy of this correspondence should be provided to the officer for his or her files.

Investigations under Title 18 USC 241 and 242 should be viewed by the officer as criminal investigation, having potentially severe and dire consequences for the officer involved. They should be treated with due care and caution to protect the rights of the officer. Departmental guidelines and procedures should be established to insure the protection of officers subjected to these types of investigations and actions. It should be noted that, while this article is specifically focused on correctional officers and jailers, criminal and civil liability also applies throughout the chain of command in reference to training and supervision. (Spell v. McDaniel; Harris v. City of Pagedale). This liability may be civil in nature, involving large monetary awards for damages and/or injunctive relief for the liability may be criminal in nature resulting in a fine, probation or incarceration.

Legal liability is best defined as *"...the responsibility an individual bears for his or her actions, or inactions, given their obligation to perform a duty or prevent an action or occurrence that is recognized as being a matter that is proper to be heard by and enforced by the courts."* Federal civil liabilities include: civil action for deprivation of civil rights (42 USC 1983). As previously alluded to, federal criminal liabilities include: criminal liability for conspiracy to deprive a person of rights (18 USC 241); and criminal liability for conspiracy (18 USC 242); and other federally protected activities (18 USC 245). It should be noted, at this point, that an officer may be liable for negligence. Generally defined as, *"The doing of that thing which a reasonably prudent person would not have done, or the failure, to do that thing which a reasonably prudent person would have done in like circumstances."* However, most negligence cases are usually filed under state tort law. In addition, an officer, as any other citizen, is subject to state criminal prosecution for any violation of state statutes in accordance with the state's penal code.

The phrase *"section 83"* refers to Title 18 USC 1983. This statute called Civil Action for Deprivation of Civil Rights, is the primary vehicle used by litigants who seek damages and/or injunctive relief from correctional officers and jailers when there is an allegation that one's constitutional or federally protected rights rights have violated. The rights most commonly used by inmates and pre-trial detainees in liability suits that address violations of their rights guaranteed by the United States Constitution are: First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments. These types of suits are generally used in seeking monetary damages and may be brought against every type of government official (Monroe v. Pape). There are four necessary elements to a Section 83 suit, all of which must be present for the suit to succeed: (1) the defendant must be a natural person – not a company or corporation – or a local government, (2) the defendant must be acting under *color of law,* (3) the violation must be of a constitutional or federally protected right and (4) the violation must reach constitutional level (a serious violation). In addition, a section 1983 suit cannot be brought against a state unless that state has waived its sovereign immunity by law or court decision. However, a state can be prohibited by the courts from performing certain acts in the future. It should also be noted that 1978, both the city and the county can be sued along with the officer (Monell v. New York). The two most widely used defenses in a Section 1983 are immunity and good faith. A correctional officer or jailer, whose actions were performed in a professional manner and in accordance with agency regulations, may invoke the good faith defense. However, the United States Supreme Court held in *Owens v. City of Independence, Missouri (1980)* that a municipality itself cannot invoke the good faith defense when sued under Section 1983 and there is good reason to believe that this ruling applies to counties as well (Title 42 USC 1983 and 1985) (Kappeler, 2006).

Under Title 42 USC 1983, the U.S. Supreme Court held in *Malley v. Briggs* that officers, supervisors and departments may be sued for monetary damages by victims subject to violations of constitutional rights and privileges. However, qualified immunity is an affirmative defense against a *Section 83* lawsuit. Its purpose is to shield public officials from undue interferences with their duties and from potential disabling threats of liability where the official acts objectively and reasonably in the good faith performance of his or her duties. The defense provides immunity from suit, not merely liability (Saucier v. Katz, 2001).

Title 42 USC 1985(3) is the conspiracy counterpart of *Section 83.* This section makes any person who conspires with another to deprive a third person of any constitutional right, liable to that third person for damages. The violated individual may sue one or all of the conspirators.

Correctional officers and jailers should not view these principles of liability law as restrictions of their authority. These laws should be viewed as legal remedies utilized when the bounds of authority has been overstepped. It is important to note that the best preventive action a officer may take to avoid suits are: (1) to know the law, (2) to follow departmental rules, regulations and procedures, (3) be aware of the rights of inmates and pre-trial detainees, (4) seek advice from a supervisor and/or legal counsel when in doubt and to always perform duties professionally and in good faith (Ross, 2006).

To this point, we have examined the procedures and ramifications of civil and criminal liability suits as they apply to correctional officers and jailers. Let us now explore some of the issues and rights of convicted inmates and pre-trial detainees.

Lawful incarceration brings about the necessary withdrawal and limitations, of many privileges and rights. These restrictions are justified by the considerations underlying the requisites of the penal system. It must be noted that prisoners do not forfeit all constitutional protections by reasons of their conviction and confinement. However, retained rights are necessarily limited by the fact of confinement as well as by legitimate goals and policies of the penal institution.

While prison inmates convicted of crimes do not have all the constitutional right of citizens in society, they do retain some constitutional rights in dilute form. Guarantees of the Fifth, Sixth, Eighth and Fourteenth Amendments are extended to inmates incarcerated in federal and state correctional facilities. Furthermore, the rights of inmates are limited by the necessities of the prison. Therefore, prison authorities may limit the exercise of certain fundamental rights to the extent made necessary by legitimate and reasonable needs and exigencies of the institutional environment. Prisoners are not allowed to retain constitutional rights which are inconsistent with their status as a prisoner and conflict with legitimate penal objectives of the corrections system. Imprisonment inevitably results in the forfeiture of certain rights and privileges commonly exercised in a free society. Prisoners retain all constitutional rights except for those which must be impinged for security and rehabilitative purposes. An officer must be made constantly aware that inmates and detainees retain basic constitutionally protected rights. Rights, if breached, would give rise to criminal and civil litigation.

Texas Penal Code mandates that "An official, or guard, or other employee of the county having custody of any prisoner, or any official or employee of the county having custody of any county prisoner, who shall maltreat or abuse said prisoner, or who shall knowingly permit the same to be done, or who being under duty to provide sufficient and wholesome food, clothing, shelter, bathing facilities, or medical attention to such prisoner, be deemed guilty of a misdemeanor and upon conviction shall be fined no more than $500.00 dollars or shall be imprisoned for not less than 180 days, or both fine and imprisonment at the discretion of the court.

Two types of individuals are housed in county or municipal jails. The first is the pretrial detainee, an accused person awaiting trial. The second, is the misdemeanant, a convicted person sentenced to jail for one year or less. The jail, be it county or municipal, serves four distinct purposed: (1) it is a facility used to hold accused persons while they are awaiting trial, (2) the jail holds convicted persons serving short sentences, (3) the jail holds convicted persons awaiting sentencing and execution of felonies and (4) material witnesses who must be detained are kept in the jail. In addition, the jail also serves other purposes for which it was not intended. In some cases, it holds juveniles, the mentally ill and retarded and indigent transients – practices that should be, for liability reasons, terminated.

The contemporary correctional officer and jailer must be aware of the basic legal duties and obligations they owe the public and the prisoners. Serious questions concerning the competence of elected and appointed officials can arise from custody care of prisoners. For

instance, in Texas, the sheriff is in charge of the jail and the prisoners housed in it. He is by law ordered to preserve and protect the jail and the prisoners from any violence or trespass. In addition, to these duties, the sheriff is required to keep the jail in a clean and habitable condition. Should the sheriff fail, neglect, or refuse to preserve the jail in accordance with state law, the governor may conduct a hearing held in accordance with due process of law and if the sheriff is found guilty of such omission of duty, the governor has the power and duty to remove the sheriff from office. Furthermore, the law provided for the examination of jail facilities by county commissioners at least annually. In *Jones v. Diamond, 1979* the U.S. Fifth Circuit Court of Appeals held that the statutory duty of county supervisors and commissioners to examine the county jail and take appropriate remedial measures brought their acts or omissions within the prisoner's right to civil action under Title 42 USC 1983. Thus, county supervisors and commissioners are not immune to civil liability in jail suits. Notably, the same provisions apply to the mayor and city council members in reference to municipal jails. The court have held that when the sheriff, by virtue of his office, has arrested and imprisoned a human being, then the sheriff is bound to exercise ordinary and reasonable care for the preservation of the life and the health of the prisoner. For the breach of his duty, the sheriff and his sureties, are responsible for monetary damages on his official bond. The jail must be kept safe and fit for human habitation. Failure in this regard can also result in charges of negligence. Fire protection, food, medical care and other services provided by hospitals and dental clinics must be provided. Injuries due to physical beatings by fellow prisoners are sources of trouble. When prisoners establish a kangaroo court or other similar systems to maintain their own order, the sheriff or chief of police is not an absolute insurer of the safety of prisoners, but is accountable to prisoners and the general public for injuries that come about through intentional or negligent acts. Unlike convicted inmates, the jailer should note that the pre-trial detainee has the same constitutional rights as any other citizen.

All individuals who are jailed or imprisoned may suffer acute or chronic physical or mental illness and must be treated humanely. It is imperative that the medical needs of incarcerated persons be met in a timely manner. In the case of *Estelle v. Gamble, 1976* the court ruled that an inmate may collect damages for inadequate medical treatment resulting from willful intent or negligence.

Likewise, correctional officers and jailers have a responsibility to protect inmates from themselves, as in the case of suicidal behavior. The suicide of an inmate will probaby result in a lawsuit based on either a civil rights claim or a tort claim of wrongful death (AELE Law Enforcement Legal Center, 2007). Such lawsuits may not likely to be successful, however, unless correctional officials are shown to have been "deliberately indifferent," *i.e.,* "an official must now have actual, not implied or constructive, knowledge of a serious medical need (such as an inmate's mental status) and then fail to make a reasonable preventive response to that known need" (Collins, 1995, p. 62). Lawsuits tend to focus on one or more of three areas of responsibility for correctional staff: recognizing suicide threats, properly supervising and responding to an inmate identified as suicidal, responding appropriately to the emerge of a suicide attempt (Collins, 1995).

Pre-trial detainees and convicted inmates are, by definition of law, distinctly different. Primarily, the distinction lies in the reason for the pre-trial detainees' incarceration. The majority of pre-trial detainees are incarcerated because they are unable to post bail. The remaining minority are incarcerated to assure their presence at trial. None have yet been convicted. The distinction, furthermore, defines the legitimate interest that the state has in incarcerating the individual. The legitimate interest, in turn, defines what can or cannot be done to the individual during the course of his or her incarceration. In the case of the pre-trial detainee, the state's interest is two-fold: (1) to assure the presence of the individual at trial and this is seen by many courts as their primary concern; and (2) maintaining internal jail security. Therefore, with this in mind, a legitimate interest of the state for this class of prisoner cannot be punishment. In addition, any condition that is imposed with the expressed intent to punish violates the due process clause of the Fourteenth Amendment. The United States Supreme Court ruled in *Jones v. Diamond* that *"…the pre-trial detainee shall not be made to suffer conditions any more restrictive than those necessary to insure his presence for trial."* Furthermore, *"...a pre-trial detainee may not be continuously incarcerated in an institution designed to punish."* The United States Supreme Court did, however, state in *Bell v. Wolfish* that *"…the pre-trial detainee's rights must yield where necessary to the need to preserve institutional security."* The court reasoned that even though the detainee is accorded the presumption of innocence, he or she is being held on *probable cause* that he or she violated the criminal statutes. In *Bell v. Wolfish* the United States Supreme Court established a standard for evaluating the constitutionality of jail conditions and restrictions on the liberty of pre-trial detainees. The Court stated that *"…the proper standard concerns the conditions of confinement and/or restrictions on liberty which amount to punishment."*

Restrictions that are reasonably related to legitimate governmental objectives were exempted by the Court decision. However, restrictions imposed without legitimate purpose and those imposed in an arbitrary manner are considered punitive in nature and thus, held to be unconstitutional. When such a condition is found to be unconstitutional, it's the jail administrator, Sheriff, or Chief of Police who must offer to the court a constitutional remedy. Jail administrators have been made aware by United States Supreme Court decisions that *"...if individuals are to be kept in jail, they must be afforded the protections of the Constitution of the United States and all applicable state laws."*

It should be noted at this point that no one restriction stands alone in determining the constitutionality of conditions in the jail environment. In an Arkansas case, *Holt v. Sarver, 1970,* the United States Supreme Court ruled that when the conditions or practices within an institution are *"…so bad as to shock the conscience of a reasonably civilized people, that confinement may constitute cruel and unusual punishment."* This *totality of conditions* approach has increasingly become the guiding standard in institutional cases.

Recruiting capable jail personnel is the beginning of good jail administration. Jail employees must be persons of good character and reputation in order to forestall many incipient jail problems. In addition to traditional interviews, psychological testing can be used productively to aid on the selection of successful job applicants and prevent hires whose behavior would increase an agency's risk of lawsuits. Two of the most commonly used tests in security personnel selection are the Minnesota Multiphasic Personality Inventory (MMPI) and the Inwald Personality Inventory (IPI). Both of these have been in use for decades and have been validated as useful predictors of job performance (Inwald and Brockwell, 1991). The Inwald was specifically designed to assess candidates for security-related jobs and is used extensively today in police selection. Item scales on the Inwald are intended to detect and predict, among other things, anti-social attitudes, drug and alcohol problems, excessive absences, interpersonal difficulties and a wide array of other behavioral traits and attitudes that potentially impact performance in security-related jobs.

Training of personnel is necessary (City of Oklahoma City v. Tuttle). Selective recruiting followed by a continuing in-service training program can result in an effective jail program. But, training must be supervised and considered by the administrator to be the most important part of the jail program. Training assistance can be obtained through federal agencies and institutions of higher education – universities and colleges (Kappeler, 2006).

As a citizen, the municipal or county prisoner has a right to all the protections of the Constitution of the United States. He or she should not be subjected to cruel and unusual punishment and should not be deprived of any rights or privileges by officers acting under *color of law.* Inmates and pre-trial detainees must be provided access to counsel at all times, not held incommunicado and be afforded the same protections that would be afforded an unconvicted citizen. In addition, having been convicted of a misdemeanor, the prisoner loses none of the civil rights generally lost as a result of a felony conviction. The misdemeanant cannot be shot, as can a dangerous felon who would pose a danger to society (Tennessee v. Garner). In short, the misdemeanant retains all rights as a citizen but forfeits his freedom during the term of sentence (Palmiotto, 2001).

In conclusion, some jails have adopted the policy of permitted one telephone call, which meets the letter of the law, but not the intent of it. No person can be denied access to counsel at any time. Previously convicted persons are required to notify their parole or probation officers immediately upon arrest. And, those subject to incarceration must be afforded the opportunity to contact family. Technically, a prisoner can call his attorney at any time or the jailer and supervisors may be subject to accusations of denying access to counsel – a violation of the Sixth Amendment to the U.S. Constitution.

The jail administration and staff must be aware of the constitutional and civil rights, as well as the legal processes by which they are implemented, in order to participate effectively and constructively in the criminal justice system. Officers of state, municipal and county agencies must at all times perform their duties in a professional manner and in good faith. Only in this manner

can an officer extend a defense against accusations of constitutional violations. In addition, the positive formulation of policies, procedures and legal services will assist greatly in protecting an officer's career and mental health status and with equal importance maintain the integrity of the agency, public trust and respect through accountability.

References

AELE Law Enforcement Legal Center. (2007). Civil liability for prisoner suicide, AELE Monthly Law Journal, 2007(2), 301-310.

Bell v. Wolfish 441 U.S. 520 (1979)

City of Oklahoma v. Tuttle 471 U.S. 808 (1985)

City of Canton, Ohio v. Harris 489 U.S. 378 (1989)

Collins, W.C. (1995). The court's role in shaping prison suicide policy. In *Prison suicide: An overview and guide to prevention* (pp. 60-69). Washington, D.C.: U.S. Department of Justice, National Institute of Corrections.

Estelle v. Gamble 429 U.S. 97 (1976)

Harris v. City of Pagedale 484 U.S. 986 (1987)

Holt v. Sarver 309 F. Supp. 362 (1970)

Inwald, R. E. and Brockwell, A. L. (1991). Predicting the performance of government security personnel with the IPI and MMPI. *Journal of Personality Assessment*, 56 (3), 522-535.

Jones v. Diamond ___ U.S. 5th Cir. ___ (1979).

Kappeler, Victor E., Critical Issues in Police Civil Liability 4th ed., Waveland Press, Inc. (2006).

Malley v. Briggs 475 U.S. 335 (1986)

Monell v. Department of Social Services of the City of New York 436 U.S. 658 (1978)

Monroe v. Pape 365 U.S. 167 (1961)

Owens v. City of Independence, Missouri 445 U.S. 662 (1980)

Palmiotto, Michael J., Police Misconduct: A Reader for the 21st Century, Prentice Hall (2001).

Ross, Darrell L., Civil Liability in Criminal Justice, 4th ed, Anderson Publishing (2006).

Saucier v. Katz 533 U.S. 194 (2001)

Spell v. McDaniel 824 F.2d 1380 (1987)

Tennessee v. Garner 471 U.S. 1 (1985)

Title 18 USC 241

Title 18 USC 242

Title 18 USC 245

Title 42 USC 1983

Title 42 USC 1985

Biography

Ferris R. Byxbe is a full-professor of criminal justice at Sul Ross State University-Rio Grande College. He received his doctorate from The University of Southern Mississippi. His career spans numerous years in law enforcement and 17 years as a university professor. His teaching and research interests are grounded in law enforcement policy and practice. He has published numerous journal articles on criminal justice related issues. Recent publications have appeared in the *LAE Journal, American Journal of Criminal Justice, Journal of Police and Criminal Psychology, Police Chief, Community College Review* and *Journal of Adult education: Mountain Plains Adult education Association.*

J. Stuart Batchelder is an associate professor of criminal justice at North Georgia College & State University. He received his doctorate from The University of Southern Mississippi. His primary teaching responsibilities are in criminal justice research, statistics and corrections. His research interests include adult education issues relating to inmates in the state correctional setting, legislative action and social policy and statistical analysis. Recent publications have appeared in the *LAE Journal, Journal of Adult Education: Mountain Plains Adult education Association, Prison Journal, Corrections manager's Report, Corrections Compendium* and *Adult Education Quarterly.*

Wesley Wynne is an assistant professor of psychology at Sul Ross State University-Rio Grande College. He received his doctorate from the University of Texas at Austin. His research there focused on a number of topics, more relevantly on academic prediction and multicultural issues in education. He is also interested in the factors influencing career choice and personal well-being on the job.

Police Gratuity: An Officer's View on Taking a Discount

By Kelly B. McLaren

Abstract

At some point during their career all law enforcement officers' will find themselves in a situation where they are offered a form of gratuity. Being presented with an ethical dilemma, the officer now must decide how they will respond. The officers that I spoke to have a variety of backgrounds, are from both large and small agencies, range in age and ethnicity and are of both genders. Most officers agree that gratuities should not be accepted. But that a discounted meal or a free cup of coffee from an appreciative business, although technically a gift, is allowed as long as there is no expectation of special treatment.

Gift or Gratuity

First, the meaning of the word gratuity must be explained. According to the website Dictionary.com, gratuity is defined as "a gift of money, over and above payment due for service, as to a waiter or something given without claim or demand." (2000) B. Michaels (personal communication, December 9, 2006) claimed that a determining factor for him is the type of gift, the monetary value and whether it is available to all officers'. Although other officers I spoke to felt that monetary value is not an issue, they too agree that one (1) officer should not receive special privileges. A. Larry, (personal communication, November 30, 2006) stated that as a law enforcement officer with nineteen (19) years of experience, he has frequented a particular restaurant quite often over the years and admits to receiving some form of a discounted price for his meal majority of the time. In this time frame, they have never asked for anything in return. He further advises that he does not frequent this restaurant daily, therefore he does not consider the discounts to be abusive. It is common to hear officers' justify their acceptance of a discounted meal because in return they choose to leave the server a substantially larger than normal tip, which most of the time covers the discounted portion of the bill. Most officers' say they bill the amount of the bill that was given to them.

T. Charles (personal communication, December 2, 2006) stated that she just recently dealt with an ethical dilemma. A personally known apartment complex manager was trying to be nice and offered her $20.00 cash for helping her with a tenant problem. After careful explanation, the manager understood her explanation as to why she could not accept cash in exchange for a service that she provides to all apartment managers when needed. More specifically, for doing her job. It is common practice for apartment complex to seek officers' to reside on their property as security in exchange for discounted or free rent.

Agencies are aware and approve this practice, considering it an off-duty agreement. Just as restaurants want a uniform presence, apartment complexes do also. As another example from T. Charles (personal communication, December 2, 2006), she advised that a couple years ago she was handed a Starbuck's gift certificate by an unknown person while pumping gas. The person said "Thank you" and then walked away. Like Officer Charles, most officers consider this to be an acceptable gift. Unfortunately some citizens may have expectations for repayment because they believe they are building a bank account and at some point will cash it at a later time. B. Michaels (personal communication, December 9, 2006) stated that in his twenty-four (24) years experience as a city officer, he believes that gratuity is accepted as long as the business owner is not expecting special privileges in return and if the discount is offered to other classes of people such as senior citizens. Of the officers' interviewed, this was commonly agreed.

From small mom and pop establishments to large corporations, some form of gratuity has been offered and will always be offered to members of the law enforcement community. Businesses have the right to charge their customers what they want. If they want to offer a free or discounted meal or tickets or shopping opportunity, to encourage patronage, then that is their right. After the events of September 11, 2001, Busch Gardens and Sea World offered free admission as a token of their appreciation to all public service employees. To decide the difference between a discount and a gift, the officer has to ask themselves if they are receiving it as a law enforcement officer or as a citizen. Officers can not accept gifts, but a citizen can. A. Larry (personal communication, November 30, 2006) pointed out that most citizens who are truly wanting to show their appreciation and gratitude will say "thank you" or "because we appreciate what you do" when giving an officer a discount or gift.

Agency Do's and Do Not's

Majority of government law enforcement agencies have a policy against the acceptance of gifts, gratuities and discounts. According to the Hillsborough County Sheriff's Office Rules and Regulations policy, "personnel shall not use their official position to request, solicit, or agree to accept any benefit except in the course of official duties or as authorized by the Sheriff." (Hillsborough County Sheriff's Office, 2000) Administrators believe that gratuity can lead to corruption when officers repeatedly frequent a particular establishment because of the relationship that is established and the natural inclination to come to expect a previously received benefit. Article 5 and 6 of the Canons of Law Enforcement Ethics state that officers shall not seek out nor receive any special privileges because a career in law enforcement does not have special perks attached. The Canons further specify that "they should be firm in refusing gifts, favors or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing his judgment in the discharge of his duties." (Canons of Police Ethics, n.d.) This policy can be confusing to officers' because agencies support and disseminate some offers throughout the department often.

Precursor donations for law enforcement friendly businesses that give large ticket items to agencies can be misinterpreted. They donate money, cars, computers, etc. Whether for political associations, advertising or to secure future favors or special treatment, this too can be viewed as gratuity, but accepted and commonly practiced. A difference could be between front line employees and administrative or executive staff. Inappropriate conduct begins when people take advantage of situations that once benefited many. Some businesses have discontinued offering meal discounts because of abuse or change in corporate policy.

Personal intentions are typically investigated when determining whether an officer is violating the agencies policies. For example, an off-duty officer who puts on his uniform and takes the entire family to dinner at a restaurant that offers a law enforcement discount. It is difficult to separate those who may want something in return from those who like and appreciate law enforcement professionals for what they do. Public perception is considered one of the most important factors when administrators consider their departmental policy on gratuities.

Although administrations do not have the right to dictate business practices, they do have the right to control the conduct of their employees and the type of business that their officers' frequent on and off duty.

Public Perception

Very little research has been compiled on the issue of police gratuity. It is believed that the public sees officers accepting gratuities as undermining of their trust. The public is also viewed as jealous, because that they too are not benefiting from the same "perk". Today, agencies are working very hard to improve their public image and that of the law enforcement profession. For example, a citizen witnesses an officer badge their way into an event such as a fair or a concert, which the ordinary citizen would have to pay to enter. This would be viewed as unfair by the citizen and a "perk" by the officer. Agencies are also creating policies that dictate how many uniformed officers and marked patrol vehicles can be located at any given establishment at the same time. From the business owner's perspective, the officer

in a sense is acting as security whether paying half or full price for the meal. Although having officers in uniform take their break at a particular restaurant or get a cup of coffee at a particular gas station, does provide a cheap sense of security to the employees.

This is obviously a beneficial and cheap trade off that comes with the uniform. This would be provided regardless of where the officer is, whether it be walking around a mall or eating a meal at a restaurant. Some businesses say it is not fair to them because officers frequent other restaurants and not theirs. Officers say they too can offer a program that attracts a particular clientele's patronage. Or, for some, it may just be the food choice. Quality, location, type and cost are all factors that usually are taken into consideration when choosing where to conduct your unofficial, personal business such as a meal or restroom break. It is believed that discounts offer an increase in coverage by officers because a decreased financial burden for the same product is attractive to most. This is because although salaries for public service professionals have increased over the years, it does not compare to the private sector. It is difficult to stop the public from having different opinions, positive or negative. Law Enforcement officers are not the only public service group who receive some form of price plan at restaurants. Firefighters, teachers and military personnel do also. The public does not feel the same way when these classification categories receive a special discount. But, the business owner could expect a faster response in case of a fire emergency.

Another concern is that some believe that an officer is double dipping when they accept a discounted meal or a free cup of coffee because they are also being paid their salary by the government at the same time. According to several of the Canons of Law Enforcement Ethics, "officers shall be mindful of their special identification by the public as upholders of the law." (Canons of Police Ethics, n.d.) Article 9 titled Gifts and Favors states that officers are responsible for not placing themselves in a position for a person to expect or for the public to assume that special considerations are being given. This leads me to another ethical concern by officers. Especially around the holidays, retail chains are offering discounted shopping days.

At David's you are told to shop all day, bring your receipts to customer service, show your government issued identification and receive a 10% credit. Discounts like this are embracing to some, utilized by others and ignored by most. Of those law enforcement officers' who take advantage of the appreciation discount, most will agree that they are somewhat embarrassed to show their identification while off-duty, in fear of public perception and embarrassment. We can say this is a form of gratuity.

Conclusion

In conclusion, it is human nature to become closer to or even friends with someone that you associate with over a long period of time. We do with those we come close to, or deal with on a regular basis. Isn't this a part of being a police community? Because most police agencies follow the International Association of Chief's of Police (IACP), the Law Enforcement Code of Ethics (2001) officers' nationwide are held to a higher standard. Discounts, gifts and gratuities can be seen as a double edged sword. All of the officers interviewed said they pay what the bill says and eat at the restaurants they like to eat at regardless of cost. Having a public image to uphold is the nature of the uniform.

References

Banks, C. (2004). *Criminal justice ethics.* Thousand Oaks, CA: Sage Publications.

Hillsborough County Sheriff's Office. (2000). *Code of ethics for public officers' and employees* (Rules and Regulations Manual, Improper Conduct Offenses, 4.9.07).

Hillsborough County Sheriff's Office. (2000). *Improper use of official position* (Rules and Regulations Manual, Improper Conduct Offenses, 4.9.01).

gratuity. (2000). *Dictionary.com Unabridged (v 1.0.1)*. Los Angeles: Lexico Publishing Group, LLC. Retrieved November 25, 2006, from Dictionary.com website: http://dictionary.reference.com/browse/gratuity

gratuity. (2000). *Roget's New Millennium™ Thesaurus, First Edition (v 1.3.1)*. Los Angeles: Lexico Publishing Group, LLC. Retrieved November 25, 2006, from Thesaurus.com website: http://thesaurus.reference.com/browse/gratuity

tip. (2000). *Wikipedia, the free encyclopedia*. Los Angeles: Lexico Publishing Group, LLC. Retrieved November 25, 2006, from Reference.com website: http://www.reference.com/browse/wiki/Tip

Canons of police ethics. (n.d.) Retrieved December 3, 2006, from Center for the Study of Ethics in the Professions at IIT website: http://ethics.iit.edu/codes/coe/int.assoc.chiefs.police.canons.hml

(2001, October 16). Law enforcement code of ethics. Retrieved December 3, 2006, from International Associations of Chiefs of Police website: http://www.theiacp.org/documents/index.cfm?fuseaction=document&document_type_id=1&document_id=95

Note: Names of law enforcement officers interviewed were changed to protect their identity.

Biography

The author, **Kelly B. McLaren**, has been in the law enforcement profession since 1993. She has held a variety of job classifications such as: Detention Deputy, Law Enforcement Patrol Deputy, Selective Enforcement Deputy, Narcotics Investigator and Community Resource Deputy. Ms. McLaren is the youngest and first female to hold a state officer's position with the Florida Narcotic Officers' Association and has done so since 2000. She also was one (1) of the founders of the Emerald Society of Tampa Bay, Inc. During her career she has obtained specialized certifications such as: Florida Crime Prevention Practioner (FCPP), Florida Crime Prevention Through Environmental Design Practioner (CPTED), Law Enforcement Bicycle Association (LEBA) Member and Educator and Child Passenger Safety Seat Technician (CPSS), just to name a few.

Ms. McLaren graduated from Saint Leo University in 2002 with a Bachelor of Science degree in Criminal Justice. In 2005 she entered into graduate studies in the Masters of Science in Criminal Justice program also at Saint Leo University.

To compile this article, she drew from personal experience, peer interviews and research. Considering public perceptions and governmental policies, she concludes that gratuities should not be accepted. And also, that discounts and gifts typically do not lead to corruption as long as not being abused.

Subtle Little Lies

By Christi Esquinaldo and Dr. Rande W. Matteson

Abstract

Law Enforcement Officers are held to a higher standard than the average citizen and are expected to have a strong moral character. When Law Enforcement Officers lie about trivial matters for self-serving or self-promoting reasons, they compromise their integrity which jeopardizes the mission of law enforcement and those that have sworn to uphold the law.

Subtle Little Lies

Law enforcement officers are expected to have integrity and to compromise that integrity could jeopardize their mission as law enforcement officers. There are lies that are told by law enforcement officers that are tolerated in certain situations. However, lying for self-serving or self-promoting purposes is not one of those situations. When law enforcement officers lie to their peers about trivial matters, it creates discourse within the agency and suspicion of integrity and honor of those who are lying.

There are differences in opinion as to what the "Mission of Law Enforcement" actually is. Some say that the mission of law enforcement is crime prevention; others believe it is maintaining peace and order; others believe the focus should be apprehending bad guys; some say that law enforcement's job is social services. However, what is agreed upon is that different groups disagree on law enforcement's priorities. It is also the consensus that whatever law enforcement's mission is, that police are expected to be professional, honest and enforce morals (Delattre, 2006).

Virtues are characteristic traits that law enforcement officers should possess and that should be demanded by the public for them to have. Virtues are moral traits that are practiced and become habitual for individuals. Honesty is a virtue. An honest person is not identified as so if they choose to be honest only when it is advantageous to their own agenda. An honest person is one who is honest at times when it is most difficult to tell the truth, no matter what the outcome (Banks, 2004).

The noble cause of policing tolerates lying by law enforcement officers in accepted situations. These situations include, undercover operations, while interviewing suspects and to ensure calm in a crisis. There are criteria for such lying to be an acceptable part of police work. First and foremost, lying should not violate an individual's rights; the lie must be made to achieve an organizational goal (establishing the guilt of a suspect); the lie should not be told under oath (perjury) and the lie should be made with the public interest in mind. If confronted with telling a lie, the law enforcement officer must admit that he or she lied (Banks, 2004).

Lying for the noble cause of policing has its disadvantages. A lot of the times, through depositions and trials, the deception becomes public knowledge. Although the purpose of the lie was to achieve the policing objective of controlling crime and arresting the guilty suspect, the public may still view these tactics as unethical. This can cause a lack of trust and cynicism from the public towards law enforcement. On the stand of a jury trial, the defense attorney may attack the credibility and integrity of the law enforcement officer, which harms the law enforcement officer whose objective was in fact for noble causes (Banks, 2004).

Lying for the noble cause may lead to the "slippery slope." A law enforcement officer who tells subtle little lies on a regular basis can fall into the habit of lying by making moral justifications for the lies (Mazur, 1993). Law enforcement officers must be able to make the distinction between lying for the noble cause and just merely lying.

A hypothetical situation of lying for the sake of lying may be, a law enforcement officer who misleads his or her superiors and peers about their longevity in the agency for promotional reasons. Taking it one step further, that person wears a "serving since" pin on their uniform that misrepresents how long they have been with the agency to make it appear as if they have been with the agency longer than they actually have been.

Another example of meaningless lying would be a supervisor mentoring his subordinates on more than one occasion and giving advice on being loyal. This supervisor stated that he had been married for 25 years to the same woman and never cheated on her. On a trip out of town with subordinates, after a night of socializing with a few cocktails, the supervisor finds his way to one of his subordinate's hotel rooms soliciting sex. During this solicitation, the supervisor admits to his subordinate that he has cheated on his wife on three other occasions.

Other instances of deception might be, lying to peers about a score on a promotional exam, lying about selling real estate that was never owned, or lying about how many cases he or she cleared last month. All of these examples are self-promoting lies and seem trivial in the grand scheme of things because they do not really affect anything other than someone's opinion about the person who is lying.

Or do they? If a law enforcement officer becomes known for telling half truths or out and out lies, that law enforcement officer will earn a reputation as a liar. In that case, the law enforcement officer's credibility will be destroyed, not only within the agency but within the court of law where he or she is made to testify under oath on criminal matters. This is an example of how the mission of law enforcement is jeopardized by lying officers.

When law enforcement officers lie to other law enforcement officers on trivial matters, the lack of trust within the agency is compromised. The betrayal could cause deep resentment, knowing that the person has forsaken their peers for some private advantage. Furthermore, lying to another law enforcement officer is merely disrespectful in itself, leaving the person who is being lied to feeling used. The misplaced trust becomes a disappointment because as professionals we expect our peers to be as trustworthy and reliable as we are (Delattre, 2006).

Once we have been lied to by another law enforcement officer, we become fearful that we will be lied to or taken advantage of again. We then have the tendency to build walls to protect ourselves from being manipulated or controlled. We end up living in suspicion of one another and do not trust the give and take. This makes us controlling, making sure that we get back at least as much as we give, which may compromise our ethics in that we try to serve our own self-interests (Gula, 1999). "People who live without trust do so in a condition resembling war" (Delattre, 2006). No one wants to live like that.

References

Banks, C. (2004). *Criminal justice ethics*. Thousand Oaks, CA: Sage Publications, Inc.

Delattre, Edwin (2006). *Character and cops Ethics in policing*. Washington, D.C.: American Enterprise Institute for Public Policy Research.

Gula, Richard (1999). *The good life Where morality and spirituality converge.* Mahwah, NJ: Paulist Press.

Biography

Christi Esquinaldo has been actively employed as a certified law enforcement officer in Florida since December 1996, currently holding the rank of Corporal with a local Sheriff's Office that employs over 3,500 employees including, civilians, detention personnel and sworn law enforcement. During her law enforcement career, she has held positions such as Property Detective, School Resource Officer, Juvenile Detective (investigating physical and sexual abuse of children), Homicide Detective and currently supervises a squad of 8 Field Training Officers and their recruits. Christi Esquinaldo has an Associate in Science Degree in General Business from Florida Keys Community College and a Bachelor of Arts Degree in Criminal Justice from Saint Leo University. She is currently pursuing a Masters of Science degree in Criminal Justice from Saint Leo University.

TRAINING DAY: A Typology of Correctional Academy Trainees and the Academy Experience*

By Kelly Cheeseman Dial, The University of Southern Mississippi

*The author would like to acknowledge the officers and supervisors at TDCJ and the BOP for the experience and knowledge gained from them. The contents of this paper reflect the views of the author and do not necessarily reflect the views or policies of the Texas Department of Criminal Justice or Federal Bureau of Prisons.**

Abstract

Although correctional officers have been studied in much depth, correctional officer training programs and the trainees themselves have received little attention. Therefore, this paper provides a description and analysis of the different types of trainees observed at two different correctional academies. Based on more than eight weeks of participant observation at correctional officer academies, a typology has been established to explore the differences in correctional academy trainees.

Training is an integral aspect of employment. New employees in every profession go through varying degrees of preparation for their respective trades. Effective training is vital to the success of any organization. Criminal justice agencies, particularly police and corrections, mandate that their officers go to academies for job preparation. The academy is a unique experience, designed to mold officers into ethical and professional public servants. Police officer academies generally range from four to six months. The course work typically consists of classes on legal liability, firearms instruction, use of force, police professionalism, arrest, search & seizure, communications, emergency driving, self-defense, patrol practices, motor vehicle laws, accident investigation, criminal investigation and physical fitness (TCLEOSE, 2007). This paper will focus on correctional training academies and the unique experience officers encounter while attending.

Correctional officer training academies are a relatively recent phenomenon. Historically, correctional officers had just been given a set of keys and whisked away to guard a cellblock (Levinson, 1982). The Law Enforcement Assistance Administration (LEAA) in 1967 began distributing grants due to information provided by President's Commission on Law Enforcement and the Administration of Justice. They found correctional officers were generally undereducated, untrained and unversed in the goals of corrections (Levinson, 1982). In the later 1970s, the American Correctional Association (ACA) Commission for Accreditation for Corrections detailed the first set of training standards for correctional officer training (Josi and Sechrist, 1998). The ACA specified the number of hours necessary for completion of an academy, mandating that 120 hours be spent on a "Para-military" academy (Bales, 1997). Camp and Camp (1997) found that correctional agencies were spending an average of 229 hours training at pre-service academies. According to Josi and Sechrist (1998) training should serve three main purposes. First, officers who have received proper training are often better prepared to act decisively when encountering a broad range of situations. Second, training in any organization leads to increased effectiveness and productivity. Last, a good training program will foster unity and cooperation (Josi and Sechrist, 1998). Correctional agencies should and are making an effort to professionalize their workforce and offer training that will help correctional officers to be effective in the prison environment. The question then becomes, "What training are correctional officers receiving and is it producing the desired result?"

Table 1 reveals the ten most common areas of correctional officer pre-service training (Champion, 1990).

Table 1

Ten Most Common Pre-Service training Courses

Class	Percent
Firearms	97%
Housing and Body Searches	93%
Searching for Contraband	92%
Report Writing	88%
Facility Rules and Regulations	85%
Self Defense	84%
Key/Tool Control	78%
General Safety	68%
Riot Control	67%
CPR	66%

Trainees are receiving a variety of training; unfortunately, classes that rated low in a training curriculum were stress reduction, health and weight maintenance, liability and civil rights awareness (Champion, 1990). Recent studies have shown that officers desire these types of instruction and support from the agency (Cheeseman, 2006). Academies may often combine classroom training with on the job training, which typically places a trainee with a senior staff member (Cornelius, 2001). Effective training has also been linked with a decrease in unethical behavior among correctional officers, including abuse of inmates, introduction of contraband, on and off duty misconduct and inappropriate relationships with inmates (Henry, 1999; Worley, 2003). Training of correctional officers is of paramount importance and careful consideration must be made when planning and creating training courses for correctional officers (Herberts, 1998). Few studies, if any, have shown if correctional pre-service training has an impact on correctional employees. States, on average spend millions of dollars on training (Lillis, 1993). Is this training effective and do those who participate in correctional academies take the instruction seriously? In order to better understand the correctional academy experience, this paper will examine the behavior of correctional academy trainees and create a four part typology of those individuals who attend correctional academies.

Methods

To obtain a unique perspective on correctional academy trainees, the author conducted participant observation at two correctional training academies. Due to the nature of the training, the researcher's motives were not revealed. Covert techniques have been argued as necessary and viable when secrecy and autonomy are required, particularly, when dealing with certain subjects (Miller, 1995). Autonomy with other correctional trainees is vital, as much like police officers, correctional officers have an "us vs. them" mentality (Herbert, 1997). The observations were conducted at two separate intervals for a total of approximately eight weeks of observation. The first interval occurred in June and July of 1998, at the Southern Correctional Academy1 in a southern state. The second interval of observation occurred in December of 2000, at the Federal Law Enforcement Training Academy at Glynco, Georgia. The duration of observation hours varied dependant upon classroom activities or on social interactions and activities, but occurred daily for extended periods of time at each academy.

The author periodically jotted down notes regarding various aspects of the individuals at the training academy and environmental surroundings. These notes were taken during lunch or breaks throughout the academy. In the evening, the field notes were organized into more detailed notes and expanded to give a more detailed description of events. Data were also gathered through a series of unstructured interviews with correctional trainees, in addition to the observations. These interviews provided a wealth of information and were essential in disproving or substantiating conclusions reached through the observations. Due to the nature of correctional training, observation periods almost never ceased with the exception of times when the researcher was asleep. Very rarely was the author not in a position to observe behavior of correctional trainees on and off duty. The distinction between these two times and the behavior observed will be discussed at length in the paper.

Research Setting: The Academies

The Southern Academy

The Southern Correctional Training Academy was located at a retired naval base in a southern state. The base has been transformed into a prison complex and training facility. Trainees were afforded the opportunity to stay on base and were housed in six person rooms that also had a bathroom and shower. Three meals were provided at an officers' dining hall, also known as the "The Crow's Nest." Trainees were fed the same food items that were provided to inmates at the two prisons facilities on the base. When the author attended in 1998, the academy was five weeks long with Saturdays and Sundays off. Classes were held between roughly 5: 30 A.M. and 5:00 P.M., with an hour break for lunch. The hours fluctuated on a daily basis, due to weather conditions, academy staff scheduling needs and most often, trainee behavior. The academy was run in a Paramilitary fashion in which academy staff tried to take on a drill sergeant type role. After each break period trainees stood in formation in "platoons" and counted off according to "T-number" (T-numbers stood for trainee number and were utilized as the form of identification for the entire academy experience. The author was assigned T-number 43). The academy adhered to the grooming standard prescribed by the Southern Prison System and trainees were required to wear long pants, collared shirts and black boots/shoes until uniforms were issued. Uniforms for the Southern Prison System's Correctional Officers are provided free of charge as they are produced by cotton grown by inmates and manufactured through inmate labor. Academy classes averaged over 200 persons at the time of attendance, which is one explanation for the use of T-numbers. Classes were held in two air-conditioned classrooms. One of the classrooms was capable of holding the entire academy class, while the second classroom was utilized when the class was divided into two sections. New classes came to the academy every two weeks. While one academy class was in the classroom, the other class would be at the range or engaged in field training exercises. Observation and note taking were relatively easy as note taking was encouraged during class and free time after class provided "interview" and note collaboration opportunities.

Southern Social Environment

The social environment surrounding the southern academy was very limited and to some, virtually non-existent. The small town had very few social outlets. At the town bars, fights between Southern Correctional Academy trainees and locals were a common occurrence. The work days were often long. Few trainees left the base during the week, except for food and snack runs. There was a TV room, which contained tables and three pay phones for trainee use. People frequently played cards and interacted there, as members of the opposite sex were not allowed to enter one another's dorm rooms. There were study rooms as well and trainees often met there to talk or study classroom material. There was also a gym in which trainees could play volleyball or basketball during their off time. The author attended the academy in June and July so the temperature, even in the evening, hovered at 100°. The weekends afforded an opportunity for many married individuals or those that lived close to the academy the opportunity to return home. The author stayed on base every weekend in order to better understand the academy environment. For those trainees that remained, the weekend was often filled with trips to a nearby city with a beach or evenings at the local "establishments." The curfew on base was 10:00 P.M. so individuals often rented hotel rooms so that they could continue to "party" or engage in behavior that was not allowed on base. The environment at the Southern Correctional Academy was very different from the Federal experience.

The Federal Experience

The Federal Bureau of Prisons (BOP) conducts all of its training of new correctional staff at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. FLETC is a massive complex that trains the vast majority of federal law enforcement agencies. Although housing is available on base, it is typically utilized by agencies that have long training academies (2- 6 months). The BOP basic course was conducted over a three week period. Members of the author's training academy class were housed at various motels in the surrounding area. The accommodations are paid for by the BOP. This provided for unique social interactions, which will be discussed in a later portion of the paper. A distinctive difference occurs at BOP training. The BOP requires all staff, including secretaries and nurses, to attend the BOP basic correctional techniques training. The BOP stresses that employees are "correctional workers first." In the Southern Correctional Academy, only correctional officers attend the academy. Trainees who did not have their own transportation from off base housing were offered shuttle bus transportation to and from FLETC from approximately 5:30 A.M. to midnight. Monday through Friday trainees were provided meals at the main dining area at FLETC. The dining hall offered a full breakfast, lunch and dinner menu ,which was known for its excellent food selection. It was not uncommon for BOP trainees to gain weight while at the academy. Trainees were given four pairs of blue chino pants and four BOP polo shirts. Trainees were required to wear black shoes suitable for the prison environment. Classes were held in a large building of classrooms, similar to a college academic building. Instruction normally began at 7 A.M. and ended at 4 P.M., with one hour for lunch. Trainees were referred to by first names and each BOP basic class contained around sixty individuals, which were divided into four groups of fifteen.

The Federal Social Environment

The academy at FLETC offered those in the researcher's class an unusual opportunity for social interactions as trainees were not housed on base but in hotel rooms. Although males and females were initially housed in separate rooms; this was not necessarily the case by the end of the academy. Classes ended around 4:00 P.M. each day and many BOP employees were seen at happy hour at the bar just a few paces away from the hotel. The BOP was nicknamed by other federal agencies as, "The Bureau of Parties" for its reputation for partying while at the academy and the researcher's class lived up to that nickname. FLETC is not far from Jacksonville, Florida and is a short drive from the coast. There were a variety of venues to choose from for evening and weekend activities, contrasting that of the two bar town housing the Southern Training Academy. The BOP training is known as the most professional in the business (Levinson, 1982) and has been used as a model for other agencies to follow (Bayse, 1995). While the training itself might be exceptional, it is only as good as the trainees who put it into practice. Through observations at both academies, the author was able to create a four part typology that describes the types of individuals who attend the academy.

Findings

The Correctional Trainee Typology

In order to best study correctional trainees, the researcher examined and divided the trainees into categories. This is similar to a dramatigurical approach utilized by Goffman (1959) in which the focus was in the front or "image" presented by the individual. Based on the observations, there are four general groups of people who attend correctional academies.

"Curiosity Crowd"

The first group is known as the "curiosity crowd." Originally these officers were placed in the same category as the "end of the liners" as they both fit into the same facet of the correctional trainee hierarchy. Through a more careful examination it became clear that distinct variations between the two occur. The "curiosity crowd" attended the academy because they may be between jobs and or have time and want to gain "insider" information into the prison system. They ask questions constantly and often attempt to engage training staff and fellow trainees in "war stories." In a discussion with one trainee at the federal academy this became evidently clear as taken from a conversation written down in the extended field notes:

You worked for Texas didn't you? I hear that they beat the shit out of inmates down there. You must have seen some serious shit. I heard that you worked at the prison with the death chamber. Did you ever see an execution? Did you get to strap one down? They kill folks every day down there don't they?

The "curious" seemed to come to the academy and corrections because they were looking for a job with excitement. Classes on prison riots, disturbances, mentally ill offenders, aggressive offenders, hostage situations, etc. captivated their full attention. Members of this category also seemed to thrive on role playing. Those at the Federal Academy particularly enjoyed the hostage role play exercise in which the class was taken hostage by actors who portrayed inmates.

Members of the curiosity crowd were repeatedly seen trying to befriend members of the "in the blood" and "former law enforcement" group because of the perceived status of these trainees. Although their initial presence with officers of these groups was tolerated, they were shunned from certain social activities because they asked questions about prison continually, which was deemed inappropriate during particular social environments. The curiosity could also wear off. An incident at the Southern Correctional Academy as trainees went out on their first unit tour stands out. Unit tours are blocks of training in which Correctional Officer trainees go to actual prisons and observe correctional officers at a variety of duty posts. Trainees were in uniform and were occasionally asked to pat-search inmates or retrieve handcuffs, etc. The author and two trainees were assigned to the Segregation portion of a maximum security prison. As the group entered through the sally-

port door the floor in front of us was a sea of red. Sticky crimson blood was staining our brightly polished boots. The trainee standing next to the author was as white as a ghost and fear and hesitation was written all over his face. He appeared almost frozen and the stories of fights and riots that had once entertained him seemed different when real and tangible. The volatile and unpredictable nature of the prison environment was apparent. The above incident was a result of the inmate being angry over a missing item on a food service tray.

The unit tour was just one of many experiences that made the prison "real" for trainees. It is interesting to note that four trainees left the Southern academy after the unit tour described above. Although it cannot be ascertained if that was the reason for their departure, it was clear to the vast majority of trainees and the author that the classroom could not adequately prepare one fully for the reality of prison.

"End of the liners"

The second group of trainees is known as the "end of the liners." These individuals, as the name implies, attend the academy because they can not find any other work. This group is prominent in the Southern Correctional Academy as the federal government has higher initial employment standards and a strict credit rating policy. Typically the "end of the liners" are people who have been laid off from other jobs or due to a change in life circumstances (i.e. divorce, death in the family) must now work. Requirements for employment as a correctional officer for the Southern Correctional Department require a high school diploma or GED, be at least eighteen years old and never convicted of a felony, drug charge, or domestic violence. Additionally employees must be able to speak, hear, climb stairs, sit, stand and walk. (Texas Department of Criminal Justice -- Human Resources Division, 2003). The Southern correctional system also includes six elements as essential functions of a correctional officer.

1. Assumes a high level of responsibility for the custody and care of assigned offenders through knowledge of and adherence to laws, rules, regulations and standard operating procedures governing the Texas Department of Criminal Justice.
2. Searches for contraband and provides security; counts, feeds and supervises offenders in housing, work and other areas accessed by stairs; and performs security of various assigned areas involving long periods of sitting and standing, climbing stairs and ladders to reach the assigned areas and working at heights.
3. Provides custody and security of offenders, including observing actions of offenders, squatting and bending to perform "pat" and "strip" searches of offenders, restraining and securing sometimes assaultive offenders and transferring and transporting offenders by walking or riding in various vehicles such as trailers, vans, buses and other forms of transportation.
4. Supervises and provides security of offenders performing technical skills such as construction, maintenance, laundry, food service and in varied industrial and agricultural operations which involve climbing stairs and ladders and climbing around the inside or outside of buildings; works outdoors and indoors without air conditioning; works around motorized or moving equipment and machinery; and is subject to all types of weather.
5. Responds to emergencies, including climbing stairs and ladders while searching for escaped offenders, hearing calls for and calling for help, giving first aid at the emergency site, carrying an injured or unconscious offender or employee various distances to safety up or down stairs and ladders; and uses force and deadly force, including the use of chemical agents and firearms, to control offenders.
6. Reads, reviews and properly applies information found in offender records, which is related to the offenders health and safety and to the security of the facility; provides appropriate information to other staff; complies with policies, procedures, rules and regulations; and prepares and maintains records, forms and reports.

* Performs a variety of marginal duties not listed, to be determined and assigned as needed.

(Texas Department of Criminal Justice Human Resources Division, 2003).

There are no height and weight requirements for correctional officers and at no time do correctional officer trainees undergo a psychological screening evaluation. Correctional officers in Texas are paid significantly lower salaries than correctional officers in other states (Pay Scales, 2007) . At the time the author attended the academy for the Southern Prison System, the gross starting salary was $1477 per month. After two months, the trainee was promoted to the Correctional Officer II Salary at $1712 per month. After successful completion at the Correctional Officer II level, the individual is promoted to a Correctional Officer III, which made $1879 per month or $22, 548 annually. At the time of the author's employment, Correctional Officer III at that time was the highest a Correctional Officer could be promoted without receiving a supervisory position.

The individuals in the "end of the line" group appeared to have a weight or heaviness in their step. Many of these individuals gave the impression they had little or no self esteem. Financial burdens often plagued "end of the liners" and "prison work", as they described it, was the only viable way to make ends meet. Although one could sympathize with their problems, these individuals do not always make the best correctional employees. According to research by Worley, Marquart and Mullings (2003) these are the correctional staff that are earmarked for possible inappropriate relationships. Their perceived vulnerability may make them susceptible to "con" games (Worley and Cheeseman, 2006). Many "end of the liners", however, found self-esteem through the job and became exceptional employees.

"In the Blood"

This category of individuals seems to be instinctively made for prison work. Even though they share similarities with those in the "curiosity crowd", they differentiate themselves by their natural aptitude and attitude. During the BOP basic course, one trainee embodied this "in the blood" mentality by extracting numerous amounts of contraband (unauthorized items) from an "inmate" role player. Most of the trainees found a few items but the "in the blood" individuals were the most thorough and methodical. These individuals could be found with the training staff and were often pursued by the "curious." This group studied intensely during the week and also refrained from many social gatherings, because making high scores on tests was an important goal. This group had an almost idealistic belief in corrections, in that they could make the inmates mind and that they would "make rank" very quickly. They believed in the policies and procedures that were taught in the classroom and felt that adherence to these policies would benefit staff and inmates. Members of this group were generally in good physical condition and conscientious about diet and exercise. There were occasional clashes with the "former law enforcers" as they disagreed about the importance of the training and on the interpretation of agency policies and procedures. This group had a higher status than the "curiosity crowd" or "end of the liners" but still remained slightly below that of the "former law enforcement" individuals.

"Former Law Enforcement"

The "former law enforcement" group is also comprised of those who had previously held jobs in corrections or other law enforcement agencies. A large portion of ex-military personnel also fit into this category. The former law enforcement group had a persona that was different than any other group. They had an almost aloof attitude. They had little or no fear of supervisors and staff and were positioned at the highest tier of the social strata. Members of this group seemed to cluster together particularly if they came from the same agency. This was particularly true at the BOP academy as individuals across the country came together for training. As the class came together in the first day, trainees were asked to state their name and what prior correctional or law enforcement experience they possessed. Those individuals from various state departments of corrections were soon seen standing together talking about supervisors they mutually knew and infamous inmates. The author soon became "protected" by the Southern crowd. As the only female with prior Southern Prison System correctional experience, the researcher was soon invited to social occasions that involved the males of the "South." This was a particularly interesting phenomenon in light of the fact that the researcher was employed at a northeastern correctional institution and also was invited to the "Northeastern" gatherings. Those with prior experience rarely studied for exams and were relatively relaxed about interactions in the classroom. On one occasion, a former correctional officer confronted one of the "curious" and told him to relax. Prison was not a playground or a funhouse. The "former law enforcers" had a low tolerance for the persistent questions of the "curiosity crowd" and avoided them whenever possible. The "former law enforcers" wanted to "do their time" and go home. This group at the southern academy left every weekend and stayed out until the 10:00 P.M. curfew almost every weeknight. The BOP academy to most individuals in the prior law enforcement group was seen as a three week vacation from the "institution." The BOP initially takes trainees through Institutional Familiarization (IF) at their respective prisons. Frequently officers have already worked within the institution before attending the academy. The facilities were top notch and FLETC is a short drive from the beach. The gym and workout facilities rival any Division I University.

It was no surprise that a "vacation" atmosphere was easily attained.

Training for correctional employees is often derived from manuals (Bales, 1997) and is not often aligned with that of "real" correctional work. The "former law enforcement" group would appear to get frustrated with classroom instruction that, in their opinion, was rarely if ever followed in every day prison operations. Occasionally, members of this group would argue with instructors over the practicality of thirty minute pat searches (at the institutional level these searches average about 30-60 seconds dependent upon the number of inmates that are in line to be searched). Clearly, there are inherent differences within these four groups of trainees. Understanding the differences between members of these groups could potentially help correctional agencies retain and train their employees in an age when resources and man power are less readily available.

Discussion

The experience of becoming a correctional officer is one like no other. Much like the police cadet, the correctional officer is indoctrinated into an environment that is far removed from society (Kaufman, 1988). Understanding the process of becoming a correctional officer is vital if we are to succeed in developing correctional professionals. Gaining insight into why people desire correctional employment and who are becoming correctional officers can help agencies to develop meaningful training curricula.

Recruitment is an important consideration and the results of this study can provide valuable insight. Training correctional officers is an expensive endeavor and costs agencies five percent of their budgets annually (Lillis, 1993). Recruiting strategies need to be improved so that individuals who will be successful at correctional work apply for jobs and remain employed. Some states are offering higher salaries to individuals with degrees or prior military service. While the author gained valuable insight into the mind and lives of the correctional academy trainee; this study, however, is not without limitations. To say that every person encountered neatly fit into a category would be erroneous, as some individuals could not be classified. Some characteristics were so profound and pronounced that they could not be ignored and some were so minute that they could not be abstracted. The author wanted to better describe the academy experience from a qualitative perspective, as statistics alone cannot adequately describe the totality of what is encountered during correctional training.

People are the backbone of any organization. Having knowledge about the people who are going to be working in corrections is essential. Both training academies represent two of the largest prison systems in this country. The Bureau of Prisons employs over 33, 577 (State of the Bureau, 2002) and the Texas Department of Criminal Justice has 38, 607 employees, of which 27, 835 are correctional officers. (TDCJ Summary Sheet, 2003). With such a large number of correctional employees being trained each year, analysis of pre-service training is an important area of research that has yet to be explored in-depth. In order for us to accurately assess correctional agency needs, we should further examine the environment of the correctional officer training academy and ways in which we can improve it. Further study into this training atmosphere and the people who are involved within it would only benefit correctional agencies and their mission.

References

Adler, P.A., & Adler, P. (1998). Observational Techniques. In N. Denzin and Y. Lincoln (eds.) *Collecting and Interpreting Qualitative Materials*. Thousand Oaks, CA: Sage.

Adler, P.A., & Adler, P. (1987). *Membership Roles in Field Research*. Thousand Oaks, CA: Sage.

Bales, D. (1997). *Correctional Officer Resource Guide.* (3rd ed.). Lanham, MD: American Correctional Association.

Bayse, J. (1995). *Working in Jails and Prisons: Becoming part of the team.* Lanham, MD: American Correctional Association.

Benton, F., & Nesbitt, C. (1988). *Prison personnel Management and Staff Development.* College Park, MD: American Correctional Association.

Carroll, L. (1974). *Hacks, Blacks and Cons: Race relations in a maximum security prison*. Lexington, Mass: D. C. Heath.

Champion, D. (1990). *Corrections in the United States: A Contemporary Perspective*. Englewood Cliffs, NJ: Prentice Hall.

Cheeseman, K. (2006). *Correctional Officer Stress and Job Dissatisfaction: A new examination of an age old phenomenon.* Unpublished dissertation.\

Cornelius, G.F (2001). *The Correctional Officer: A Practical Guide.* Durham, NC: Carolina Academic Press.

Cornelius, G.F. (1994). *Stressed out: Strategies for living and working with stress in corrections.* Laurel, MD: American Correctional Association.

Cressey, D. (1959). Contradictory directives in complex organizations: The case of a prison. *Administrative Science Quarterly* 4:1-19.

Denzin, N. (1978). *The Research Act: A Theoretical Introduction to Sociological Methods*. (2nd ed.) New York: McGraw-Hill.

Federal Bureau of Prisons (2002) *The State of the Bureau*. United States Department of Justice: Washington DC.

Glenn, L.B. (2001) The *largest hotel chain in Texas.* Austin, Texas: Eakin.

Goffman, E. (1959). *The presentation of self in everyday life*. Woodstock, NY: Overlook.

Hagan, F. (2000) Research *methods in criminal justice and criminology*. Boston: Allyn and Bacon.

Henry, M.A. (1999). *Making ethical choices: A guide for staff.* Laurel, MD: American Correctional Association.

Hepburn, J.R. & Albonetti, C. (1980). Role conflict in correctional institutions: An empirical examination of the treatment-custody dilemma among correctional staff. *Criminology* 17:445-459.

Herberts, S. (1998). *The correctional officer inside prisons*. Commack, NY: Nova Science.

Herberts, S. (1997). 6-5 *A different shade of blue.* New York: Kroshka Books.

Hill, G. (1997). Correctional officer traits and skills. *Corrections Compendium* 22(8):1-12.

Jacobs, J. (1978). What prison guards think: A profile of the Illinois force. *Crime and Delinquency* 25, 185-196.

Jacobs, J.B. & Grear, M. P. (1977). Dropouts and rejects: An analysis of the prison guard's revolving door. *Criminal Justice Review* 2:57-70.

Jacobs, J.B. and Crotty, N. (1983). The guard's world. In *New Perspectives on prisons and imprisonment*, ed. J.B.Jacobs. Ithaca. NY: Cornell University Press.

Josi, D.A., & Sechrest, D.K. (1998). *The changing career of the correctional officer: Policy implications for the 21st century.* Boston: Butterworth-Heniemann.

Jurik, N., & Halemba, G. (1984) Gender, working conditions and the job satisfaction of women in non-traditional occupations: Female correctional officers in male prisons. *Sociological Quarterly* 25, 551-556.

Jurik, N. & Musheno, M. (1986). The internal crisis of corrections: Professionalization and the work environment. *Justice Quarterly* 3, 457-480.

Jurik, N.C. & Winn, R. (1987). Describing correctional-security dropouts and rejects: An individual or organizational profile? *Criminal Justice and Behavior* 14:5-25.

Kauffman, K. (1988) *Prison officers and their world*. Cambridge, Mass: Harvard University Press..

Levinson, M. (1982). *Special masters: engineers of court-ordered reform Corrections Magazine*, 8, 4, 7-18.

Miller, M. (1995). Covert participant observation: Reconsidering the least used method. *Journal of Contemporary Criminal Justice* 11, 97-105.

Ohlin, L. (1958). The reduction of role conflict in institutional staff. *Children* 5:65-69.

Pay Scale. (2003). Real-time salary information for Correctional Officer/Jailer in the United States. http: //www.payscale.com/research/aid-8524

Philliber, S. (1987). Thy brother's keeper: A review of the literature on correctional officers. *Justice Quarterly* 4:9-35.

Poole, E., & Regoli, R. (1983). Professionalism, role conflict, work alienation and anomia: A look at prison management. *The Social Science Journal* 20:63-67.

Poole, E.D. and Regoli, R. (1981). Alienation in prison. *Criminology* 19:251-270.

Poole, E.D., & Regoli, R. (1980). Role stress, custody orientation and disciplinary action. *Criminology* 18: 215-226.

Shamir, B., Drory, A. (1982). Occupational tedium among prison officers. *Criminal Justice and Behavior* 9, 79-99.

Statgaitis, S.J., Meyers, A.W., & Krisak, J. (1982). Social learning theory model for Reduction of correctional officer stress. *Federal Probation* 46:33-40.

Texas Commission on Law Enforcement Standards and Education (2007). Courses, surveys and reports. Retrieved October 1, 2007 from http: //www.tcleose.state.tx.us/GuideInst/prog_curr.htm

Texas Department of Criminal Justice Human Resources (2003) http://www.tdcj.state.tx.us//coinfo/emp-co.htm

Texas Department of Criminal Justice Executive Service Department (2003) *Summary Sheet*

TDCJ Cutting 1, 100 Jobs So Far. (2003, June 25th) The Associated Press.

Triplett, R., Mullings, J., Scarborough, K. (1996). Work-related stress and coping among correctional officers: Implications from organizational literature. *Journal of Criminal Justice* 24:291-308.

VanVoorhis, P., Cullen, F., Link, G., & Wolfe, N. (1991). The impact of race and gender on correctional officers' orientation to the integrated environment. *Journal of Research in Crime and Delinquency* 28:472-500.

Veneziano, C. (1984). Occupational stress and the line correctional officer. *Southern Journal of Criminal Justice* 8, 214-231.

Walters, S. (1991). Correctional officers' perceptions of powerlessness. *Journal of Crime and Justice* 11: 47-59..

Worley, R., Marquart, J., & Mullings, J. (2003). Prison guard predators: An analysis of inmates who establish inappropriate relationships with prison staff, 1995-1998. *Deviant Behavior* 24, (2) 175-198.

Worley, R., & Cheeseman, K. (2006).. Guards as Embezzlers: The Consequences of "Non-Shareable" problems in prison settings. *Deviant Behavior* 27: 203-222.

Wright, K. (1994). *Effective Prison Leadership.* Binghamton, NY: William Neil Publishing.

Zimmer, L. (1986). *Women guarding men.* Chicago: University of Chicago Press.

(Footnotes)

[1] For the purposes of this paper the Texas Department of Criminal Justice – Correctional Institutions Division is referred to as the Southern Correctional Department.

Biography

Kelly Cheeseman Dial is an Assistant Professor at The University of Southern Mississippi in Hattiesburg, Mississippi. Dial received her PhD in Criminal Justice from Sam Houston State University in Huntsville, Texas and was employed by both The Texas Department of Criminal Justice – Correction Institutions Division and The Federal Bureau of Prisons. Kelly has published articles in journals such as Corrections Management Quarterly, Southwestern Journal of Criminal Justice, Criminal Law Bulletin and Deviant Behavior. Her current research interests include sex offender registration, prison deviance, correctional officer stress and job satisfaction, institutional corrections, the death penalty and deviant behavior. Dial is also the advisor of the Alpha Chi chapter of LAE at USM.

Developing a Successful International Study Tour Course: Guides and Helpful Hints

By Kelly Asmussen, Ph.D.

Abstract

A primary objective for many college faculty members is to provide real-life learning experiences to demonstrate the application of knowledge. This challenges faculty to search for meaningful out of class opportunities that expose students to the best educational experiences. However, when a faculty member proposes to take students on an international study tour to help underscore these experiences, one might question "How would one develop a viable study tour course to accomplish these objectives?" This article summarizes six key aspects to develop a successful international study tour from an American faculty member perspective. Not every idea may be applicable or applied to other faculty member's institutions without implementing modifications to fit their course objectives.

Introduction

In the past, there has been very little guidance to provide criminal justice professor's with successful methods to bridge the gap between classroom lectures and effective field experiences to apply the knowledge. Faculty have experimented with experiential learning; others have used field trips, guest speakers, or police ride-a-longs (Payne, Sumter, & Sun, 2003). Faculty have also used internships, or independent studies, while some faculty members have ventured into international study tours; which are also known as international education or study abroad programs.

Today, international education experiences are being integrated as an essential part of the higher education curricula. One eastern university has recognized the need for improved international cooperation among criminal justice agencies through the development of the first undergraduate major in International Criminal Justice in the United States (Natarajan, 2002). The innovative major focuses on helping students develop skills for careers in agencies which advance the study of international and transnational crime. The university expects to cultivate a sophisticated student who can investigate the etiologies of more global criminal enterprises. Another college in the Midwest acknowledged the need to improve their general education requirements to highlight the "economic, social and political developments around the world." The college has implemented a legislature mandate that changed the college's mission (Gray, Murdock, & Stebbins, 2002). The college implemented new international programs, redesigned courses to include an interdisciplinary focus, offered special on-campus programs and symposia and a variety of public service activities to support the array of study abroad models.

Over the past decade, the total number of American students studying abroad has steadily increased, nearly tripling from 71,154 students in the 1991-1992 academic year to 191,321 students in the 2003-2004 academic year (Institute of International Education, Open Doors 2005). The leading destinations for United States students to study abroad in 2003-04 were: United Kingdom, Italy, Spain, France and Australia, with China, Cuba and South Africa as the emerging new hot spots to study (Institute of International Education, Open Doors 2005). Female students continue to enroll in study abroad courses almost double the percentage of male students, with the junior year being the most likely year undergraduates take advantage of these international educational opportunities; followed by seniors, with freshmen the least likely to enroll (Institute of International Education, Open Doors 2005). The Social Sciences (22.6%), Business Management (17.5%) and Humanities (13.3%) are the fields of study that attract the greatest percentage of study abroad students, with Agriculture (1.2%), Math and Computer Science (1.7%) the least likely disciplines to study abroad (Institute of International Education, Open Doors 2005). With the increased interest of faculty to supplement the traditional collegiate learning experience with travel abroad study adventures, may necessitate the development of established criterion and best-learning models to guide faculty. Currently, the literature contains few examples of empirical study abroad models in criminal justice, although Missouri Southern has delineated several models to provide options for faculty and their students; short-term travel abroad, short-term study abroad, on-site classes, student teaching and long-term study abroad (Gray, Murdock and Stebbins, 2002). Few empirical studies have been conducted to help guide faculty members in their pursuits in these endeavors, however, nursing (DeDee & Stewart, 2003), teacher education (Barkhuizen & Feryok, 2006) and general study abroad program evaluations (Alred & Byram, 2002; Dolby, 2004; Douglas & Jones-Rikkers, 2001; Kitsantas, 2004) have been analyzed. European colleges have also contributed to student evaluations of study abroad (Wiers-Jenssen, 2003).

The intent of this article is to provide useful guides and helpful hints, from an experienced American criminal justice faculty member who has served as an international study tour coordinator to Australia and Costa Rica when proposing to develop a new international study course and tour.

Country of Study

Selecting a foreign country to travel to with college students to help them learn can be quite challenging and force faculty to focus their attention upon a few key aspects to be more successful. Over the past thirty-five years, one experienced international study tour faculty member has not changed the focus his country to study (Wakefield, personal communication, 2000). The choice has been predicated by the course emphasis; the significance of England's criminal justice system to the United States system through a comparative analysis. Previously, until the terrorist attacks on 9/11, travel to the country of choice for a study tour had not been seriously challenged, or was not likely to have been discussed very much. This single event elevated the priority level to be the center of every discussion regarding any travel; more specifically, travel involving college students requires enhanced discussions. Today, the State Department Advisory Status for travel within specific regions/countries must be of paramount interest and logically guide all faculty choices. College administrators should consider past and present conflicts in or near the country of choice before approving the location as the site for a study tour. This dynamic will continue to be of the utmost concern and should guide faculty in their initial development and planning.

Another primary focus during course development should be whether the airline service and connections, vehicular, or train access to reach the destination country can meet the course needs. Although the sights of out-of-the-way terrain may seem exciting and provide visual stimulations for picture-taking, the country's infrastructure may quickly provide clues that in-country travel would be difficult at best. Security concerns for student safety should continue to be at the forefront of these discussions also. Additionally, the accessibility and need to travel from small versus larger cities and from urban to rural areas within the country must be evaluated from a financial, practical and ecological standpoint.

Culture provides the basis from which students come to an understanding of the people encountered on the study tour. Faculty should encourage students to reach out and encounter unique and noteworthy cultural discoveries; adding weight to the subjective course content. Many extraordinary learning opportunities are discovered through impromptu activities that cannot be anticipated. Discovering unexpected cultural events to attend or view typically become one of the highlights of many study tours. Skillfully planning for and adding time for, this component to your learning objectives will strengthen course content and student interest.

Due to the financial status of many college students, the currency exchange rate of the country of study should be of prime importance to increase student chances of participating. Affordability of optional educational and cultural opportunities become more attractive when the exchange rate is easy to understand and favorable to the student pocketbook. This aspect should be considered a vital component of the study tour planning. Although there are several currency exchange converter websites, one easy site for students to use and understand is: http://www.xe.com/ucc. Helping students to know the likely expenses they may incur, may also aid in their planning process and reduce the number of stressful decisions they may encounter while traveling.

Weather patterns can play a key role in determining your study tour travel plans and student expectations. Past experiences with weather elements have forced a recognition regarding the importance of the sun, rain, snow, cold, wind, heat and humidity. When a study tour group travels from one location to another in the same day, students will quickly voice their dislike for the weather when they feel it negatively impacts their individual comfort level; even though you have no control over the weather. Understanding the country, regional and local weather patterns and anticipating and planning for them, may alleviate unpleasant experiences and add to the perceived educational value, as students are concerned with weather elements more than would be anticipated. The weather patterns were a factor in changing when my college offered a study tour, simply because we could travel for three weeks instead of two weeks, yet not expose students to less favorable weather conditions. In addition, the cost to the students stayed the same; an attractive recruiting tool!

Course Development

Development of an international study tour course must be facilitated by a dedicated faculty member. This type of course would likely be scrutinized to greater depth. Taking students out of the country to study for academic credit places a much different burden on the college and faculty member. The course syllabus and content must reflect academic rigor, yet provide for an applied learning experience that meets the goals of the educational institution in globalizing the thought processes of students. Course objectives must specify more exactly what students are expected to achieve than a regular course. This ensures faculty will provide appropriate learning opportunities and students will be held accountable to fundamental evaluation techniques. This type of experiential learning, coupled with academic rigor provides a unique learning environment that could be closely monitored by the faculty member.

A faculty member should be ready to answer a number of extremely important questions that will develop during the new course proposal stage. What is the overall focus of the study tour and how accessible are the academic components while in-country? Determining the academic itinerary may involve meeting with, or conversing with, in-country academic liaisons from educational higher education institutions. This process may be facilitated during professional conferences with international conferees.

Will all three components of the criminal justice system be emphasized and studied during the course? How vital will each component be to the course's success; both to students and faculty? Why does the faculty member want to offer this course? How will students be immersed into the culture to study the societal norms? Who will help students understand the application of the laws within this country? How best will students meet your course objectives? How does the new course fit into the curriculum course offerings? Will the course fulfill a criminal justice majors' requirement or will the course be counted as an elective? How well versed is the faculty member in this country's criminal justice system and are they prepared to offer a comparative analysis of the two or more countries' justice systems?

Regardless of the amount of pre-trip planning, faculty must be reminded that not all events and learning will happen as planned. All justice systems constantly have crises that must be attended to by the in-country justice agencies; therefore, course itineraries might be altered. The course schedule can quickly change as a result, or may need to be amended. If course changes become necessary, it is imperative that students are kept informed as quickly as possible and with plausible explanations. When crisis incidents occur internationally, students should be advised to watch and take notes, maybe just mentally, so they discuss the situation and learn from the methods employed to "solve the crisis." If possible, an agency official may be willing to discuss the incident and provide students with an educational lesson about how different cultures solve a crisis differently.

Will students be required to attend a course prior to, or concurrently with, the actual study tour and how long will the course last? As an experienced international study tour instructor, one of the primary reasons many study tours are more successful than others involves having students meet as a regular course during the semester prior to leaving for the foreign country. Not only does this allow for academic preparation while studying the countries' criminal justice system, the class develops camaraderie and students get to know each other personally. This type of scheduling can limit the amount of unnecessary conflict and squabbles while traveling internationally. Faculty who have coordinated international study tours and recruited students from nearby colleges have found college students are pretty typical regardless of the college they are attending (Manske, personal communication, 2000). Group dynamics take time to evolve, consequently, providing opportunities for students to work collaboratively on course assignments over a longer period of time, seem to work more effectively. Classes where students "meet at the airport" for the first time may not foster the level of cohesiveness you might expect, or desire, for an extended period while traveling and studying (Manske, personal communication, 2000).

Once the course has been fully developed, every new course must be subjected to the rigors of a course approval process; including administrative review. Depending upon the college's governance structure, peer faculty from the department, division or school would normally ask questions about the course syllabus, course objectives and course requirements for the first reading. Faculty would typically vote to accept, reject or modify the proposed course. Once approved at this level, the course would be forwarded to the next level; typically faculty senate. The course proposal would again be scrutinized for academic rigor, noting any deficiencies or modifications necessary for approval. Eventually the course would need approval from the Vice President of Academic Affairs and the President. Securing the approval of each academic level can be an arduous task that requires commitment by the faculty member. Thus, faculty must be prepared to communicate exactly why the college should endorse a proposed learning opportunity in a foreign country. Course objectives will help "drive" the course through this process and faculty who spend the necessary time and effort to balance the course's academic rigor with free time and days off will be more successful. Learning how to balance the in-country academic schedule; knowing when enough is too much or too little comes from experience. The course length will have to meet the academic standards of the college in order to gain administrative approval.

One important aspect that can be easily overlooked is selecting a textbook that would allow for a good comparison and contrasting of the criminal justice systems? Does one exist and can the textbook be ordered in time for your course? How current is the information in the textbook? Does the text have a reasonable level of research-based information? If not, what alternative academic resources are available? Will it be necessary to access in-country resources, agencies and speakers who can provide the students with reliable information? If so, how will you be able to secure the contact information? Will there be any language or translation barriers that prevent the level of understanding you are expecting? Will translation services be readily available if your student group travels to other areas of the country?

International study tours present excellent opportunities for students to be immersed into a different culture, which would most likely help fulfill one of the general education requirements. Any cultural opportunities should not be overlooked or thought not to be important, as most cultural exposure opportunities can help apply classroom learning skills into real-life experiences. Comparative course discussions should showcase the similarities and differences between the two countries, demonstrating how cultural understandings can strengthen course discussions regarding the criminal justice system. As a result of the comparative discussions, a great deal of misunderstanding may be dispelled; and along the way, it is hoped that students learn more about their own country's justice system. Personal reflection papers can validate this aspect of learning.

Professional Contacts

International study tours are labor intensive and it would seem imperative that faculty would want to take advantage of any in-country resources available to help locate and access them. Since the study tour would be for college students, contracting with, or at least making contact with, an academic unit (university or college) in the country of study, is highly recommended. The educational institution may provide more tangible support and support faculty efforts knowing the faculty member would be more likely to be successful, due to this type of partnership. One cannot predict whether faculty would not be successful if they worked directly through practitioners, agencies, or individuals, but it is

more likely the academic unit would be able to provide a greater level of support, even for accessing peripheral areas. Contacting academic liaisons from educational institutions in the country of choice prior to arriving should assist faculty member's efforts to access local resources. Phone numbers, names, email addresses, or referrals may be offered if a written contact is developed. A successful contract may lead to greater levels of support in the future.

Working directly with an academic unit may help with any transfer of funds, which could be channeled through the business office. Business protocols may eliminate many unnecessary hassles the faculty member might encounter, due to exchange rates to pay for services received while in-country. The demand for payment of services can create overwhelming obstacles for faculty, especially when payment was not expected or unforeseen. One useful method to deal with the exchange rate would be to establish an exchange rate range for conversion of funds during a specified timeframe (Grosseholz, personal communication, 2000). The range would provide a cushion to both parties, yet provide a workable situation where "business" can be transacted with more confidence. Currency exchange markets can raise havoc with this process, therefore, having an established range of exchange, for instance $.03 for a four to five day window, may help eliminate needless worries, especially if you are dealing with many thousands of dollars. Within the negotiated written contract, it may be advisable to consider what specific services to be received can be downgraded or upgraded, depending upon the exchange rate that is obtained. This plan may be more practical than requiring additional payment of monies or obtaining a refund; a process that would most likely be formidable. Working with an academic institution should also help reduce the opportunity to be defrauded of services; as the college would have established business protocols in place and would be more likely to help resolve problems, should they arise. Additionally, the academic unit would be likely to handle certified check/mail payment documents more easily than general public agencies or individuals. One caution must be mentioned; the electronic mailing of monies may cause frustrations and concerns due to the potential security issues involved with international wire transactions. One can never be completely sure what might happen to the monies while in route to the destination. Faculty members should be aware of and advise students of the dangers of the use of non-secure financial transactions. Additionally, purchasing security procedures to secure wired financial transactions is common sense advice.

Academic units typically have a willingness to help other colleagues in their academic endeavors; usually at a reasonable price. In addition, there is usually a built-in flexibility to make changes to the daily schedule by working through an academic unit. They may already have a rapport with agencies or individuals and suggested changes may be facilitated more quickly in-country through the academic unit; such as alternative activities or agencies. These helpful suggestions can prevent unexpected "down time" which would require a faculty member to find alternatives to prevent students from becoming frustrated or to occupy their time while alternative plans are commenced. This task can be formidable to accomplish in some locations; especially in rural locations or agencies that have time-sensitive daily routines such as the courts and correctional institutions.

Evaluation

Besides course development, the evaluation process for an international study tour is paramount to the success of the course. These courses should encourage faculty to implement innovative objectives, as well as utilizing a variety of evaluation criteria. A good textbook with up-to-date research and current information is essential; however, other primary resources should be accessed and utilized. Some may feel compelled to "test" students over the textbook materials, while others may use the text to explore topics of interest for class discussions, reflection papers and research. The method used should be documented through course objectives.

Having students develop at least two questions they want additional clarification on or don't know the answers to, for each educational event on the itinerary establishes student interest in learning. Class discussions focusing on comparative issues, followed up with written assignments to summarize and reflect upon, become records of individual growth and learning (DeDee & Stewart, 2003. These discussions can lead to innovative research papers that challenge students to access other in-country resources. Requiring citations from published research articles from leading in-country journals, which would be the same requirement for on-campus courses, should be intentional and calculated. Presentations of student research can be done prior to leaving for the study tour (DeDee & Stewart, 2003), or may be required upon return, when students would have had a chance to improve upon their initial understandings and research. Requiring students to search for additional information while in-country to include in their research papers forces students to find reliable resources and ask good questions. Most governments have a research branch linked to a myriad of additional resources. Students would be required to attend all daily scheduled activities, which include seminars, lectures, tours, sight seeing and cultural events that are all academic in nature. Requiring students to take notes and keep a daily journal of what they learned (DeDee & Stewart, 2003), not what they have heard and submit upon return creates another evaluation tool. Students may create a portfolio of their "learning objectives" including pictures, interviews, personal objects discovered and other items that reflect their understandings. Faculty should be open to alternative methods of evaluation that allows students to document and explain their applied international experience.

Personal Commitment

The personal qualifications for accepting the challenge to create an international study tour course and coordinate the various aspects of the day-to-day academic program requires a diligent and dedicated faculty member. There must be a considerable commitment of time, talents and devotion to want to be responsible for college students living and studying in a foreign country. Faculty members should be aware the commitment required is a nonstop assignment from the time the study tour group leaves the campus to the time they return to their country of origin.

The characteristics of a faculty member who undertakes such a commitment include; they must be highly motivated, organized far beyond the requirements for an on-campus course, a problem-solver, someone who is flexible and willing to accept change, even when change is not warranted from our perspective, someone who is tough and capable, both physically, emotionally and mentally to withstand the rigors of an international study course. This person must have the time to develop the course, but the energy necessary to devote to the students and carry the project through to the end. This person must realize they will be away from the immediate family, yet assume the role of head of the "student" family, all for the right reason; which is to benefit student knowledge. Despite the enormous responsibility assumed with this type of course, the course remuneration pales in comparison to other assigned duties on the campus. These tasks can become quite a personal challenge for faculty who do not have a very strong student orientation and understanding.

Developing a Travel Checklist

Faculty should be aware there are several additional key components involved in creating a successful international study tour experience that administrative officers will support and students will enroll. Faculty should develop a travel checklist of topics that might include at a minimum; information regarding in-country lodging, food, clothing, embassy contact phone numbers, illnesses, medical insurance, liability, travel insurance, public relations, recruiting students, empirical research opportunities, picture-taking, contracts, use of travel agents, in-country transportation, credit card use, emergency phone contacts and phone numbers and several additional issues. Each topic is necessary to explore and become knowledgeable about during course development and definitely prior to leaving. Each study tour the checklist becomes more comprehensive and valuable to a successful study tour experience.

Additionally, a course disclaimer should be given to students to sign and acknowledge prior to departure that itinerary changes can happen due to unforeseen circumstances out of the control of the tour coordinator.

Discussion

This article briefly summarized six key components to help guide faculty members in their development of a successful international study tour; choosing a country of study, course development ideas, professional contacts, evaluation procedures, personal commitment and developing a practical travel checklist.

Written from the perspective of an American faculty member who has coordinated six international study tours, the key aspects contained in this article may differ from the views of fellow faculty from another country that have developed a study tour course or may be motivated to initiate the process. The need for interpretation services, concerns over exchange rates, ethnicity, race, country of origin, cultural differences, religious affiliation and several other factors, may not be important issues and affect their course development and travel plans in the same manner as American faculty members. Therefore, foreign criminal justice members' personal observations of the key planning process may differ considerably from those described within this article. Regardless which country of study is

selected, faculty should be cognizant of the key aspects deemed necessary to prepare an educational itinerary that captures the best learning opportunities possible for students, while providing for their overall safety and security.

Faculty may feel they have selected the wrong profession by the time they have successfully coordinated and sponsored an international study tour, as they will know the intimate details of what good travel agents produce for their clients. Rewards for faculty may seem distant at first; however, the real success should be measured by the thanks and smiles of students who experienced the adventure. Hopefully these observations will motivate your desire to learn how to provide an international learning experience for your students.

Please have your tickets and passport ready as you board the plane …

References

Alred, G. & Byram, M. (2002). Becoming an intercultural mediator: A longitudinal

Study of residence abroad. *Journal of Multilingual and Multicultural development,* 23(5), pg. 339 – 352.

Barkhuizen, G., & Feryok, A. (2006). Pre-service teacher's perceptions of a short-term International experience. *Asia-Pacific Journal of Teacher Education,* 34(1), pg. 115 – 134.

DeDee, L. & Stewart, S. (2003). The effect of student participation in international study. *Journal of Professional Nursing*, 19(4), pg. 237 – 242.

Dolby, N. (2004). Encountering an American self: study abroad and national identity. *Comparative Education Review,* 48(2), pg.150 - 173.

Douglas, C. & Jones-Rikkers, C. (2001). Study abroad programs and American student worldmindedness: An empirical analysis. *Journal of Teaching in International Business,* 13(1), pg. 55 – 66.

Gray, K., Murdock, G., & Stebbins, C. (2002). Assessing study abroad's effect on an International mission. *Change,* 34(3), pg. 44 – 51. Institute of International Education, Open Doors. (2005).

Kitsantas, A. (2004). Studying abroad: The role of college students' goals on the Development of cross-cultural skills and global understanding. *College Student Journal, 38(3),* pg. 441 – 449..

Natarajan, M. (2002). International criminal justice education: A note on curricular resources. *Journal of Criminal Justice Education,* 13(2), pg. 479 – 498.

Payne, B., Sumter, M., Sun, I. (2003). Bringing the field into the criminal justice classroom: Field trips, ride-alongs and guest speakers. *Journal of Criminal Justice Education,* 14(2), pg. 327 – 344.

Wiers-Jenssen, J. (2003). Norwegian students abroad: Experiences of students from a Linguistically and geographically peripheral European country. *Studies in Higher Education,* 28(4), pg. 391 – 411.

Biography

Kelly Asmussen , Ph.D., is a professor of Criminal Justice at Peru State College, where he developed the curriculum for the major. He has been on international study tours with students to Australia, Costa Rica and England. Research interests include juvenile delinquency, school violence, domestic violence, correctional programming issues and the association of at-risk behaviors with educational achievement.

Community Policing: A Theoretical Rationale for Success

By Lorenzo M. Boyd, Fayetteville State University, Stefanie Cain, University of North Texas, John Liederbach, Bowling Green State University

ABSTRACT

Harmony is not a word typically used to describe police-community relations. This negative relationship appears to be growing out of control in many communities and results in a general distrust of the police. When the police separate themselves from citizens, it ultimately decreases the effectiveness of crime control. Community policing strategies are viable options to help repair the tumultuous relationship between the police and the community. Community policing involves using citizens as active partners with the police in addressing community problems. Although community policing is not a new concept, many departments fail to realize its full potential. Community policing strategies in a socially disorganized neighborhood will reinforce social control, help maintain order and reduce crime.

Introduction: Nature of the problem

The general disconnect between the police and certain communities, is well documented. The *us vs them* stance that many police departments have taken only serves to further the chasm between the police and those they are sworn to protect and serve (Jackson & Boyd 2005, Levin, & Thomas.1997, Weitzer, & Tuch, 2004). Researchers posit that when the police separate themselves from the community, it could ultimately decrease the effectiveness of crime control within the neighborhood (Rose & Clear, 1998, Weitzer, & Tuch, 2004, Zedner, 2006). This separation can clearly have a negative impact on crime control efforts. Jackson and Boyd (2005) argue that the police are more likely to use full law enforcement authority (i.e., arrest) in communities that have higher percentages of minorities. Police departments that embrace traditional policing without support from the citizens will suffer from impediments in their efforts to control crime and serve the public. The practice of traditional policing strategies will result in a hindrance of their crime reduction efforts and only create more barriers between police and the community. To alleviate this problem, police managers should employ various strategies of community oriented policing.

Although community-oriented policing is not a new concept, many jurisdictions fail to realize its full potential because they do not commit to sustained community policing strategies. This paper will highlight the disharmonious relationship that currently exists between the police and certain segments of the population and offer solutions to the problem. This paper will also show how community policing is a viable option to help repair the tumultuous relationship between the police and the community. Finally, examples of specific programs and policy implications will be illuminated to increase future successes.

Correia (2000) identified the basic characteristics of community oriented policing as a possible solution to unite the police and the community. The focus of community oriented policing (COP) is most effective when officers build a professional relationship with the people in their community and promote their direct involvement (p. 218). Correia (2000) also identified a concept that possibly created tension between the police and the community. Law enforcement in a traditional policing community would wait for the citizens to report crime and respond after the incident. As a repercussion of this policing, Moore et al. concluded that an abundance of police agencies would lack familiarity with the people of the community and it would create less cooperation and more distrust from society.

It can be argued that COP helps the community and officers unite and develop common goals focused towards crime detection and prevention. Community policing strategies may help the community avoid encounters with the police due to the mistrust developed from their preconceived notions. Given the importance of community policing, this paper seeks to illustrate further the current problems caused by a negative relationship between the police and the public as well as show plausible examples of how a stronger relationship can be an effective tool in reducing crime.

Problems arising from a disharmonious relationship

"Harmony," according to Dantzker and Jones-Brown (2004:1), "is not a word easily found in the lexicon of police and community interactions." The relationship between the police and society appears to be growing out of control in many communities. Goldsmith (2005) suggests that this distant relationship will result in society mistrusting the police. A barrier will form between police and society and it can be difficult for law enforcement to do their jobs correctly and attain the best results possible without public cooperation.

Zedner (2005) outlines a definition of successful policing, which emphasized characteristics of community oriented policing. Some of the characteristics of COP within an agency that are important should have officers provide services directly to the people and integrate problem solving. The benefits of acquiring a relationship with the community will eventually promote trust. If the police fail to collaborate with the community and aide in problem solving, the community may result in skepticism towards the police. COP enforces the idea of police being more visible to the community and by their mere presence will aide in crime prevention. Weitzer and Tuch (2004) argued that if the police agencies would encompass strategies into policing that focus on forming trust with the community, the barrier would disappear gradually (p. 309). Weitzer and Tuch (2004) further assert that in the absence of this relationship, the communities construct their own beliefs about the police and often form negative opinions from outside sources. The separation between the police and the community become the primary instigator for other problems to arise.

Police agencies that adhere to traditional methods of policing create a barrier between the police and the community. Traditional policing primarily focuses on reactive policing strategies with minimal interaction with the public. The traditional reactive style of policing is not capable of handling the needs of the citizens efficiently and in turn, quality of life will suffer. Proactive policing gets officers out of their patrol cars and gets them involved with the people they are sworn to serve. With a lack of positive communication from the police, society tends to generate their own beliefs about the police and despises the officers' methods of dictating the community (Correia, 2000). Society's negative perceptions decrease communication and cooperation from citizens and lower the officers' ability to control and prevent crime. A closer look at the disjointed relationship from the perspective of the community is warranted in order to understand the complex nature of the problem. Certain groups within the community experience more of a disconnect than others. Their perspective is critical to the formation of a plausible solution.

Who experiences the problem?

The lack of understanding between the police and the community causes certain groups to view the police negatively, creating even more distance. Weitzer and Tuch (2004) explore perceptions of police misconduct and focus on whom it affects, where it happens and how the perceptions were formed. Weitzer and Tuch concluded that Blacks and Hispanics are more likely to experience police misconduct and/or fear the police because they associate the police with negative outcomes. Jackson and Boyd (2005), citing the "minority threat hypothesis," claim that police officers may systematically ignore or be more aggressive in minority communities because of the perceived level of danger they may pose (p. 31). Conversely, minorities are more likely to feel neglected and begin to resent the police agency because of their lack of concern for their well being. This usually occurs in cities and minority neighborhoods with high crime rates. The results indicated that neighborhoods identified with an elevated level of

crime cause the relations with the police to deteriorate because law enforcement assumes that crime is always occurring in those areas. In efforts to control crime effectively, the police begin to take a militant approach towards the citizens (Weitzer & Tuch 2004).

Police officers and their policing tactics may appear to be bias against minorities if the officers belong to racial groups that are not prevalent in the community. If the agency itself does not exemplify diversity, the lack of diversity naturally creates a cultural barrier and results in discrimination. The main assumption of the study is that neighborhoods that encompass community policing do not associate the police with misconduct and have a more positive attitude towards the police. This study also compared Black and Hispanic neighborhoods that had community policing to those that did not. The communities who took part in community policing activities viewed the police positively regardless of race. It is evident from the research that police agencies need to diversify their employees to fit their clientele so they can identify with them culturally.

The National Center for Victims of Crime [NCVC] and The Police Foundation [TPF] agreed with the importance of a police officer's positive response to victimization and the need for personable social skills within a community. Communities who lack a positive bond with the police form a separation hindering the compliance of society immediately after a crime (NCVC & TPF, 2002). Without a bond with the police, victims might have problems adapting to an officer's presence because citizens tend to be unfamiliar with law enforcement. A traumatized victim would be more likely to trust an officer that they were familiar with and that communicated empathetically. Victims become more resistant during the investigation and subconsciously refrain from maximum communication. Sometimes the victim of a crime may not report an incident to the police because they are afraid of the unknown (NCVC & TPF, 2002). The study suggested that police agencies should become more familiar with the communities that they serve and implement problem-solving techniques during an interaction with the community and especially victims in order to be more effective. A more efficient response helps promote trust, increases communication from the victim and provides the victim with an affirmative interaction with the police.

In order for the police to bridge the gap with the community, police officers have to create a positive first response to the victim with more conducive and sympathetic tactics. In order to effectively repair the disjointed relationship between the police and the community, it is imperative that we first understand what perceptions the community (or certain communities) has towards the police. Once we have a baseline of citizen perception, then there is a significant starting point for fixing the problem. In many situations, perception is reality. That includes relationships between the police and the public.

Public's perception of the police

The public's perception of the police can form through unreliable outside sources, such as the media, political parties and other members of society (Weitzer & Tuch, 2004). Many citizens may never deal directly with the police and the only opinions they have about law enforcement are constructed from other sources. The Vera Institute of Justice organized a nine-month study to determine if unreliable parties influence society's opinions of the police and what affect the opinions had upon the persons. The data were derived from surveying over 2,000 residents within five precincts of New York City and concluded important facts pertaining to public perception (Miller, Davis, Henderson, Markovic, & Ortiz, 2003). The findings suggested that positive interactions with the police do not affect their opinions greatly but simply enforces mediocre perceptions. However, a negative encounter with an officer will likely influence the person's judgment to conclude a negative opinion despite any previous encounters or perceptions. In many situations, perception becomes reality for many citizens.

It can be argued that citizen's attitudes towards the police are often shaped by perceptions of police brutality. "The public's confidence in the police is ultimately shaped by perceptions of police honesty, fairness and equity, service to justice. When the police are seen as … "brutal in their use of force … individual offices actions and the broader police institution lose public legitimacy" (Hickman, Piquero and Greene 2004:189). Police brutality is a major source of dissatisfaction with police among both urban residents and racial minorities (Barkan and Cohn 1998, Dantzker and Jones-Brown 2004, Weitzer & Tuch, 2004). "Even in the most benign circumstances, however, many black residents still may believe that the police use a double standard of justice when dealing with urban residents: one for blacks and another for whites" (Levin and Thomas 1997:578).

Culturally diverse populations pose a particular problem for police because many law enforcement agencies are not properly equipped to handle language barriers. Community oriented policing strategies attempt to connect all diverse populations into an agencies' law enforcement efforts. Effective community policing efforts shift concern from reactive investigations towards more proactive involvement from residents to control and prevent crime. The police agencies should determine the cultural barriers and as a result, enhance their resources to accommodate the areas they are lacking the means to produce a positive relationship. Productive police departments exemplify diversity among the officers and obtain training skills that aide in proficient collaboration with all populations of society (Sabath and Carter, 2000:63).

Community Policing: The solution

Community policing is a not a new concept in the lexicon of policing. At its most fundamental stage, community policing is an attempt to involve the community as an active partner with the police in addressing problems in the community. The essence of community policing is solving problems before they become crimes. Often community policing is the complete antithesis of the traditional form of reactive policing with its random routine patrols and reactive investigations.

Community policing is a proactive approach to problem solving; it addresses quality-of-life issues in the community. It is a simple concept that brings the police back to their core mission of protection and service. If properly and sincerely implemented, community policing becomes a medium that offers the expectation of developing preventative programs and a means of improving police relations with the community (Dantzker and Jones-Brown 2004, Moore 1998, Weitzer & Tuch, 2004). Proactive policing supports law enforcement's involvement within the community to establish a partnership directly with the members of the community. The officers initiate problem-solving strategies that encourage officers to help find a solution to a problem before the initial crime occurs.

Zedner (2005) explains effective policing as agencies that recognizes their duty to control the community through order maintenance and mediation among society. Agencies recognized that the police should provide other services to the citizens that can help aide in peacefulness and efforts to maintain informal social control. Livingston (1997) stressed that contemporary community problems such as crime, fear of crime, social and physical disorder and neighborhood decay can be effectively addressed only if police departments develop working relationships with citizens in the community. The goal of community policing is to gain an increased trust with the community and to attempt to prevent crime before it occurs. Implementing community oriented policing throughout the community establishes a professional relationship between the police and citizens, which promotes cooperation and trust (Correia, 2000, Wilson & Kelling 1982, Sun 2002, Sun and Payne 2003). COP can reduce the fear of crime, increase police success rates, amplify social organizations, promote citizen involvement and build an overall functional community while raising public awareness to prevent and control crime.

Using an immediate impact study Sabath and Carter (2000) demonstrated the essential need for more effective community oriented policing strategies, especially within diverse populations. The Police Department introduced community policing within a geographical area and evaluated the results to determine the benefits of community oriented policing [COP]. After the implementation of COP, residents viewed the police more favorably and appreciated the informality (Sabath & Carter, 2000).

The lack of police involvement and resources in a community affects the social structure of the community thus creating a decrease in crime control and social order. This decline occurs primarily because the lack of informal social control in a community, therefore criminal behavior may increase without adequate law enforcement interaction. Part of the job of the police, as civil servants is to assess the problems in the community and help address those issues. Scholars posit that socially distressed neighborhoods tend to get a harsher response from the police (Jackson & Boyd 2005, Sun 2002, Sun & Payne 2003, Sabath & Carter, 2000, Weitzer and Tuch 2004, Wilson & Kelling 1982). Therefore, one way to assist in creating a better relationship with the police is to deal with the problem of socially disorganized neighborhoods.

Social Disorganization Theory

Shaw and McKay proposed social disorganization theory to explain crime and the causal factors associated. This theory primarily assumes that crime occurred because of the environment a person lived in not merely because of the individual. The theory proposes that a specific area is more predisposed to criminal activity

because of certain characteristics and not certain individuals. This area is known as the transition zone and usually consisted of single-parent households, high population mobility, structural deterioration, low socio-economic status and poverty (Akers & Sellers, 2004). A community that encompasses these factors is more at risk in developing high crime rates. The deviance within the community was an outcome of the socially disorganized neighborhoods and specifically occurred because the lack of informal social control. Residents were more reluctant to involve themselves in social activities to strengthen the community and refrained from maintaining order and crime control or prevention (Ackers & Sellers, 2004). These circumstances produced less unity and social control in the neighborhoods, which created more crime.

The decrease in social control affects the residents of the community and causes the members to have less concern for their quality of life. The process continues but only in the specified area associated with social disorganization. The residents do not agree on common goals and lack social resources to enforce order. Community oriented policing affirms societal goals and offers more community resources and organizations for residents. The residents are more likely to care more about the neighborhood and participate in social organizations. The probability of members participating actively within the community increases with enhanced involvement from outside agencies (Ackers & Sellers, 2004).

Social disorganization theory suggests that crime occurs more frequently in lower social class areas than more affluent communities. The community structure becomes depleted and crime initially occurs and damages the member's perspective of their neighborhood. Citizens observe the negative environment and the aggressive tactics of the police and refrain from interaction with the community or police. People in the community become fearful and remove themselves from social interaction and decrease personal involvement. Criminal activity within the neighborhood increases because of social disorganization and police agencies notice the propensity for crime to occur in certain geographical areas. Officers react with a "militant approach" to assume authority and begin to maintain control formally (Weitzer & Tuch 2004:309). The residents are resistant to police intervention because of the aggressive approach of the police. The members are also reluctant to cooperate with law enforcement because the police make few, if any attempts to collaborate with the community.

The general structure of a socially disorganized neighborhood is likely to suffer from disruption within the community since the incarceration rates are higher among residents of socially disorganized neighborhoods. The family structure and social control decrease, thus affecting all of society that remains. It is a constant process and continues to affect the quality-of-life within the community and citizens' appreciation for their surroundings is altered (Rose & Clear, 1998). Rose & Clear (1998) found that in some minority communities, upwards of one-quarter of young males become incarcerated and are absent from the neighborhood. The constant disruption hinders the residents' capability to assume and maintain social control and crime continues to evolve.

Shaw and Mckay advocate the need for social organizations within the community to encourage citizen interaction among each other. Ultimately, community involvement will stimulate concern from citizens and possibly increase communal efforts to improve their immediate environment. The negative conditions of the social structure can affect citizens' perceptions and decrease their involvement (Ackers & Sellers, 2004). The citizens isolate themselves from social activities that create barriers throughout the neighborhood. The opportunity for citizens to become involved in activities that service their neighborhood descend simply because citizens fail to foster positive change. Dispersing resources that promote citizen involvement throughout the area may increase social control. Social control stabilizes behavior and strengthens morale among the people. The stronger and more unified a community appears, the more likely it will deter criminal behavior (Wilsem, Wittebrood, & Graaf, 2006).

Citizens' involvement

Since the community proceeds to deteriorate and social organizations are not readily available, the citizens isolate themselves and rarely interact with others, reject social resources and fail to initiate crime control and prevention methods. Wells, Schaefer, Varano and Bynum (2006) reinforced the belief that when the community disengages themselves from social contact, they become less appreciative of their environment. The people within the neighborhood feel less obligated to participate towards controlling crime and facilitating communication with the police. The community subconsciously begins to have little faith in the police because it appears that the agency is failing to implement crime control within their area and citizens form a negative perception of the police. No social interaction or organizational resources aimed towards policing are abundant, therefore, the citizens have a reduced opportunity to interact with officers to form an opinion or a professional relationship.

Wells et al. (2006) strived to determine what social characteristics within the community drove the citizens to reject interaction with law enforcement. Wells et al. (2006) emphasized that a community that lacks familiarity with other residents is more at risk of criminal activity in their community. The more effective communication and motivation a community receives the greater the likelihood that the residents will convene to prevent and control crime. In addition, communities that favor interaction among the residents and provide opportunities to engage in social activities will most likely proceed to control and maintain order. Wells et al. (2006) posit communities that lack social control efforts from residents rely more on the law enforcement officials to control and maintain order. Members of the community generally assume police agencies will effectively manage the residents, which usually entails traditional reactive policing. Reactive policing fails to reduce crime and solve problems before they occur and is counterintuitive to crime prevention. The study concludes that residents are often reluctant to cooperate with police if they reside in a community with less or no social organizations and resources for residents. Wells et al. (2006) cite research that suggest that communities who are at risk for high crime rates and also have a more positive affiliation with social resources and remarkably lower victimization rates than communities more at risk. The basic premise behind solving the problem would be a three-pronged approach: fixing the "broken windows", initiating grass roots, weed-and-seed programs and incorporating the community as active members of the solution.

Solving the problem

James Q. Wilson and George Kelling (1982) provided a solution to social disorganization and implementing strategies to deter criminal activity. The Broken Windows Model suggests that if a person views their surroundings more positively, the perception of quality of life is higher therefore; criminal and delinquent behavior may decrease. Broken Windows stresses the importance of police officers enforcing any law violation, regardless of its' significance. As law enforcement officials impose all violations of the law within the community, the community structure will progress and appearance will improve. Police agencies can reduce crime by increasing quality of life through social interaction with citizens, maintaining order and providing organizational resources. Wilson and Kelling (1982) stress the inherent objective of officers is to exercise preventive measures daily and improve social order within the community. The increased level of order within the neighborhood will relieve anxiety from residents concerning the crime.

Typically, the residents will begin to fear crime less with more police interaction and eventually utilize social organizations and resources. Providing social organizations and resources within the community will foster a more positive quality of life perspective. Therefore, crime will likely decrease because of interaction from the police and society eventually develops common goals. If social disorganization theory explains crime, then the Broken Windows Model will aide in the solution because it alleviates disorderly conduct and strengthens community relations.

Social disorganization theory presented the notion that characteristics of communities attributed to an increase in crime. Communities affected usually contained high poverty rates, high population density and mobility, lack of informal social control, decrease in social organizations and minimal police and resident interaction (Ackers & Sellers, 2004). The geographical areas that encompassed these characteristics usually had higher crime rates than other communities. The lack of social control develops because of the destabilizing community structure where residents begin to neglect their community and refrain from social involvement. The characteristics of the neighborhood offer a more desirable environment for crime to occur. Crime occurs more often because residents reject interaction with police and society (Ackers & Sellers, 2004). Citizens need to be involved in weeding out the problems in their communities and helping to foster a more positive community.

Society often avoids relations with the police because of negative perceptions among the community associated with the police. Improved public perceptions of the police will foster a partnership ultimately generating trust from the people. Hanke (2005) claims that restoring the values of law enforcement and illustrating positive police roles provide a foundation for agencies to convert negative opinions of the police towards a more positive perception. Huck & Kosfeld (2007) argue that

neighborhood watch members should be active within the group and devote their time, even during intervals of high and low crime rates. Projects aimed at crime prevention within neighborhoods can encompass a lot of work but with the help of devoted volunteers in the community, programs can flourish and promote cooperation among citizens. Police officers should attend the community activities and become familiar with the residents and community-based programs so that officers can play an active role in the community.

Conclusion

Community oriented policing converts the goal of the police agency towards uniting the community and the police. The partnership will help the citizens develop familiarity with officers in their areas while promoting trust. An agency implementing COP should decentralize the authority, encourage problem-solving policing techniques, persuade police officers to support COP and endorse communal efforts to prevent and control crime (MacDonald, 2002). Problem-solving policing discontinues and deters crime in the future. Officers dedicate their efforts towards solving problems within the community resulting in the hindrance of crime.

Communities that view the police positively are more likely to cooperate with and assist in law enforcement efforts. Community oriented policing promotes involvement from the community and establishes an honest and cordial partnership between the police and the citizens. Members of the community are more receptive to officers and police officials appear more approachable. Implementing COP programs focused towards building a professional relationship between the police and the community appears to increase citizen cooperation and increase crime control and prevention.

Employing policing strategies that earn the community's trust while affecting positive changes in the community is a significant step towards the success of police operations. If properly engaged, neighborhoods can contribute to crime prevention, detection, investigations and other important tactics that aide law enforcement in their duties. Community oriented policing strives to gain the trust of the community, which improves society's perception of the police (Correia, 2000). Community policing sets a foundation for the police and expects all law enforcement personnel to maintain a professional yet cordial relationship. The relationship will build positive beliefs about the police and help bind the community and officers.

Wells, Schaefer, Varano, & Bynum (2006) suggested that even communities that view the police negatively and reside in high crime areas could successfully incorporate COP into their community and achieve a positive partnership. COP in neighborhoods contribute towards a more positive outlook on law enforcement and will likely prompt a productive relationship with the police. Police agencies can reinforce unambiguous goals of crime control and prevention and include the community, which will promote a functional relationship.

Weitzer and Tuch (2004) agree that communities suffer when police agencies fail to include their citizens in their policing strategies. When the police operate without considering the concerns of the community resistance among citizens can occur, thus creating a hostile environment between the police and the community. When the police do not get the cooperation of citizens, police agencies have a propensity to use an aggressive approach to policing. Residents of the community begin to fear the police and eventually distrust them altogether. Incorporating community oriented policing into policing strategies will promote a more effective strategy to control crime.

One way to curb the negative relations between the police and the community is through increased positive interactions. The police will always appear to be a distant and faceless entity as long as they are removed from the community and separated by mobile patrols and reactive policing. In order to overcome the divide between the police and the community, is to bring the two together by assigning police officers that buy into the concept of community-oriented policing to carryout community policing initiatives. Having police officers spend time in the community assessing problems and suggesting possible solutions will show a positive side of policing while helping the community to solve underlying problems and reducing fear of crime.

Unfortunately, many community-policing mandates fall prey to the issue of quantification. Although a reactive, the numbers of arrests made and cases cleared can easily quantify the crime-fighting mandate, it is much harder to quantify the nuances that result in the community-oriented-policing. It is more difficult to accurately quantify the numbers of crimes avoided, problems solved or the strength of the police community relationship in the short term than it is to just look at raw numbers of arrests made. However, if a sustained community-oriented initiative can be sustained long term, police-community relations can improve.

References

Ackers R. L. & Sellers C.S. (2004). Introduction, *Evaluation and Application. Criminological Theories.* Los Angeles, CA: Roxbury Pub. Co.

Barkan, S. E. and S. F. Cohn. 1998. "Racial prejudice and Support by Whites for Police Use of Force: A Research Note." *Justice Quarterly*. V. 15, N.4. December 1998. Alexandria, VA, Academy of Criminal Justice Sciences.

Benedict, R., Brown, B., & Bower, D. (2000) Perceptions of the Police and fear of crime in a rural setting: Utility of a Geographically focused survey for police services, planning and assessment. *Criminal Justice Policy Review*. 11 (4), pp. 283-292.

Brunson, R., & Miller, J. (2006). Gender, Race and Urban Policing. Gender and Society. 20 (4), pp. 531-552.

Correia, M. (2000). The conceptual ambiguity of community in community policing: filtering the muddy waters. *Policing An International Journal of Police Strategies & Management*. 23 (2), pp. 218-220.

Dantzker, M. L. and D.D. Jones Brown. 2004. "Policing and Minority Communities: An

Introduction to the Exploration". In D.D. Jones-Brown and K.J. Terry (ed.), *Policing and Minority Communities, Bridging the gap*. Upper Saddle River, NJ. Prentice Hall.

Goldsmith, A. Police reform and the problem of trust. *Theoretical Criminology*. 9 (4), 2005.

Hanke, P. J., (2005) Book Review: Good Cop/Bad Cop: Mass Media and the Cycle of Police Reform. *Criminal Justice Review*. (30).

Hickman, M., A.R. Piquero and J.R. Greene. 2004. *Police Integrity and Ethics*. Belmont, CA. Wadsworth Publishing

Huck, S. & Kosfeld, M. (2007). The Dynamics of Neighbourhood Watch and Norm Enforcement. *The Economic Journal*. (January).

Jackson, A. L. and L. M. Boyd. "Minority threat hypothesis and the workload hypothesis: A community-level examination of lenient policing in high crime communities. *Criminal Justice Studies: A Critical Journal of Crime, Law and Society*. V. 18 (1). 2005.

Kelling, G. 1998. Do Police Matter? "An Analysis of the Impact of New York City's Police Reforms." Center for Civic Innovations. The Manhattan Institute.

Kenney, D., McNamara, R. (2003). Reducing Crime and Conflict in Kentucky's Schools. *Youth Violence and Juvenile Justice*. 1 (1), pp. 46-63.

Levin, J. and A.R. Thomas. 1997. "Experimentally Manipulating Race: Perceptions of Police Brutality in an Arrest: A Research Note" in *Justice Quarterly*, Vol. 14 No. 3, September.

Livingston, D. (1997). Police discretion and the quality of life in public places: courts, communities and the new policing. *Columbia law review*, Vol. 97, No. 3, pp. 551-672.

MacDonald, J., (2002). The Effectiveness of Community Policing in Reducing Urban Violence. C*rime and Delinquency*. (48) 4.

Miller, J., Davis, R.C., Henderson, N.J., Markovic, J., & Ortiz, C.W. (2004). Public Opinions of the Police: The Influence of Friends, family and News Media. Vera Institute of Justice. Retrieved March 1, 2007, from *National Criminal Justice Reference Service database*. (Document No. 205619).

More, H.W. 1998. *Special Topics in Policing*. 2nd ed. Cincinnati, OH. Anderson Publishing.

National Center for Victims of Crime & The Police Foundation. (2002). Bringing Victims into Community Policing: A Police Guide to First Response: *U.S. Department of Justice, Office of Community Oriented Policing Services*.

Nayak, A. (2003). Through Children's Eyes: childhood, place and fear of crime. *Geoforum*. 34, (3), pp. 303-315.

Oberwittler, D. (2004). A Multi-level Analysis of Neighborhood Contextual Effects on Serious Juvenile Offending: The Role of Sub Cultural Values and Social Disorganization. *European Journal of Criminology*. 1(2) 201-235.

Rose, D. R., Clear, T.R. (1998). When Neighbors go to Jail: Impact on Attitudes About Formal and Informal Social Control. *Criminology*. 36(3), 441-480.

Sabath, M., Carter, H. (1998). Evaluation of Efforts to Strengthen Police-Resident Relations in El Centro, California: A Final Report. Retrieved March 1, 2007, from *National Criminal Justice Reference Service database*. (Document No. 181051).

Sun, I. Y. 2002. "Police Officer Attitudes toward Peers, Supervisors and Citizens: A Comparison Between Field Training Officers and Regular Officers." American Journal of Criminal Justice. *The Journal of the Southern Criminal Justice Association.*

Sun, I.Y. and B. Payne. 2003. "Racial differences in resolving conflicts: A comparison between Black and White police officers". *Crime and Delinquency*. 49

Weitzer, R. & Tuch, S. (2004). Race and Perceptions of the Police. Social Problems. 51 (3), pp. 305-321.

Wells, W., Schaefer, J., Varano, S., & Bynum, T. (2006). Neighborhood Residents' Productions of Order. The Effects of Collective Efficacy on Responses to neighborhood Problems. *Crime and Delinquency*. 52. (4), pp. 523-550.

Wilsem, J.V., Wittebrood, K., Graaf, N.D. (2006). Socioeconomic Dynamics of Neighborhoods and the Risk of Crime Victimization. *Journal of Social Problems*. 53(2) 226-247.

Wilson, J. Q., & Kelling, G.L. (1982). Broken Windows. In Dunham, R.G., & Alpert, G.P. Critical Issues in Policing: Contemporary Readings (pp. 466-479). Illinois: *Waveland Press, Inc*.

Worrall, J. N., & Kovandzic, T.V. (2007). Cops Grants and Crime Revisited. Criminology. (45) 1.

Zedner, L., (2006). Policing before and after the police. *The British Journal of Criminology*. 46 (1).

Lorenzo M. Boyd is an Assistant professor in the Department of Criminal Justice at Fayetteville State University. He is a former Deputy Sheriff in Suffolk County (Boston) Massachusetts and has over a decade in law enforcement and corrections experience. His research interests include urban policing, race and crime and diversity issues in criminal justice. He has published in numerous professional journals, including *Criminal Justice Policy Review, Policing: An International Journal of Police Strategies and Management and Criminal Justice Studies: A Critical Journal of Crime, Law and Society.*

Stefanie Cain is a certified Community Supervision Probation Officer for Dallas County Adult Probation. She supervises High-Risk offenders under an Intensive Intervention Sanctions Program. She is a graduate student in the department of Criminal Justice at the University of North Texas.

John Liederbach is an Associate Professor in the Criminal Justice program at Bowling Green State University. His primary research interests include the study of police behavior across community types, suburban and rural policing and medical crime. He has published in numerous professional journals, including *Justice Quarterly, Policing: An International Journal of Police Strategies and Management, Criminal Justice Review, Criminal Justice Policy Review a*nd *the American Journal of Criminal Justice.*

ACJA/LAE National Executive Board and Journal Editor Roster

Name/Title	Home Address/Phone	Work Address/Phone/Fax
Abby Schofield President	540 Buckeye Court Benicia, CA 94510 (707) 748-7468 (707) 748-7473 FAX aschfield@yahoo.com Email	Contra Costa County Adult Protective Services (Retired)
Joe Davenport Vice-President	10314 S Forest Avenue Chicago, IL 60628 (773) 995-7777 (773) 995-8857 FAX joeyd002@ameritect.net Email	Research & Investigative Services, Inc. 1507 E. 53rd Street, #930 Chicago, Illinois 60615 (773) 918-6300 (773) 629-6990 FAX Researchinvestigativeservices@yahoo.com Email
Karen Campbell Executive Secretary	3149 Clairidge Way Sacramento, CA 95821 (916) 488-2938	ACJA/LAE PO Box 601047 Sacramento, CA 95860-1047 (916) 484-6553 (916) 488-2227 FAX acjalae@aol.com Email
Brian Meloy Region 1 President	P.O. Box 276881 Sacramento, CA 95827 (916) 849-7712 Cell (916) 875-0301 FAX meloyb@saccounty.net Email	Sacramento County Probation Department 3201 Florin-Perkins Road Sacramento, CA 95826 (916) 875-0287
Preston Koelling Region 2 President	269 Lexington Drive Forrest City, AR 72335 (870) 630-1168	East Arkansas Community College Criminal Justice Department 1700 New Castle Road Forrest City, AR 72335 (870) 633-4480 Ext 244 (870) 633-7222 FAX koelling@arkansas.net Email
Roger Pennel Region 3 President	20 S. E. County Road Y Warrensburg, MO 64093 (660) 429-2051	University of Central Missouri Department of Criminal Justice Humphries 301 Warrensburg, MO 64093 (660) 543-4270 (660) 543-8306 FAX rpennel@ucmo.edu Email
John Wilt Region 4 President	146 Greencroft Place Danville, VA 24541 (434) 793-3765	Danville Community College Administration of Justice Program 1008 South Main Street #105 Temple Building Danville, VA 24541 (434) 797-8468 (434) 797-8449 FAX jwilt@dcc.vccs.edu Email
Brittany Allen Region 5 President	2421 Magnolia Drive Panama City Beach, FL 32408 (850) 774-6346 britlovesu@yahoo.com Email	
Robert Edwards Region 6 President	8154 South Whipple Chicago, IL 60652 (773) 778-1115 bobcat60652@aol.com Email	Chicago Police Department (retired)
Jessica Nelson National Student Representative Year 2008	3019 County Road 4009 Holts Summit, MO 65043 (573) 645-0212 jessicanelson07@yahoo.com Email	
Fred Campbell Journal/Newsletter Editor	3149 Clairidge Way Sacramento, CA 95821 (916) 488-2938	Criminal Justice Research Foundation PO Box 60566 Sacramento, CA 95860 (916) 488-4757 (916) 488-2227 FAX crimjust@jps.net Email

11/07