

AMERICAN
CRIMINAL
JUSTICE
ASSOCIATION

L.A.E.

J

JOURNAL

2009



1937-2009

72 YEARS OF SERVICE

"Dedicated to professionalism"

A

AMERICAN CRIMINAL JUSTICE ASSOCIATION

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

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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.

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Message from the President:



In 1937, a group of like-minded men got together and began thinking about the Criminal Justice field as it existed then. They felt that there were improvements that had to be made. So they formed an organization to address the improvements that they wanted to make. This was the start of what is now "The American Criminal Justice Association – Lambda Alpha Epsilon."

Like the ideas and the professional attitude these great leaders possessed, we must carry on and constantly improve this profession to serve the public and fulfill the Constitution. The founders of ACJA/LAE gave us a blueprint to follow and modify for the betterment of our field. It is up to us to see that our organization moves to the forefront.

You chose this field because you felt you could make a difference. Stand up, be strong, and be knowledgeable by caring and, above all, be professional. Our Mission Statement states that we will carry out these goals. Along with education and passion, these objectives will be met.

No matter which area of the Criminal Justice field you chose upon completing your education, or the area of Criminal Justice you are currently employed, it is your profession. It should be treated with respect and true service. Education and communication must be our insight, for without it, we are blind.

As National President, I will vow to see that ACJA/LAE is the kind of organization that you can be proud of. And with your help and prayers we will move forward.

I would like to express my appreciation and heartfelt thanks for your belief in me by electing me National President. I will serve with the utmost dedication and love you have entrusted to me. Remember my brothers and sisters, we are family, a fraternity and in such, we can improve our organization and our profession, if we push together.

Joe Davenport
 National President
 American Criminal Justice Association
 Lambda Alpha Epsilon

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onference Highlights, 2009

408 members and guests attended the 2009 National Conference held in Jacksonville, Florida. Many thanks to Brittany Auclair, Conference Director and Jemel Townsend, Conference Coordinator, for putting together a great Conference.





Photos page 2-3, top to bottom

1. President Abby Schofield addresses the assembly during the National Business Meeting
2. Advisor's Breakfast attendees
3. Brittany Allen, Conference Director with "Larry", the Conference Mascot
4. John Wilt competes in the Physical Agility Competition
5. Members attend the closing banquet
6. President Abby Schofield chairs the Executive Board Meeting
7. Members competing in the Firearms Competition
8. The Jacksonville Sheriff's Office participated in the Job Fair
9. Executive Secretary, Karen Campbell receives a plaque from National President, Abby Schofield and Vice-President, Joe Davenport for 30 years of service
10. Dave Redford, Ron Pincomb and Lori Carman, Conference Registrar, at registration desk
11. Neil Oppenheimer speaks during the National Business Meeting
12. Star Members who attended the Jacksonville Conference
13. Many members competed in the written competitions
14. Everyone needs a conference t-shirt
15. National President, Abby Schofield and Past National President, Richard Coughlin during the Star Member Reception
16. Star Members Robert Edwards, Region 6 President; Dr. Bill Blount, Chair of the Student Paper Competition; and Dr. Laura Bedard, Past National President
17. The lip sync/talent contest is always enjoyed by all



Jim Hooker Outstanding Advisor Award, 2009 - Gregory Slaughter

At the 2009 National Conference held in Jacksonville, Florida, Gregory Slaughter was elected to receive the Jim Hooker Outstanding Advisor Award. Gregory was nominated to receive this Award by Antionette Mitchell of the Sigma Pi Chapter.

Gregory Slaughter has been an active advisor to the Sigma Pi Chapter at Long Beach City College since 2002. He was a member of the Teller's Committee at the National Conference in Kansas City in 2008. His Chapter, Sigma Pi, also won the "Spirit Award" at the 2008 National Conference. Mr. Slaughter and his chapter hosted a Regional Conference in Long Beach in 2004. He also established a criminal justice scholarship at Long Beach City College. Gregory has attend five (5) Regional Conferences and six (6) National Conferences with his chapter. He is presently the Chair of the National Membership Committee.

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CONFERENCE COMPETITION WINNERS— 2009

Top Academic: Ida Flippo, Eta Tau Alpha • **Top Gun:** Richard Gillespie, Gamma Epsilon Delta

Spirit Award: Gamma Epsilon Delta, Region 3 **Sweepstakes Award:** Gamma Epsilon Delta, Region 3

LAE KNOWLEDGE (113 Participants)

Lower Division:

- 3rd Place: Nampheng Siriprasoet, Sigma Pi
2nd Place: Desiree Rivera, Sigma Pi
1st Place: Ashlie Liller, Psi Omega

Upper Division:

- 3rd Place: Jennifer Ianno, Gamma Epsilon Delta
2nd Place: Rachel Schmid, Delta Chi
1st Place: Steven Verble, Gamma Epsilon Delta

Professional Division:

- 3rd Place: Dan Maxwell, Psi Omega
2nd Place: Joe Walsh, Chi Omega Pi Sigma
1st Place: Charlie Pappert, Gamma Epsilon Delta

JUVENILE JUSTICE (159 Participants)

Lower Division:

- 3rd Place: Elizabeth Payne, Omega Delta Chi
2nd Place: Nick White, Lambda Omega
1st Place: Maggie Bell, Rho Beta Psi

Upper Division:

- 3rd Place: Kyle Pataky, Delta Psi Chi
2nd Place: Emily Smith, Chi
1st Place: Jessica Vogt, Psi Omega

Professional Division:

- 3rd Place: Joe Nedelec, Chi
2nd Place: William Osborne, Delta Xi Omega
1st Place: Ida Flippo, Epsilon Tau Alpha

POLICE MANAGEMENT & OPERATION (115 Participants)

Lower Division:

- 3rd Place: Kayla Newton, Omega Alpha Omicron
2nd Place: Allen Lim, Chi Tau Epsilon
1st Place: Kelly Kissane, Delta Zeta Omega

Upper Division:

- 3rd Place: Jessica Nelson, Gamma Epsilon Delta
2nd Place: Bradley Reed, Psi Omega
1st Place: Clarinda Garrett, Gamma Epsilon Delta

Professional Division:

- 3rd Place: Charlie Pappert, Gamma Epsilon Delta
2nd Place: Roger Pennel, Gamma Epsilon Delta
1st Place: Frederica Nix, Delta Phi Upsilon

CORRECTIONS (185 Participants)

Lower Division:

- 3rd Place: Maggie Bell, Rho Beta Psi
2nd Place: Jessica Vogt, Psi Omega
1st Place: Ashlie Liller, Psi Omega

Upper Division:

- 3rd Place: Jennifer Heil, Chi
2nd Place: Kyle Pataky, Delta Psi Chi
1st Place: Jennifer Ianno, Gamma Epsilon Delta

Professional Division:

- 3rd Place: John Wilt, Omega Alpha Omicron
2nd Place: Ida Flippo, Epsilon Tau Alpha
1st Place: William Osborne, Delta Xi Omega

CRIMINAL LAW (151 Participants)

Lower Division:

- 3rd Place: Curt Gelles, Alpha Nu Omega
2nd Place: Jesse Omberg, Sigma Delta
1st Place: Rebecca Olley, Lambda Omega

Upper Division:

- 3rd Place: Mike Pemberton, Gamma Epsilon Delta
2nd Place: Nick Zotos, Chi
1st Place: Erick Russell, Psi Omega

Professional Division:

- 3rd Place: Frederica Nix, Delta Phi Upsilon
2nd Place: David Stumpf, Sigma Delta
1st Place: Randal Wood, Alpha Sigma Omega

CRIME SCENE, Written (144 Participants)

Lower Division:

- 3rd Place: Mykola Duffy, Lambda Omega
2nd Place: Ashlie Liller, Psi Omega
1st Place: Kristen Pelo, Delta Chi

Upper Division:

- 3rd Place: Amy Lovins, Gamma Epsilon Delta
2nd Place: Danielle Hoskins, Gamma Epsilon Delta
1st Place: Steven Verble, Gamma Epsilon Delta

Professional Division:

- 3rd Place: Dan Maxwell, Psi Omega
2nd Place: John Wilt, Omega Alpha Omicron
1st Place: Roger Pennel, Gamma Epsilon Delta

FIREARMS, Individual (127 Shooters)

Lower Division:

- 3rd Place: John Newman, Gamma Epsilon Delta
2nd Place: Thomas Beyer, Gamma Epsilon Delta
1st Place: Nicholas Luke, Gamma Epsilon Delta

Upper Division:

- 3rd Place: Danielle Hoskins, Gamma Epsilon Delta
2nd Place: Wesley Prettyman, Gamma Epsilon Delta
1st Place: Bryan Wilkins, Gamma Epsilon Delta

Professional Division:

- 3rd Place: Michael Staat, Gamma Epsilon Delta
2nd Place: Mike Lane, Nu Tau
1st Place: Richard Gillespie, Gamma Epsilon Delta

FIREARMS, Team (35 Teams)

Lower Division:

- 3rd Place: Russel Sherling, Joshua Shavers,
Joseph Hicks, Tau Sigma Upsilon
2nd Place: Travis Hillman, Cory Cordier,
Anthony Marrado, Rho Beta Psi
1st Place: Nicholas Luke, Ryan Armstrong,
John Newman, Gamma Epsilon Delta

Upper Division:

- 3rd Place: Alan Booth, Ryan Froelich,
Shane Holtz, Sigma Delta
2nd Place: Danielle Hoskins, Tom Noble, Audra Leis,
Gamma Epsilon Delta
1st Place: Bryan Wilkins, Wesley Prettyman,
Brent Jepson, Gamma Epsilon Delta

Professional Division:

- 3rd Place: Steven Aston, Thomas Beyer,
Bryan Van Fleet, Gamma Epsilon Delta
2nd Place: Joe Walsh, Todd Istenes, Nicole Koban,
Chi Omega Pi Sigma
1st Place: Richard Gillespie, Michael Staat,
Charlie Pappert, Gamma Epsilon Delta

CRIME SCENE (86 Teams)

Lower Division:

- 3rd Place: Tasha Hall, James Dorchak, Mary Ochoa,
Delta Chi
2nd Place: Nathan Milligan, Chris Snell, James Rowe,
Pi Lambda Alpha
1st Place: Bryan Van Fleet, Ryan Armstrong,
John Newman, Gamma Epsilon Delta

Upper Division:

- 3rd Place: Savannah Dupre, Michele Means,
Joyce Rougeux, Delta Zeta Omega
2nd Place: Lisa Jordan, Casey Guyer,
Chelsey Mateker, Gamma Epsilon Delta
1st Place: Jessica Nelson, Jennifer Ianno,
Wesley Prettyman, Gamma Epsilon Delta

Professional Division:

- 3rd Place: Heather Hankinson, Teri Haack,
Jennifer Hill, Pi Lambda Alpha
2nd Place: Charlie Pappert, Audra Leis, Steve Aston,
Gamma Epsilon Delta
1st Place: Roger Pennel, Richard Gillespie,
Michael Staat, Gamma Epsilon Delta

PHYSICAL AGILITY (92 Participants)

Female 25 and Under:

- 3rd Place: Emily Smith, Chi
2nd Place: Melissa Rupp, Rho Beta Psi
1st Place: Laryna Mitchell, Delta Chi

Male 25 and Under:

- 3rd Place: Travis Hillman, Rho Beta Psi
2nd Place: John Watson, Chi
1st Place: Curt Gelles, Alpha Nu Omega

Female 26 to 35:

- 3rd Place: Namphueng Siriprasoet, Sigma Pi
2nd Place: Elizabeth Gardner, Omega Delta Chi
1st Place: Ericka Tomsha, Rho Beta Psi

Male 26 to 35:

- 3rd Place: Tommy Perkins, Omega Delta Chi
2nd Place: Colin McKenzie, Rho Beta Psi
1st Place: Roy Hardin, Rho Beta Psi

Female 36 and over:

- 3rd Place: Shirley Redd, Omega Alpha Omicron
2nd Place: Teri Haack, Pi Lambda Alpha
1st Place: Judi Eastland, Gamma Epsilon Delta

Male 36 and over:

- 3rd Place: Greg Slaughter, Sigma Pi
2nd Place: John Wilt, Omega Alpha Omicron
1st Place: Mike Lane, Nu Tau



Announcement of the 2011 ACJA/LAE National Scholarship & Student Paper Competition

Applications will be available after April 30, 2010 for the 2011 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 web site. The deadline for submission of papers for the 2011 National Scholarship is December 31, 2010. The deadline for submission of papers for the 2011 National Student Paper Competition is January 31, 2011. Papers are reviewed by separate committees and winners will be announced at the 2011 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.

2009 NATIONAL SCHOLARSHIP AWARDS (17 Participants)

Lower Division:

3rd Place: No Entry
2nd Place: Corey Burke, Psi Omega
1st Place: Benjamin Vitulli, Sigma Delta

Upper Division:

3rd Place: Anna Mercado, Lambda Sigma Phi
2nd Place: Amber Michaels, Tau Alpha Omicron
1st Place: Matthew Blount, Alpha Sigma Omega

Graduate Division:

3rd Place: Brittany Allen, At, Large
2nd Place: Corrin Onizuk, Alpha Delta Chi
1st Place: Robert Carter, Iota Sigma

2009 STUDENT PAPER AWARDS (11 Participants)

Lower Division:

3rd Place: No Entry
2nd Place: Kristina Morgan, Sigma Delta
1st Place: Benjamin Vitulli, Sigma Delta

Upper Division:

3rd Place: Jonathan Watson, Chi
2nd Place: John Alderman, Gamma Epsilon Delta
1st Place: Sarah Gonzalez, At-Large

Graduate Division:

3rd Place: Jessica Nelson, Gamma Epsilon Delta
2nd Place: Jennifer Ianno, Gamma Epsilon Delta
1st Place: Amber Rawls, Phi Delta

Executive Secretary's Report

Between March 15, 2008 and March 13, 2009, the Association chartered 41 new or re-chartered chapters. The number of active chapters has grown from 93 in 1992 to 172 in 2009. The largest chapters nationwide as of March 13th were:

Psi Omega, University of New Haven, CT (Region 4): 91 members

Gamma Epsilon Delta, Central Missouri State University, MO (Region 3): 75 members

Phi Alpha Sigma, Western Illinois University, IL (Region 6): 68 members

A total of 408 members and guests attended the 2009 National Conference in Jacksonville, FL. The theme of the Conference was "Sex, Drugs and Guns." Members enjoyed five days of competitive competitions, banquets, workshops, and entertainment. As of the 2009 National Conference, the number of active members and chapters nationwide included:

| | Members | Chapters |
|--------------|--------------|------------|
| Region 1 | 405 | 17 |
| Region 2 | 451 | 22 |
| Region 3 | 430 | 26 |
| Region 4 | 745 | 29 |
| Region 5 | 812 | 48 |
| Region 6 | 754 | 30 |
| Total | 3,597 | 172 |

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Region 1 Conference Competition Winners - 2009

Top Gun: Doug Strosahl, Rho Beta Psi • **Spirit Award:** Sigma Pi • **Sweepstakes Award:** Eta Tau Alpha

Criminal Law

Lower

3rd Place: Alice Cruikshank, Eta Tau Alpha
2nd Place: Nick Bickley, Rho Beta Psi
1st Place: Eric Cameron, Eta Tau Alpha

Upper

3rd Place: Heather Blair, Phi Omega Alpha
2nd Place: Johnathon Mejia, Iota Tau Tau Lambda
1st Place: Josh Siepert, Delta Psi Chi

Professional

3rd Place: Eric Harris, Chi Tau Epsilon
2nd Place: Pamela Moore, Delta Upsilon Kappa
1st Place: Ida Flippo, Eta Tau Alpha

Police Management and Operations

Lower

3rd Place: Starla Kilcup, Eta Tau Alpha
2nd Place: Travis Mahaffey, Chi Tau Epsilon
1st Place: Alice Cruikshank, Eta Tau Alpha

Upper

3rd Place: Mia Barragan, Phi Omega Alpha
2nd Place: Ryan Dominguez, Chi Tau Epsilon
1st Place: Janay Elson, At-Large

Professional

3rd Place: Ted, Falencki, Chi Tau Epsilon
2nd Place: Pamela Moore, Delta Upsilon Kappa
1st Place: Ida Flippo, Eta Tau Alpha

Juvenile Justice

Lower

3rd Place: Starla, Kilcup, Eta Tau Alpha
2nd Place: Autumn Chavez, Phi Kappa Zeta
1st Place: Eric Cameron, Eta Tau Alpha

Upper

3rd Place: Johnathon Mejia, Iota Tau Tau Lambda
2nd Place: Troy Dobberpuhl, Iota Tau Tau Lambda
1st Place: Janay Elson, At-Large

Professional

3rd Place: No Entry
2nd Place: No Entry
1st Place: Ida Flippo, Eta Tau Alpha

Corrections

Lower

3rd Place: Autumn Chavez, Phi Kappa Zeta
2nd Place: Travis Mahaffey, Chi Tau Epsilon
1st Place: Alice Cruikshank, Eta Tau Alpha

Upper

3rd Place: Kyle Mills, Eta Tau Alpha
2nd Place: Sarah Campbell, Delta Psi Chi
1st Place: Janay Elson, At-Large

Professional

3rd Place: Pamela Moore, Delta Upsilon Kappa
2nd Place: Eric Harris, Chi Tau Epsilon
1st Place: Ida Flippo, Eta Tau Alpha

LAE Knowledge

Lower

3rd Place: Eric Cameron, Eta Tau Alpha
2nd Place: Desiree Rivera, Sigma Pi
1st Place: Barbara Kessenich, Sigma Pi

Upper

3rd Place: Ryan Dominguez, Chi Tau Epsilon
2nd Place: Jillian Hughes, At-Large
1st Place: Heather Blair, Phi Omega Alpha

Professional

3rd Place: No Entry
2nd Place: Ted Falencki, Chi Tau Epsilon
1st Place: Gregory Slaughter, Sigma Pi

Crime Scene

Lower

3rd Place: Rho Beta Psi
2nd Place: Eta Tau Alpha
1st Place: Delta Upsilon Kappa

Upper

3rd Place: Delta Psi Chi
2nd Place: Iota Tau Tau Lambda
1st Place: Chi Tau Epsilon

Professional

3rd Place: Rho Beta Psi
2nd Place: Chi Tau Epsilon
1st Place: Sigma Pi

Physical Agility

Female 25 and Under

3rd Place: Sarah Campbell, Delta Psi Chi
2nd Place: Sara Ochoa, Sigma Pi
1st Place: Barbara Kessenich, Sigma Pi

Female 26-35

3rd Place: Sara Hoadley, Chi Tau Epsilon
2nd Place: Margarita Quintana, Sigma Chi
1st Place: Kimberly Catalino, Delta Psi Chi

Female 36 and Up

3rd Place: No Entry
2nd Place: No Entry
1st Place: Karen Westbrook, Iota Tau Tau Lambda

Male 25 and Under

3rd Place: Patrick McDonald, Chi Tau Epsilon
2nd Place: Robert Adams, Rho Beta Psi
1st Place: Nick Bickley, Rho Beta Psi

Male 26-35

3rd Place: Edsel Siira, Rho Beta Psi
2nd Place: Neil Oppenheimer, At-Large
1st Place: Troy Dobberpuhl, Iota Tau Tau Lambda

Male 36 and Up

3rd Place: No Entry
2nd Place: Brian Meloy, Sigma Chi
1st Place: Fred Mowrey, Sigma Chi

Firearms (Individual)

Lower

3rd Place: Calvin Illo, Eta Tau Alpha
2nd Place: David Salazar, Alpha Zeta Kappa
1st Place: Nick Bickley, Rho Beta Psi

Upper

3rd Place: Zack Flippo, Eta Tau Alpha
2nd Place: Ryan Dominguez, Chi Tau Epsilon
1st Place: Neil Oppenheimer, At-Large

Professional

3rd Place: Ted Falencki, Chi Tau Epsilon
2nd Place: Greg Willis, Eta Tau Alpha
1st Place: Doug Strosahl, Rho Beta Psi

Firearms (Teams)

Lower

Team Winners Not Available

Upper

Team Winners Not Available

Professional

Team Winners Not Available

R

egion 2 Conference Competition Winners - 2009

Corrections

Lower Division:

3rd Place: Sam Blake, Gamma Alpha Delta
2nd Place: Aaron Sims, Delta Chi
1st Place: Penny Morris, Gamma Alpha Delta

Upper Division:

3rd Place: Wesley Thomas Nu Tau
2nd Place: Scott Brant, Nu Tau
1st Place: Steve Womack, Nu Tau

Professional Division:

3rd Place: Amanda Lopez, Lambda Chi
2nd Place: Murray Clark, Gamma Alpha Delta
1st Place: David Redford, Beta Alpha Delta

Criminal Law

Lower Division:

3rd Place: Chris Barefield, Delta Chi
2nd Place: Kayla Smith, Delta Chi
1st Place: Jessica Bush, Alpha Epsilon Phi

Upper Division:

3rd Place: Scott Brant, Nu Tai
2nd Place: Daisy Solis, Iota Kappa Chi
1st Place: Sarah Bailey, Delta Chi

Professional Division:

3rd Place: David Redford, Beta Alpha Delta
2nd Place: Phillip Parker, Member At Large
1st Place: Eric Post, Zeta Kappa Phi

Juvenile Justice

Lower Division:

3rd Place: Melanie Ramirez, Lambda Sigma Phi
2nd Place: Eva Murphy, Epsilon Chi Upsilon
1st Place: Katy Koster, Delta Chi

Upper Division:

3rd Place: Briana Teter, Alpha Epsilon Phi
2nd Place: Jackie Espinoza, Lambda Sigma Phi
1st Place: Catherine Perille, Alpha Epsilon Phi

Professional Division:

3rd Place: Shannon Sweat, Zeta Kappa Phi
2nd Place: Lori Carmen, Member At Large
1st Place: Preston Koelling, Gamma Alpha Delta

Police Management and Operations

Lower Division:

3rd Place: Rachael Hudson, Gamma Alpha Delta
2nd Place: Ruth Stokes, Delta Chi
1st Place: Kayla Smith, Delta Chi

Upper Division:

3rd Place: Shannon Elias, Epsilon Chi Upsilon
2nd Place: Scott Brandt, Nu Tau
1st Place: James Vieau, Nu Tau

Professional Division:

3rd Place: Phillip Parker, Member At Large
2nd Place: Lori Carman, Member At Large
1st Place: David Redford, Beta Alpha Delta

LAE Knowledge

Lower Division:

3rd Place: Roberto Escobedo, Iota Kappa Chi
2nd Place: Tina Lacy, Delta Chi
1st Place: Ruth Stokes, Delta Chi

Upper Division:

3rd Place: Matthew Goehrig, Delta Chi
2nd Place: Daisy Solis, Iota Kappa Chi
1st Place: Rachel Schmid, Delta Chi

Professional Division:

3rd Place: Amanda Lopez, Lambda Chi
2nd Place: Phillip Parker, Member At Large
1st Place: Preston Koelling, Gamma Alpha Delta

Crime Scene Competition

Lower Division:

3rd Place: Michelle Moore, Diana Mejia,
Ruth Stokes, Delta Chi
2nd Place: Kameron Tabron, Megan Cartillar,
Rachael Hudson, Gamma Alpha Delta
1st Place: Tyler Eberhart, Aaron Sims, Corey Evans,
Delta Chi

Upper Division:

3rd Place: Rachel Schmid, Sarah Bailey,
Jessica Bush, Alpha Epsilon Phi
2nd Place: Lizzandra Zuniga, Celis Ortega,
Jazmin Montoya, Iota Kappa Chi
1st Place: Elvira Alvarado, Daisy Solis,
Sandra Marquez, Iota Kappa Chi

Professional Division:

3rd Place: No Entry
2nd Place: Charles Wilson, Penny Morris,
Nick Owens, Gamma Alpha Delta
1st Place: Jose Carlos, John Gari, Nancy Edwards
Zeta Kappa Phi

Physical Agility

Female Under 25:

3rd Place: Sandra Marquez, Iota Kappa Chi
2nd Place: Kayla Smith, Delta Chi
1st Place: Aerial Ronell, Delta Chi

Male Under 25:

3rd Place: Jamie Baker, Delta Chi
2nd Place: Fernando Reyna, Iota Kappa Chi
1st Place: Sam Blake, Gamma Alpha Delta

Female 26-35"

3rd Place: No Entry
2nd Place: No Entry
1st Place: No Entry

Male 26-35:

3rd Place: Andrew Matta, Beta Alpha Delta
2nd Place: Josh Gesling, Beta Alpha Delta
1st Place: Billy Rabago, Alpha Epsilon Phi

Male or Female Over 36:

No Entries

Firearms (Individual)

Lower Division:

3rd Place: Mary Williams, Gamma Alpha Delta
2nd Place: Kameron Tabron, Gamma Alpha Delta
1st Place: Tyler Eberhart, Delta Chi

Upper Division:

3rd Place: Dustin Krantz, Delta Chi
2nd Place: Justin Moore, Lambda Sigma Phi
1st Place: Steve Womack, Nu Tau

Professional Division:

3rd Place: Murray Clark, Gamma Alpha Delta
2nd Place: Preston Koelling, Gamma Alpha Delta
1st Place: Mike Lane, Nu Tau

Firearms (Team)

Lower Division:

3rd Place: No Entry
2nd Place: Sam Blake, Mary Williams, Teri Sullins,
Gamma Alpha Delta
1st Place: Tyler Eberhart, Aaron Sims, Corey Evans,
Delta Chi

Upper Division:

3rd Place: No Entry
2nd Place: Andrew Matta, Penny Morris, Nick Owens,
Gamma Alpha Delta
1st Place: John Stark, Stephen Ledenbach,
Jonathan Castro, Alpha Epsilon Phi

Professional Division:

3rd Place: Jason Chevez, Leonal Ramos,
David Redford, Beta Alpha Delta
2nd Place: Preston Koelling, Charles Wilson,
Murray Clark, Gamma Alpha Delta
1st Place: Mike Lane, Steve Womack, Scott Brandt,
Nu Tau

R

Region 3 Conference Competition Winners - 2009

Top Academic: Jennifer Ianno, Gamma Epsilon Delta • **Top Gun:** Richard Gillespie, Gamma Epsilon Delta

Criminal Law Written Test

Lower

3rd Place: Jacob Fare, Zeta Rho Omega
2nd Place: Casey Guyer, Gamma Epsilon Delta
1st Place: James Garlich, Gamma Epsilon Delta

Upper

3rd Place: Mike Pemberton, Gamma Epsilon Delta
2nd Place: Shay Wilson, Gamma Epsilon Delta
1st Place: Jennifer Ianno, Gamma Epsilon Delta

Professional

3rd Place: Frederica Nix, Delta Phi Upsilon
2nd Place: Roger Pannel, Gamma Epsilon Delta
1st Place: Frank Galbrecht, Zeta Rho Omega

Police Management Written Test

Lower

3rd Place: Elizabeth Trometer, Zeta Rho Omega
2nd Place: Levi Osborn, Gamma Epsilon Delta
1st Place: Jimmy Strickland, Zeta Rho Omega

Upper

3rd Place: April Komaskinski, Theta Alpha Delta
2nd Place: Mike Pemberton, Gamma Epsilon Delta
1st Place: Jennifer Ianno, Gamma Epsilon Delta

Professional

3rd Place: Gregg Etter, Gamma Epsilon Delta
2nd Place: Roger Pannel, Gamma Epsilon Delta
1st Place: Frank Galbrecht, Zeta Rho Omega

Juvenile Justice Written Test

Lower

3rd Place: Andrew Gordon, Gamma Epsilon Delta
2nd Place: Jordan Enk, Gamma Epsilon Delta
1st Place: James Garlich, Gamma Epsilon Delta

Upper

3rd Place: Jennifer Ianno, Gamma Epsilon Delta
2nd Place: Travis LeVee, Gamma Epsilon Delta
1st Place: Shay Wilson, Gamma Epsilon Delta

Professional

3rd Place: Roger Pannel, Gamma Epsilon Delta
2nd Place: Jessica Nelson, Gamma Epsilon Delta
1st Place: Frank Galbrecht, Zeta Rho Omega

Corrections Written Test

Lower

3rd Place: Jacob Fare, Zeta Rho Omega
2nd Place: James Garlich, Gamma Epsilon Delta
1st Place: Carly Brock, Mu Gamma Gamma

Upper

3rd Place: Jake Hart, Chi
2nd Place: Jennifer Ianno, Gamma Epsilon Delta
1st Place: Mike Pemberton, Gamma Epsilon Delta

Professional

3rd Place: Roger Pannel, Gamma Epsilon Delta
2nd Place: Greg Etter, Gamma Epsilon Delta
1st Place: Frederica Nix, Delta Phi Upsilon

LAE Knowledge Written Test

Lower

3rd Place: Judi Eastland, Gamma Epsilon Delta
2nd Place: Bryan Van Fleet, Gamma Epsilon Delta
1st Place: Andrew Gordon, Gamma Epsilon Delta

Upper

3rd Place: Danielle Eickhoff, Gamma Epsilon Delta
2nd Place: Jennifer Ianno, Gamma Epsilon Delta
1st Place: Shay Wilson, Gamma Epsilon Delta

Professional

3rd Place: Linda Morgan, Tau Epsilon Lambda
2nd Place: Jessica Nelson, Gamma Epsilon Delta
1st Place: Roger Pannel, Gamma Epsilon Delta

Crime Scene

Lower

3rd Place: Gamma Epsilon Delta (James Garlich, Caleb Reily, Brant Hutchinson)
2nd Place: Tau Epsilon Lambda (Nallely Morales, Blake Garcia, Luis Garcia)
1st Place: Gamma Epsilon Delta (Elvia Abarca, Andrew Gordon, Shana MacDonald)

Upper

3rd Place: Gamma Epsilon Delta (Erica Lemuth, Judi Eastland, John Alderman)
2nd Place: Theta Alpha Delta (John Osborn, April Komaskinski, Joseph Schwarz)
1st Place: Gamma Epsilon Delta (Bryan Van Fleet, Ryan Armstrong, John Newman)

Professional

3rd Place: Gamma Epsilon Delta (Bryan Wilkins, Audra Leis, Danielle Hoskins)
2nd Place: Gamma Epsilon Delta (Roger Pannel, Richard Gillespie, Mike Pemberton)
1st Place: Gamma Epsilon Delta (Jessica Nelson, Jennifer Ianno, Kristina Dowler)

Physical Agility

Female 25 and Under

3rd Place: Kaitlin Glover, Theta Alpha Delta
2nd Place: Tabitha Markwardt, Gamma Epsilon Delta
1st Place: Emily Smith, Chi

Female 26, 35

3rd Place: Jennifer Weir, Chi Theta Upsilon
2nd Place: Jennifer Ianno, Gamma Epsilon Delta
1st Place: Christina Paul, Mu Gamma Gamma

Female 36 and Up

2nd Place: Linda Lyle, Chi Theta Upsilon
1st Place: Linda Morgan, Tau Epsilon Lambda

Male 25 and Under

3rd Place: Andrew Muench, Gamma Epsilon Delta
2nd Place: Titus Snavelly, Theta Alpha Delta
1st Place: Ryan Armstrong, Gamma Epsilon Delta

Male 26, 35

3rd Place: John Newman, Gamma Epsilon Delta
2nd Place: Joseph Burton, Gamma Epsilon Delta
1st Place: Jimmy Strickland, Zeta Rho Omega

Male 36 and Up

3rd Place: Gregg Etter, Gamma Epsilon Delta
2nd Place: David Rupp, Tau Epsilon Lambda
1st Place: Frank Galbrecht, Zeta Rho Omega

Firearms Individual

Lower

3rd Place: Dustin Walters, Gamma Epsilon Delta
2nd Place: Jordan Enk, Gamma Epsilon Delta
1st Place: Bryan Van Fleet, Gamma Epsilon Delta

Upper

3rd Place: Tom Noble, Gamma Epsilon Delta
2nd Place: Danielle Hoskins, Gamma Epsilon Delta
1st Place: Ryan Armstrong, Gamma Epsilon Delta

Professional

3rd Place: Linda Morgan, Tau Epsilon Lambda
2nd Place: Bryan Wilkins, Gamma Epsilon Delta
1st Place: Richard Gillespie, Gamma Epsilon Delta

Firearms Team

Lower

3rd Place: Tau Epsilon Lambda (Black Garcia, Luis Garcia, SaSha Uthe)
2nd Place: Tau Epsilon Lambda (Ryan Morales, Burke Garcia, Jerred Stritt)
1st Place: Gamma Epsilon Delta (Bryan Van Fleet, Dustin Walters, Jordan Enk)

Upper

3rd Place: Gamma Epsilon Delta (Rachael Feagan, Audra Leis, Andrew Albers)
2nd Place: Gamma Epsilon Delta (Danielle Eickhoff, Danielle Hoskins, Julie Cross)
1st Place: Gamma Epsilon Delta (John Newman, Tom Noble, Ryan Armstrong)

Professional

3rd Place: Gamma Epsilon Delta (Gregg Etter, Steve Aston, Bradford Smith)
2nd Place: Tau Epsilon Lambda (Linda Morgan, David Rupp, Nathan Maas)
1st Place: Gamma Epsilon Delta (Richard Gillespie, Bryan Wilkins, Joseph Burton)

R

Region 4 Conference Competition Winners - 2009

Top Gun: Nicci Koban, Chi Omega Pi Sigma • **Top Academic:** Tim Farmer, Psi Omega and John Wilt, Omega Alpha Omicron • **Spirit Award:** Psi Omega • **Sweepstakes Award:** Psi Omega

Criminal Law

Lower

3rd Place: Rebecca Olley, Lambda Omega
2nd Place: Anita Clinton, Alpha Tau Delta
1st Place: Mykola Duffy, Lambda Omega

Upper

3rd Place: Corrin Onizuk, Alpha Delta Chi
2nd Place: Andrew Wood, Beta Phi Delta
1st Place: Elizabeth Ayers, Beta Phi Delta

Professional

3rd Place: Dan Maxwell, Psi Omega
2nd Place: Meisha Grimes, Chi Delta Epsilon
1st Place: Dawn Bonavita, Lambda Omega

Police Management and Operations

Lower

3rd Place: Kayla Newton, Omega Alpha Omicron
2nd Place: Amanda Morgan, Sigma Tau Omicron
1st Place: Tim Farmer, Psi Omega

Upper

3rd Place: Cory McCraw, Chi Nu
2nd Place: Andrew Wood, Beta Phi Delta
1st Place: Derek White, Psi Omega

Professional

3rd Place: John Wilt, Omega Alpha Omicron
2nd Place: Joe Walsh, Chi Omega Pi Sigma
1st Place: Nelson Staples, Sigma Alpha Omega

Juvenile Justice

Lower

3rd Place: Elizabeth Jaconi, Psi Omega
2nd Place: Jessica McCann, Lambda Omega
1st Place: Dan Hemperry, Psi Omega

Upper

3rd Place: Cory McCraw, Chi Nu
2nd Place: Derek White, Psi Omega
1st Place: Joseph Mangeno, Psi Omega

Professional

3rd Place: Michelle Jones, Chi Delta Epsilon
2nd Place: Meisha Grimes, Chi Delta Epsilon
1st Place: William Osborne, Delta Xi Omega

Corrections

Lower

3rd Place: Eric Biles, Sigma Tau Omicron
2nd Place: Tim Farmer, Psi Omega
1st Place: Jessica McCann, Lambda Omega

Upper

3rd Place: Robert Auty, Alpha Delta Chi
2nd Place: Angela Morris, Chi Nu
1st Place: Meredith Haynes, Delta Xi Omega

Professional

3rd Place: Nelson Staples, Sigma Alpha Omega
2nd Place: John Wilt, Omega Alpha Omicron
1st Place: Michelle Jones, Chi Delta Epsilon

LAE Knowledge

Lower

3rd Place: Tim Farmer, Psi Omega
2nd Place: Dan Hemperly, Psi Omega
1st Place: Christopher Baxter, Lambda Omega

Upper

3rd Place: Melinda Reid-Avernett, Omega Alpha Omicron
2nd Place: Robert Hanson, Psi Omega
1st Place: Corey Burke, Psi Omega

Professional

3rd Place: Dan Maxwell, Psi Omega
2nd Place: Nicci Koban, Chi Omega Pi Sigma
1st Place: John Wilt, Omega Alpha Omicron

Crime Scene

Lower

3rd Place: Paul Iffing, Micah Long, Dane Abt, Sigma Tau Omicron
2nd Place: Halley Spicer, Brian Reinhold, William Detter, Lambda Omega
1st Place: Tina Lipscomb, Doug Cumi, Jessica Mumford, Chi Delta Epsilon

Upper

3rd Place: Victoria Brown, David Kidder-Giardin, Amanda Hayes, Lambda Omega
2nd Place: Laura Duggan, Kim Batten, Talisha Harris, Sigma Tau Omicron
1st Place: Kelly Williams, Justin Miller, Cory McCraw, Chi Nu

Professional

3rd Place: Meisha Grimes, Rob Richick, Michelle Jones, Chi Delta Epsilon
2nd Place: Todd Istenes, Michael Young, Jim Ayers, Chi Omega Pi Sigma
1st Place: Jess Lehman, Diana Bauer, Nick Sexton, Chi Omega Pi Sigma

Physical Agility

Female 25 and Under

3rd Place: Kelly Williams, Chi Nu
2nd Place: Danielle Fenimore, Chi Nu
1st Place: Jessica Stevens, Omega Alpha Omicron

Female 26-35

3rd Place: Jessica Lehman, Chi Omega Pi Sigma
2nd Place: Nicci Koban, Chi Omega Pi Sigma
1st Place: Meisha Grimes, Chi Delta Epsilon

Female 36 and Up

3rd Place: No Entry
2nd Place: Gracie Clark, Sigma Alpha Omega
1st Place: Shirley Reid-Avernett, Omega Alpha Omicron

Male 25 and Under

3rd Place: Scott Thaxton, Chi Nu
2nd Place: Dan Abt, Sigma Tau Omicron
1st Place: Denzel Talley, Gamma Alpha Psi

Male 26-35

3rd Place: Todd Istenes, Chi Omega Pi Sigma
2nd Place: Mike Young, Chi Omega Pi Sigma
1st Place: Sylvester Beard, Omega Alpha Omicron

Male 36 and Up

3rd Place: James Johnson, Gamma Alpha Psi
2nd Place: John Wilt, Omega Alpha Omicron
1st Place: Nelson Staples, Sigma Alpha Omega

Firearms (Individual)

Lower

3rd Place: Ed Kebbekus, Psi Omega
2nd Place: Sean Grabowski, Psi Omega
1st Place: Chris Fitzwater, Sigma Alpha Omega

Upper

3rd Place: Scott Thaxton, Chi Nu
2nd Place: Anthony Pluretti, Beta Psi Delta
1st Place: Sean Austin, Chi Nu

Professional

3rd Place: Harvie Jeter, Omega Alpha Omicron
2nd Place: William Porterfield, Alpha Tau Delta
1st Place: Nicci Koban, Chi Omega Pi Sigma

Firearms (Teams)

Lower

3rd Place: Micah Long, Paul Iffing, Amanda Morgan, Sigma Tau Omicron
2nd Place: James Russo, Dan Hemerly, Tim Farmer, Psi Omega
1st Place: Sean Grabowski, Devin McCabe, Kyle Turpit, Psi Omega

Upper

3rd Place: No Entry
2nd Place: Lauren Duggan, Eric Palm, Nicole Tomlison, Sigma Tau Omicron
1st Place: Justin Miller, Jason Oates, Sean Austin, Chi Nu

Professional

3rd Place: Michael Kenny, Nick Sexton, Ed Gussin, Chi Omega Pi Sigma
2nd Place: Nelson Staples, Chris Fitzwater, Joe Gordon, Sigma Alpha Omega
1st Place: Nicci Koban, Joe Walsh, Todd Istenes, Chi Omega Pi Sigma

R

Region 5 Conference Competition Winners - 2009

Top Academic: David Nash, Kappa Lambda Omega • Top Gun: Andrew Brewer , Lambda Omicron Pi

Criminal Law

Lower

- 1st Place: Tony Malone, Nu Alpha Chi
- 2nd Place Krista Joseph, Kappa Delta Pi
- 3rd Place Max Tinkey, Delta Omega Gamma Zeta

Upper

- 1st Place: Pamela Ellis, Alpha Sigma Omega
- 2nd Place Christopher Lipson, Lambda
- 3rd Place Alexander Bojorquez, Delta Zeta Omega

Professional

- 1st Place: Brian Brown, Gamma Lambda
- 2nd Place David Nash, Kappa Lambda Omega
- 3rd Place Chad Taylor, Lambda

Corrections

Lower

- 1st Place: Kole McDonald, Kappa Delta Pi
- 2nd Place Tony Malone, Nu Alpha Chi
- 3rd Place Robbie Todd, Omega Delta Chi

Upper

- 1st Place: Charlotte Czaja, Delta Zeta Omega
- 2nd Place John Szarszewski, Delta Zeta Omega
- 3rd Place Jesse Pinson, Delta Zeta Omega

Professional

- 1st Place: Brandy Taylor, Kappa Delta Pi
- 2nd Place David Nash, Kappa Lambda Omega
- 3rd Place Jessica Geister, Gamma Lambda

Police Management

Lower

- 1st Place: Sonya Durrett, Omega Delta Chi
- 2nd Place Max Tinkey, Delta Omega Gamma Zeta
- 3rd Place Alex Doerr, Lambda

Upper

- 1st Place: Charlotte Czaja, Delta Zeta Omega
- 2nd Place Jordan Rudin, Delta Zeta Omega
- 3rd Place Laura Rowell, Alpha Sigma Omega

Professional

- 1st Place: Brian Brown, Gamma Lambda
- 2nd Place Ryan Bradford, Theta Nu Omega
- 3rd Place Brandy Taylor, Kappa Delta Pi

LAE Knowledge

Lower

- 1st Place: Alex Doerr, Lambda
- 2nd Place Krista Joseph, Kappa Lambda Omega
- 3rd Place George Walters, Kappa Lambda Omega

Upper

- 1st Place: Katy Noland, Delta Zeta Omega
- 2nd Place Laura Rowell-Alpha Sigma Omega
- 3rd Place Jesse Pinson, Delta Zeta Omega

Professional

- 1st Place: Chad Taylor, Lambda
- 2nd Place Jemel Townsend, Alpha Omega Xi
- 3rd Place Jessica Geister, Gamma Lambda

Crime Scene Test

Lower

- 1st Place: Lee Mann, Alpha Sigma Omega
- 2nd Place Kole McDonald, Kappa Delta Pi
- 3rd Place Christa Willet, Omega Delta Chi

Upper

- 1st Place: Laura Rowell, Alpha Sigma Omega
- 2nd Place Pamela Ellis, Alpha Sigma Omega
- 3rd Place Jesse Pinson, Delta Zeta Omega

Professional

- 1st Place: Ryan Bradford, Theta Nu Omega Lambda
- 2nd Place Brandy Taylor, Kappa Delta Pi
- 3rd Place Jemel Townsend, Alpha Omega Xi

Juvenile Justice

Lower

- 1st Place: Sonya Durrett, Omega Delta Chi
- 2nd Place Belinda Terry, Gamma Lambda
- 3rd Place Robbie Todd, Omega Delta Chi

Upper

- 1st Place: Michelle Means, Delta Zeta Omega
- 2nd Place Charlotte Czaja, Delta Zeta Omega
- 3rd Place Pamela Ellis, Alpha Sigma Omega

Professional

- 1st Place: Brian Brown, Gamma Lambda
- 2nd Place David Nash, Kappa Lambda Omega
- 3rd Place Brandy Taylor, Kappa Delta Pi

Crime Scene Investigation

Lower

- 1st Place: Cara Spradlin, Tiffany Sauls, Jayda Skyles, Nu Alpha Chi
- 2nd Place Krista Joseph, Brooke Harmeyer, Kappa Delta Pi
- 3rd Place Tommy Perkins, Cindy Yealock, Beth Payne, Omega Delta Chi

Upper

- 1st Place: Charlotte Czaja, Michelle Means, Jesse Pinson, Delta Zeta Omega
- 2nd Place Veronica Varela, Chelsea Pittman, Delta Zeta Omega
- 3rd Place Chris Lipson, Morgan Anderson, Lambda

Professional

- 1st Place: Chad Taylor, Alex Doerr, Lambda
- 2nd Place Brandy Taylor, Kole McDonald, Kappa Delta Pi
- 3rd Place Belinda Terry, Jessica Geister, Brian Brown, Gamma Lambda

Firearms (Individual)

Lower

- 1st Place: Andrew Brewer , Lambda Omicron Pi
- 2nd Place Patrick Hamilton , Nu Alpha Chi
- 3rd Place George Walters , Kappa Lambda Omega

Upper

- 1st Place: Jesse Pinson , Delta Zeta Omega
- 2nd Place William Thum , Lambda Omicron Pi
- 3rd Place Bethany Waricka , Delta Zeta Omega

Professional

- 1st Place: David Nash , Kappa Lambda Omega
- 2nd Place Jemel Townsend , Alpha Omega Xi
- 3rd Place Ryan Bradford , Theta Nu Omega Lambda

Firearms (Team)

Lower

- 1st Place: Max Tinkey, Scott Siebert, Oscar Lopez
- 2nd Place Dan Downey, Drew Brewer, Emily Nelson
- 3rd Place Tracie Hamilton, Joseph Bramblett, Jonathan Farmer

Upper

- 1st Place: Alex Nesbit, Regina Downey, William Thum
- 2nd Place Katy Noland, Jesse Pinson, Dan Shannon
- 3rd Place Bryan Yarber, Bethany Waricka, Jordan Rudin

Professional

- 1st Place: David Nash, Amber Hartman, George Walters
- 2nd Place Jemel Townsend, Ryan Bradford, Kevin Kerr
- 3rd Place Alex Doerr, Chris Lipson, Chad Taylor

Physical Agility

Female 18-25

- 1st Place: Morgan Anderson, Lambda
- 2nd Place Magy Jones, Delta Zeta Omega
- 3rd Place Alyssa Gray, Delta Zeta Omega

Male 18-25

- 1st Place: John Szarszewski, Delta Zeta Omega
- 2nd Place Lee Mann, Alpha Sigma Omega
- 3rd Place T.J. Denson, Alpha Sigma Omega

Female 26-35

- 1st Place: Regina Downey-Lambda Omicron Pi
- 2nd Place La'Sandra Hurst Omega Delta Chi
- 3rd Place No Entry

Male 26-35

- 1st Place: Nicholas Simmon, Gamma Lambda
- 2nd Place Oscar Lopez-Delta Omega Gamma Zeta
- 3rd Place Tommy Perkins-Omega Delta Chi

Female 36+

- 1st Place: Cindy Yealock-Omega Delta Chi
- 2nd Place No Entry
- 3rd Place No Entry

Male 36+

- 1st Place: Preston Koelling, National Vice President
- 2nd Place No Entry
- 3rd Place No Entry

R

egion 6 Conference Competition Winners - 2009

LAE Knowledge

Lower Division:

3rd Place: Martha Perez, Zeta Sigma Alpha
2nd Place: Andrew Rollins, Sigma Delta
1st Place: David Duer, Zeta Sigma Alpha

Upper Division:

3rd Place: Josh Buchs, Tau Alpha Omicron
2nd Place: Colleen Davern, Member-at-Lar
1st Place: Kyle Perkins, Tau Alpha Omicron

Professional Division:

3rd Place: No Entry
2nd Place: No Entry
1st Place: David Stumpf

Juvenile Justice

Lower Division:

3rd Place: Amanda Derr, Alpha Eta Omega
2nd Place: Andrew Rollins, Sigma Delta
1st Place: James Flett, Alpha Eta Omega

Upper Division:

3rd Place: Eric Dann, Iota Tau Tau Mu
2nd Place: Kyle Perkins, Tau Alpha Omicron
1st Place: Amber Jarosh, Sigma Delta

Professional Division:

3rd Place: No Entry
2nd Place: Rosemary Hudson, Sigma Iota
1st Place: Mark Mitchell, Zeta Sigma Alpha

Police Administration

Lower Division:

3rd Place: James Flett, Alpha Eta Omega
2nd Place: David Duer, Zeta Sigma Alpha
1st Place: Lisa Niemiec, Kappa Theta Rho

Upper Division:

3rd Place: Eric Dann, Iota Tau Tau Mu
2nd Place: Joe Klemmetsen, Sigma Delta
1st Place: Colleen Davern, Member-at-Large

Professional Division:

3rd Place: No Entry
2nd Place: Mark Mitchell, Zeta Sigma Alpha
1st Place: David Stumpf, Sigma Delta

Corrections

Lower Division

3rd Place: Andrew Rollins, Sigma Delta
2nd Place: David Duer, Zeta Sigma Alpha
1st Place: Amanda Derr, Alpha Eta Omega

Upper Division

3rd Place: Kyle Perkins, Tau Alpha Omicron
2nd Place: Abby Christman, Tau Alpha Omicron
1st Place: Amber Michaels, Tau Alpha Omicron

Professional Division

3rd Place: Rosemary Hudson, Sigma Iota
2nd Place: Mark Mitchell, Zeta Sigma Alpha
1st Place: David Stumpf, Sigma Delta

Criminal Law

Lower Division

3rd Place: David Duer, Zeta Sigma Alpha
2nd Place: Andrew Rollins, Sigma Delta
1st Place: Nick Groshong, Sigma Delta

Upper Division

3rd Place: Andrew Ross, Tau Alpha Omicron
2nd Place: Ryan Froelich, Sigma Delta
1st Place: Kyle Perkins, Tau Alpha Omicron

Professional Division

3rd Place: No Entry
2nd Place: Mark Mitchell, Zeta Sigma Alpha
1st Place: David Stumpf, Sigma Delta

Physical Agility

Female 25 and Under:

3rd Place: Amanda Derr, Alpha Eta Omega
2nd Place: Amber Michaels, Tau Alpha Omicron
1st Place: Abby Christman, Tau Alpha Omicron

Male 25 and Under:

3rd Place: Nguyen Huynh, Alpha Eta Omega
2nd Place: Kevin Kinghorn, Alpha Eta Omega
1st Place: Zack Ackerman, Tau Alpha Omicron

Female 26 to 35:

3rd Place: No Entry
2nd Place: Eloisa Barrera, Zeta Sigma Alpha
1st Place: Colleen Davern, Member-at-Large

Male 26 to 35:

3rd Place: No Entry
2nd Place: Nick Groshong, Sigma Delta
1st Place: David Duer, Zeta Sigma Alpha

Female 36 and over:

3rd Place: No Entry
2nd Place: No Entry
1st Place: Rosemary Hudson

Male 36 and over:

3rd Place: No Entry
2nd Place: Dave Stumpf, Sigma Delta
1st Place: Mark Mitchell, Zeta Sigma Alpha

Crime Scene

Lower Division:

3rd Place: Nguyen Huynh, Amanda Derr,
Kevin Kinghorn, Alpha Eta Omega
2nd Place: Kelly Muntz, Aurelio Reyes,
Amanda Woods, Iota Tau Tau Mu
1st Place: Dwayne Ringgold, Adam Hasan,
Dan Duer, Zeta Sigma Alpha

Upper Division:

3rd Place: Dustin Eggert, Kyle Perkins,
Vincent Keesler, Tau Alpha Omicron
2nd Place: Amber Michaels, Zack Ackerman,
Jeffrey Willis, Tau Alpha Omicron
1st Place: Amber Jarosh, Joe Klemmetsen,
Ryan Froelich, Sigma Delta

Professional Division:

3rd Place: No Entry
2nd Place: No Entry
1st Place: No Entry

Firearms (Individual)

Lower Division:

3rd Place: Nick Groshong, Sigma Delta
2nd Place: Nguyen Huyhn, Alpha Eta Omega
1st Place: Andrew Rollins, Sigma Delta

Upper Division:

3rd Place: Dustin Eggert, Tau Alpha Omicron
2nd Place: Kyle Perkins, Tau Alpha Omicron
1st Place: Joe Klemmetsen, Sigma Delta

Professional Division:

3rd Place: No Entry
2nd Place: Mark Mitchell, Zeta Sigma Alpha
1st Place: David Stumpf, Sigma Delta

Firearms (Team)

Lower Division:

3rd Place: No Entry
2nd Place: No Entry
1st Place: Amanda Derr, Nguyen Huyhn,
James Flett, Alpha Eta Omega

Upper Division:

3rd Place: Josh Buchs, Jeffrey Willis, Kyle Perkins,
Tau Alpha Omicron
2nd Place: Vincent Keesler, Zack Ackerman,
Dustin Eggert, Tau Alpha Omicron
1st Place: Ryan Froelich, Andrew Rollins,
Joe Klemmetsen, Sigma Delta

Professional Division:

3rd Place: No Entry
2nd Place: No Entry
1st Place: Andrew Bach, Mark Mitchell,
David Stumpf, (various chapters)

C

ritical Feminist Theory and Domestic Violence

1st Place Winner, Graduate Division 2009 National Student Paper Competition

By Amber C. Rawls, Phi Delta, University of Louisiana at Monroe, Monroe, LA

Abstract

Domestic violence is a crime which may result in injury or even death for the victim but oftentimes the victim is unwilling to report these incidents to law enforcement. This paper will review the history of domestic violence, incidents of domestic violence and the response by the criminal justice system to domestic violence. This paper will also attempt to examine the critical feminist theory as it relates to domestic violence, both causation and victimization and implications for the criminal justice system.

Critical Feminist Theory and Domestic Violence:

Domestic violence, unlike many other violent crimes, is an invisible crime, often occurring in the homes of the victims and perpetrated by an intimate partner. Oftentimes the victims of domestic violence fail to report these incidents to police and many of the victims choose not to leave the abusive situation immediately. Domestic violence affects not only the offender and the victim but costs society as well. The Centers for Disease Control and Prevention estimate the costs for domestic violence in 1995 was an estimated \$5.8 billion (Centers for Disease Control, 2006). Clearly the need to understand and deter domestic violence is important not only for the safety of the victims but for the betterment of society in general.

In today's society, there are many types of intimate partner relationships; however, this paper will attempt to examine the causation of domestic violence within the largest category of violent intimate partner relationships: men as offenders and women as victims.

History of Domestic Violence

Domestic violence is not a phenomenon unique to our society. In fact, domestic violence has occurred throughout recorded history. In ancient Rome, men had the legal right to physically assault their wives for such acts as walking in public without their face covered, drinking wine or attending public events without permission (Siegel, 1986). This acceptance of a husband's legal and moral obligation to physically control their wife's behavior continued into the modern era (Siegel, 1986).

By the end of the 19th century, England passed laws to protect wives from being physically assaulted by their husbands but these laws were overshadowed by the

traditional portrayal of wives as subordinate to their husbands and subject to the physical control of their husbands (Siegel, 1986). Husbands who physically assaulted their wives were subject to public ridicule but limited chastisement was still the rule (Siegel, 1986).

It was not until 1882 that the act of "wife-beating" was considered a crime in the United States (Minnesota Center Against Violence and Abuse, 1999). However, domestic violence was not viewed as serious social problem until the 1960's and 1970's during the women's liberation movement (Minnesota Center Against Violence and Abuse, 1999).

In essence, history has contributed to the societal approval for a man to physically control a woman (Siegel, 1986).

Incidents of Domestic Violence

Each year women are the victims of 4.8 million physical assaults and rapes at the hands of their intimate partners (Centers for Disease Control, 2006). The National Institute of Justice reports that 1 out of every 5 women in the United States have been the victim of domestic violence sometime in their life (Tjaden & Thoennes, 2000).

These figures account for the number of victims of physical assaults only; however, domestic violence may not be limited to physical assaults. Domestic violence involves an array of behaviors. The Centers for Disease Control (2006) list four types of behaviors that encompass domestic abuse:

1. Physical abuse
2. Sexual abuse
3. Threats of physical or sexual abuse
4. Emotional abuse

When one expands the definition of domestic violence to include all of these behaviors, the true extent for which women are abused may never be known.

Research into incidents of domestic violence has provided factors that may predict domestic violence. Siegel (2005, p.255) list these factors as follows:

1. Presence of alcohol. Excessive alcohol use may turn otherwise docile husbands into wife abusers.
2. Hostility toward dependency. Some husbands who appear docile and passive may resent their dependence on their wives and react with rage and violence; this reaction has been linked to sexual inadequacy.
3. Excessive brooding. Obsession with a wife's behavior, however trivial, can result in violent assaults.
4. Social approval. Some husbands believe society approves of wife abuse and use these beliefs to justify their violent behavior.
5. Socioeconomic factors. Men who fail as providers and are under economic stress may take their frustra-

tions out on their wives.

6. Flashes of anger. Research shows that a significant amount of family violence results from a sudden burst of anger after a verbal dispute.

7. Military service. Spouse abuse among men who have served in the military service is extremely high. Similarly, those serving in the military are more likely to assault their wives than civilian husbands. The reasons for this phenomenon may be the violence promoted by military training and the close proximity in which military families live to one another.

8. Having been battered as children. Husbands who assault their wives were generally battered as children.

9. Unpredictableness. Batterers are unpredictable, unable to be influenced by their wives and impossible to prevent from battering once an argument has begun. Batterers can be classified into two distinct types: men whose temper slowly simmers until it suddenly erupts into violence and those who strike out immediately.

Domestic violence also occurs more frequently in certain social conditions than others. DeKeseredy and Hinch (1991, pp. 26-28) discovered that:

1. Married women are more likely to be beaten than unmarried women.
2. Women aged 18-34 are more likely to be victimized than women of other age groups.
3. Low-income men are more likely to assault their wives than males in higher income groups.
4. Unemployed men are more likely than both employed men and part-time men to abuse their wives.

Regarding the specific demographics of victims, women of all races and ethnic origins are at risk for becoming a victim of domestic violence. As stated by the National Coalition Against Domestic Violence (n. d.), "There is not a typical woman who will be battered - the risk factor is being born female."

Domestic Violence and the Criminal Justice System

Traditionally, the criminal justice system had not considered domestic violence a high priority crime, classifying violence committed by an intimate partner less seriously than crimes committed by strangers (Toth, Crews, & Burton, 2008). The victim's lack of cooperation, unwillingness to testify in court and state law restrictions on misdemeanor arrest procedures for police officers further served to keep domestic violence cases a low priority in the criminal justice system (Toth et al., 2008).

As stated earlier, domestic violence was not considered a serious social problem until the women's liberation movement during the 1960's and 1970's. Law enforcement had to change the way it responded to

domestic violence and between 1976 and 1981 the Law Enforcement Assistance Administration began funding projects specifically for assisting victims and prosecuting offenders (Toth et al., 2008).

The Minneapolis Domestic Violence Experiment conducted by Lawrence Sherman and Richard Berk between 1981 and 1982 measured the effectiveness of police mediation, ordering the offender to leave the residence or arresting the offender (Siegel, 2005). The results from this experiment showed that repeat offending decreased 50% when the offender was arrested (Toth et al., 2008). However, these results could not be duplicated in other cities (Siegel, 2005). Studies in other cities showed that arresting the offender resulted in three different outcomes: the violence used by the offender escalated, some offenders were deterred from reoffending or no deterrent effect at all (Toth et al., 2008). The deterrent effect of arrest may initially have prevented some reoffending because of the fear of punishment but this fear may be replaced with anger toward the victim when the case does not result in severe punishment (Siegel, 2005). These offenders may also be aware of police reluctance to make an arrest unless the victim has received or has a significant chance of receiving further injury (Siegel, 2005).

The willingness of a victim to report incidents of domestic violence to law enforcement is also a major issue faced by criminal justice agencies. In their study of victim satisfaction with the criminal justice system, Buzawa and Hotaling (2006) discovered that the more control the victim felt they had over the actions of the criminal justice system, over ending violent incidents and over the offender's future, the more satisfied the victim was with the criminal justice system and the more likely to report future incidents of domestic violence. The study also revealed that of the 17% of victims who expressed dissatisfaction with the criminal justice system, 49% admitted that they had been revictimized (Buzawa & Hotaling, 2006).

The study also discovered that women who were sexually abused as children were least likely to report domestic violence incidents, coinciding with previous research suggesting a link between the victim's history of abuse and likelihood of reporting domestic violence (Buzawa & Hotaling, 2006). Victims who took advantage of victim services programs had higher levels of satisfaction, especially when the victim utilized nonprofit and community-based agencies with resources available from the criminal justice system (Buzawa & Hotaling, 2006).

Now that the history of domestic violence in society, information regarding incidents of domestic violence and the response by the criminal justice system has been reviewed, the critical feminist theory of causation and victimization may be explored.

Critical Feminist Theory

Critical feminist theory is a social conflict theory based on gender inequality caused from men's dominance in a capitalist society (Siegel, 2005). In a male dominated society, women are considered a commodity, similar to money or land (Siegel, 2005). Critical feminists view the patriarchal system (male control of the division of labor and women's sexuality) as the most important relations in any society, with all other relations, such as social class, deriving from male-female

relations (Beirne & Messerschmidt, 2000). This theory is also based on the following rationale by Jaggard & Rothenberg (1985, p. 86):

1. Women were, historically, the first oppressed group.
2. Women's oppression is the most widespread, existing in virtually every known society.
3. Women's oppression is the deepest, in that it is the hardest form of oppression to eradicate and cannot be removed by other social changes such as the abolishment of class society.

The critical feminist theory links gender conflict in society to the causation of criminal behavior by men and the heightened risk of women victimization (Siegel, 2005). It also maintains that a capitalist society promotes the continued exploitation of women by excluding women from the labor force, furthering male domination over women sexually and economically (Siegel, 2005). Although attempts by legislation have been made to bridge the economic inequalities between men and women, women still on average earn less than their male counterparts for the same labor and remain a minority in corporate administration.

Men as offenders.

The critical feminist theory asserts that when lower-class men are excluded from economic opportunity, they attempt to compensate by reinforcing their self-image, usually by committing violent crimes against women (Siegel, 2005). This need to prove their masculinity by dominating women is the most convenient way for these men to prove their manhood, due to the fact that women are physically weaker (Siegel, 2005). Furthermore, in a discussion of men who engage in domestic violence, Hanser (2007) describes patriarchal terrorism, the need of men to be in control of a relationship by abusing women, as based on the idea of "male privilege," or the rights inherent to men based on their historical dominance in society. This need for control is evident in the different behaviors which encompass domestic violence; these actions are based on the need to control the victim.

This theory is supported by several factors that may predict domestic violence examined earlier in this paper. Hostility toward dependency may reflect the man's internal rage toward the inability to compete in a capitalist society; therefore this rage is reflected onto the symbol of inadequacy, the man's spouse. In a capitalist society dominated by men, it is socially unacceptable for a man to be financially dependent on a wife's income. Excessive brooding and obsession with a woman's behaviors may indicate a need to limit a woman's activities outside of the home. Part of a wife's capital lies in work completed inside the home, such as cleaning and cooking and the more time spent out of the home, the less work is completed inside the home. Social approval believed by some men to batter their spouses also supports this theory, as history has already shown a social acceptance of this practice and law enforcement, a mainly male-dominated profession, has been historically reluctant to arrest men who physically assault women.

This theory is further supported by the increased frequency of domestic violence in certain socioeconomic conditions, such as low-income men more likely than higher income men to batter women and unemployed

men more likely than both full-time and part-time employed men to batter women. This leads back to the assertion that lower-class men are more prone to commit violent acts against women to reinforce their image of "manhood."

Women as victims.

In a capitalist society, the division of labor determined by the male dominated society left many women responsible for unpaid "domestic work" (Siegel, 2005). Even when women were allowed to enter the workforce, they were paid less than their male counterparts, leaving women exploited both inside the household and in the workforce (Siegel, 2005). This in turn left women dependant on a man's income (Siegel, 2005).

Women were historically viewed by society as "property" of their husbands (Toth et al., 2008) and even in today's society, women are encouraged to take their husband's surname when married. When women marry, typically their independent financial resources become tied to their husband's. In many cases, victims of domestic violence cite financial reasons for not leaving the abuser, including limited marketable skills, child care issues, costs of legal assistance and lack of financial resources (Beirne & Messerschmidt, 2000).

This theory is supported by the increased frequency of domestic violence in certain socioeconomic conditions, such as the fact more married women are victims of domestic violence than unmarried women. This theory also supports why women age 18-34 are more at risk for becoming victims of domestic violence than other age groups; this age bracket coincides with the typical age for women in their child-bearing and child-rearing years. Women in this age bracket must rely upon the income of a man to support the costs of caring for children.

This theory is also supported by higher reports of victim satisfaction and lower rates of revictimization when a woman is able to utilize nonprofit and community-based agencies to provide resources not normally obtainable without assistance. These resources help the woman find some measure of economic independence from the abuser, providing a means to escape the abuse without becoming devastated financially for doing so.

Summary and Conclusion

Domestic violence is a complicated crime in which the offender targets those intimately closest to them and a crime in which the victim is oftentimes unwilling to report to law enforcement. By examining the history of domestic violence, incidents of domestic violence and the response by the criminal justice system to domestic violence, the critical feminist theory relating to domestic violence, involving both causation and victimization, can be clearly related to domestic violence. This theory leads to several implications for the criminal justice system.

Social acceptance of domestic violence was a major factor for the critical feminist theory. For the criminal justice system, this factor indicates the need to aggressively address the criminal nature of domestic violence by arresting violators without hesitation. Reluctance on the part of law enforcement in arresting violators has only reinforced the offender's belief that domestic violence is, at best, considered a minor violation of the law and acceptable in some situations. Although mandatory arrest laws have proven to only minimally deter some

offenders, arrest does allow immediate, if not short term, protection for the victim. The court system should re-examine sentencing practices for domestic violence cases and consider stricter punishments for those offenders who continue to recidivate. Some offenders may respond to counseling programs but for those offenders who continue to reoffend, incapacitation may be the only viable option for these offenders.

Although the historical acceptance of domestic violence cannot be altered, the criminal justice system should cooperate with religious, educational and social institutions to educate the general public on the social costs and potential dangers of domestic violence in order to establish intolerance towards any form of domestic violence.

The critical feminist theory also highlights the need for victims to have some feelings of control before they are able to leave an abusive relationship permanently and reduce their risk of future victimization. For the criminal justice system, this indicates a need to involve the victim at every stage of the criminal justice process and to direct the victim to the appropriate agencies to assist with maintaining economic independence and other necessary services. This cooperative effort between nonprofit agencies, community-based agencies and the criminal justice system must be able to provide

services to the victim immediately or the victim may be pressured to return to the abusive situation due to lack of resources.

In conclusion, changing societal attitudes regarding domestic violence and empowering victims of domestic abuse are the best approaches for deterring future incidents of violence and reducing the cost to society in general.

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The Crystal Meth Crisis and the Combat Methamphetamine Epidemic Act of 2005

1st Place Winner, Upper Division, 2009 National Student Paper Competition

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Abstract

Methamphetamine abuse and manufacturing broke out in the United States in a major way beginning in the early 1990's. Due to its highly addictive nature, this drug has taken its toll on individuals, families and society as a whole. The federal government has attempted to control this drug by attacking its precursor ingredients with a number of legislative acts, most of which have been unsuccessful. The most recent successful legislation that has been passed is the Combat Methamphetamine Epidemic Act of 2005 (CMEA). This comprehensive legislation passed by President George W. Bush has had a hand in considerably reducing the amount of methamphetamine clandestine laboratories found across the country. Although the CMEA has helped in this reduction, there is still room for

improvement and other avenues that can be explored in order to work on the eradication of methamphetamine.

The Crystal Meth Crisis and the Combat Methamphetamine Epidemic Act of 2005

Methamphetamine abuse and manufacturing is a major plague that has infected numerous individuals and the American society as a whole. It has destroyed lives, families and entire communities. Similar to the way cancer spreads throughout the body, methamphetamine has spread throughout this country consuming state after state. Being first introduced on the West Coast, methamphetamine managed to remain fairly contained leaving anyone outside of a few select states relatively untouched by the drug prior to the late 1980s. Nonetheless, the infection spread and methamphetamine had began its journey Eastward by the early 1990s. According to Drug Enforcement Administration (DEA) agent, Timothy Ogden, "in 1990, only two states reported the seizure of 20 or more methamphetamine labs. In 2004, this number had skyrocketed to 41

states" (U.S. House, 2005, p. 13). This outbreak has forced the federal government to put into effect legislative acts that fight the drug by attacking its precursor ingredients. The most effective weapon in this battle so far seems to be the Combat Methamphetamine Epidemic Act of 2005 (CMEA). The CMEA is a bill that limits retail sales and import accessibility of precursor ingredients, increases penalties for meth related offenses and establishes new grant programs to facilitate state and federal government in fighting this battle. The act has by no means been successful enough to eradicate the drug; however, it has appeared to stop the dramatic rise in the amount of clandestine laboratory seizures and methamphetamine related arrests in the United States.

Methamphetamine: What is it?

Methamphetamine has a countless number of aliases and nick names; some of which include terms such as "crystal meth," "crank," and simply "speed." It is the most potent amphetamine derivative and has become readily available, due to simple manufacturing techniques and relatively easy access to materials. Anyone with a little knowledge, a stove top and a beaker can

make meth with chemicals purchased from their local hardware store and pharmacy.

Methamphetamine is a highly addictive stimulant that accelerates central nervous system activity as well as increases synaptic concentrations of the neurotransmitter dopamine, which intensifies nerve impulses in the brain that are associated with pleasure (D. Sue, D.W. Sue, & S. Sue, 2006). The immediate effects one may experience from taking this drug, aside from increased blood pressure, heart rate and body temperature, are increased activity and attention as well as decreased appetite and fatigue. Methamphetamine use induces a sense of alertness, sexual arousal, energy, euphoria and grandiosity. The drug comes in multiple forms and can be inhaled, taken orally, intravenously or nasally. Methamphetamine can easily become habit forming with a rapid increase in tolerance and a high potential for physical addiction; thus leading to its abuse in epidemic numbers when the drug is readily available.

Individual Effects of Methamphetamine

Methamphetamine abuse can be extremely detrimental to an individual's physical and mental well being, particularly after long term use. One major area of concern is the damage that long term use can have on the brain. Brain image mapping of chronic users has shown to display destruction of brain tissue in the limbic region, which regulates mood, reward and emotion (Langton, 2007). Decision processes are also affected as they are no longer taking place in the conscious mind but instead are derived from more instinctual regions. So rather than weighing decisions in a conscious manner, the methamphetamine abuser is more likely to act impulsively leading towards unhealthy judgments and decision making. This drastically impaired decision making can eventually lead to individuals losing their jobs, endangering their families and going to prison.

Other negative effects brought about by the abuse of methamphetamine can include depression, paranoia, tooth deterioration, skin sores, anorexia, chest pains and stroke. The lack of sleep often associated with methamphetamine abuse can lead to anxiety, confusion, hallucinations and psychosis. Symptoms associated with Parkinson's disease, Alzheimer's disease and schizophrenia are also exhibited frequently in long term chronic abusers of crystal meth.

Societal Effects of Methamphetamine

It is important to examine the effects of methamphetamine in order to realize why its increasing hold on America is such an urgent crisis and cause for national alarm. The individual effects of crystal meth, in essence, seep into the crevices of society and create a tumultuous atmosphere that can quickly devour an entire community seemingly without warning. There are many societal costs of the crystal meth crisis, which include but are not limited to law enforcement, prosecution, corrections, treatment, healthcare, child welfare and environmental cleanup. All of which cost taxpayers and the government millions of dollars per year. In addition to drug related offenses, violence and other crimes, such as burglary and identity theft, tend to coincide with methamphetamine use causing considerable amounts of damage on society.

According to the United States Sentencing Commission, the numbers of federal offenders with sentences

stemming from methamphetamine related offenses have been increasing from 7.3% of all drug offenders in 1995 to 21% in 2006. This is currently costing us approximately \$110.9 million per year to house these inmates (U.S. Department of Justice, 2004). In 2005, the DEA alone spent approximately \$176 million for meth related enforcement (Scheb & Scheb, 2008). Treatment and hospitalization needs related to methamphetamine abuse have also been steadily rising since 1999 (Amera-Chem, 2007). Not only does methamphetamine come with a monetary cost but also with a familial cost as well. In the process of addiction, court and prison families are paying the ultimate price for their loved ones problems with this drug; primarily the children. For example, in 2004 in Carver County, Minnesota, 90% of the children in foster care were placed there due to crystal meth (U.S. House, 2005). Domestic violence is also rather prevalent in the homes of these addicts, possibly due to the paranoia, anxiety and aggressiveness that can accompany methamphetamine abuse.

Moreover, individuals that operate clandestine methamphetamine laboratories in their homes pose a great threat to their neighborhoods. Vast amounts of health and environmental danger is produced from the growing number of clandestine meth labs across the country. These laboratories can produce toxic fumes that have damaging effects on the respiratory systems of meth cooks, their families and even future occupants of the home. Meth labs require the use of extremely flammable chemicals, which also put them at risk of fires and explosions. Furthermore, the toxic byproducts of the post-manufacturing phase of methamphetamine production pose an immense environmental problem. After the production of one pound of finished methamphetamine, there can be up to five to six pounds of toxic waste and hazardous materials produced; some of which can remain in the environment for years (National Institute of Environmental Health Sciences, 1998). Unfortunately these toxic chemicals are routinely dumped in outdoor locations; hence the DEA having 3,813 meth lab related dump sites reported to them in 2005 (Amera-Chem, 2007). Cleaning up these dump sites and meth labs is not only dangerous to law enforcement but is also very costly for tax payers. In fiscal year 2004, the DEA over saw the clean up of 10,061 meth labs, costing a total of \$18.6 million (U.S. House, 2005). A single meth lab clean up could cost anywhere from \$5,000 to \$45, 000 depending on the extent of the damage (NIEHS, 1998). The responsibility of the cost varies from case to case and from state to state but a majority of the bill remains with the tax payers.

History of Methamphetamine in the United States

Methamphetamine is suggested to have got its start on the main land of the United States by coming on to the California scene in the mid 1960's; with the majority of meth labs and sales being led by motorcycle gangs (Braswell, 2005). Shortly after, the peace and love of the sixties came to an end with the methamphetamine fueled rise of Charlie Manson and Helter Skelter. However, the full impact of the drug was not felt for several years later as it was overshadowed by cocaine, which was considered the trendier drug of the seventies and eighties.

Abuse and manufacturing of methamphetamine in the United States began to show a dramatic increase

in the early 1990's and has continued on into the 21st century. The sudden rise of methamphetamine can be correlated to the declaration of the active ingredient in most clandestine amphetamine labs, phenyl-2-propranone, as a Schedule II Controlled Substance by the Drug Enforcement Administration in 1980. The DEA's attempt to reduce amphetamine abuse and illicit manufacturing only led to illegal manufactures having to revert to another method. However, much to the disarray of law enforcement, the method they found produced a drug that was easier and cheaper to make and double the potency of regular amphetamines.

Another factor that contributed to the increase in methamphetamine prevalence in this country is the rise of small toxic laboratories across the United States. This may possibly be due to the passing along of the "recipe" by meth cooks as well as the convenient availability of the ingredients necessary to produce the drug. These smaller labs produce roughly one-third of methamphetamine in the country and although these individual labs do not put out large amounts of meth, the growth in their numbers has resulted in a rise of methamphetamine production on the whole (U.S. House, 2005). The methamphetamine epidemic began to spread even more rampantly, moving from California to Oregon, Washington and to Arizona by 1994. The progression continued on into the central states such as Arkansas, Iowa, Kansas, Missouri and Nebraska, finally making its way into mostly rural areas of Michigan, Ohio and Pennsylvania.

"Super labs" also began to increase in the early nineties; they are defined as such when the laboratory has the ability to produce ten or more pounds of methamphetamine in a single production cycle (U.S. House, 2005). Mexico's Amezcua Brothers started this trend after realizing that the real money was not in retail sales but in drug production itself. They began to legitimately acquire large quantities of the precursor chemicals ephedrine and pseudoephedrine, since the importation of these chemicals was not as closely monitored in Mexico as it was in the United States. The cartel then began these super labs in California, smuggling the ephedrine and pseudoephedrine into the United States because at the time the penalty for bringing in these chemicals was only a misdemeanor versus the felony charge that would be imposed for importing the finished product. These Mexican drug cartels also smuggled in multi-ton supplies of pseudoephedrine from Canada that is until 2003 when Canada enacted the Precursor Control Regulation Act. This was a key accomplishment in eliminating many of the super labs in the United States. In 2003 there were 130 super labs in the U.S. and in 2005 that number had dropped to 35 (Amera-Chem, 2007). Unfortunately though, this has only displaced the super labs by moving them to Mexico. According to the DEA in 2006, Mexican drug cartels still controlled nearly 80% of the methamphetamines sold in the United States.

Federal Methamphetamine Legislation: Work in Progress

Many efforts have been made to try to stop the growing numbers of clandestine methamphetamine labs that are infecting lives all across America. These efforts though, as they basically target a legitimate multi-billion dollar industry, have been somewhat lacking due

to legislators giving in to the pharmaceutical industry lobbyists. The Chemical Diversion and Trafficking Act (CDTA) was the first real piece of legislation whose target included methamphetamine precursors and came about in 1988 in the form of an amendment to the Controlled Substance Act. The CDTA required that all importers and exporters of controlled substances, including ephedrine, keep records and report to the DEA the comings and goings of only the powder form of these chemicals. The capsule and tablet forms of ephedrine and pseudoephedrine sold in retail settings were still left largely unregulated though, thus leaving us in the same place that we started.

In 1993, the Domestic Chemical Diversion Control Act (DCDCA) passed through Congress; this law allowed for regulation of over the counter ephedrine tablets but not pseudoephedrine tablets. This bill essentially caused the same effect in methamphetamine production that the banning of phenyl-2-propanone caused in the 1980's. For a second time, with the help of the government, the speed cooks found another chemical to make meth and once again were able to make it more potent than ever before. The next legislative action to come about was the Methamphetamine Control Act of 1996 (MCA). At this point, expansive authority over the trade in pseudoephedrine was given to Congress but legislators failed, yet again, to create a law without loop holes for the methamphetamine manufacturers. While the MCA increased penalties for trafficking and manufacturing of crystal meth and it did broaden controls of products containing the chemicals ephedrine and pseudoephedrine but it still essentially allowed unregulated sales of pseudoephedrine in blister packs. In the end, the enactment of this legislation was virtually useless; although, with each attempt at legislation against methamphetamine the federal government has shown improvement.

The Combat Methamphetamine Epidemic Act of 2005

Some may think it a far cry to suggest that the manufacturing and trafficking of methamphetamine could be considered terrorism but the federal government is not one of them. After several failed attempts to regulate precursor chemicals and reduce the amount of meth in this country, Congress finally decided to enact the first ever comprehensive methamphetamine legislation. The Combat Methamphetamine Epidemic Act of 2005 was signed into law on March 9, 2006 by President George W. Bush. And it just so happened that this new anti-meth legislation was incorporated into the USA PATRIOT Improvement and Reauthorization Act of 2005; which in essence, is legislation that was designed to improve and reauthorize the controversial Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001. What is interesting though is that this was not a completely original idea belonging to the federal government. Back in 2003, two district attorneys from North Carolina tried to include methamphetamine under their state's antiterrorism law as a weapon of mass destruction (Langton, 2007).

The primary purpose of the CMEA is to regulate over-the-counter sales and imports of ephedrine, pseudoephedrine and phenylpropanolamine based products. The regulation of these products seemed the only viable

solution and therefore is necessary to combat against the illegal manufacturing of methamphetamine. The CMEA, through the amendment of the Controlled Substance Act as well as the Controlled Substance Import and Export Act, regulates transactions of these chemicals, establishes production quotas, restricts importation and has increased penalties for production and trafficking of crystal meth. Furthermore, this legislation calls for the improvement of existing grants, specifically those pertaining to drug courts and hot spots and also provides government the authority to create new grant programs.

After being signed into action the CMEA went into effect in three stages. The first stage became effective the day the act was signed into law and provided definitional changes, most importantly for the phrase "scheduled listed chemical product." This term now specifically means "a product that (i) contains ephedrine, pseudoephedrine or phenylpropanolamine; and (ii) may be marketed or distributed lawfully in the United States under the Federal, Food, Drug and Cosmetic Act as a nonprescription drug" (DEA, 2006). This was necessary to establish because these chemicals are not considered controlled substances but needed to be classified in order for their regulation. The second stage, becoming effective April 8th, 2006, set nationwide purchase limits of scheduled listed chemicals at 3.6 grams per customer per day and a monthly purchase limit of 9 grams per customer. Blister-pack requirements for non-liquid forms and mail order restrictions also went in to effect at this time.

The final stage, effective September 30, 2006, set sales limits for mobile retail vendors, product placement requirements, logbook provisions and self-certification and training requirements for any one selling scheduled listed chemical product. The product placement specifications required sellers to keep these products out of the reach of customers by placing them behind the counter or else in a locked cabinet that is away from direct access of purchasers. Finally, logbook provisions, controversial yet mandatory, require sellers to maintain a list of sales that includes product name, quantity sold, name and address of purchaser and time and date of the sale. Purchasers are also required to present a government issued photo identification card to verify their identity to the seller. Since the implementation of the CMEA, the DEA (2008) has already shown a decrease in the total amount of methamphetamine clandestine laboratories and their dumpsites in nearly every state. Although the CMEA has played a part in this reduction, it can not take full credit. Prior to this act, various states around the country have been implementing laws restricting the sales of precursor products. Oklahoma was the first state to do this in 2004 and has shown a massive decline in meth lab incidents. They went from 1,068 incidents in 2003 down to 222 incidents in 2005 (DEA, 2008). These numbers prove that by reducing availability to precursor materials this drug epidemic can be reduced.

Discussion

The crystal meth crisis is real and more viable solutions need to be found in order to eradicate this dangerous drug. Because methamphetamine is not derived from any resource that grows naturally, unlike other drugs such as marijuana and heroin, it is possible

to regulate its ingredients and virtually eliminate the drug. One example of where this was accomplished is in the case of Quaaludes. In the 1980's the DEA made agreements with factories around the world that produced methaqualone to regulate and stop sending the drug to South America where it often ended up in the hands of Columbian cartels. These agreements led to a \$2 billion per year industry to disappear seemingly overnight (Langton, 2007). This could also be done with factories that produce ephedrine and pseudoephedrine since there are relatively few that exist around the world. Currently, DEA officials focus mostly on exports of scheduled listed chemicals to the United States and Mexico. A more comprehensive measure would be to work with countries such as India, China and Germany where some of these factories are located and track all sales of these chemicals in order to more effectively detect smuggling routes.

However, the federal government is at least presently headed in the right direction and is truly recognizing the damaging effects methamphetamine is having on our country. After over a decade of lack luster attempts to stop the spread of this meth epidemic and regulate precursor chemicals used in the manufacturing of methamphetamine, legislators seemed to have finally gotten it right. By far the CMEA is the most comprehensive legislative act to date, leaving no room for loopholes. This set of laws provides a promising future in the increasing reduction of this plague we call meth.

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Stop or I'll Shoot: A Look at Police Use of Deadly Force

1st Place Winner, Lower Division, 2009 Student Paper Competition

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Abstract

The nature of police work places officers in a dangerous situation. Police officers are given the responsibility by the public to protect them from crime and criminals. Police officers are forced to deal with situations can be hostile, dangerous and even life threatening. The police try to bring about peaceful solutions to these situations but are sometimes confronted by individuals that do not intend to cooperate with the police. Most of the time, these situations can be mediated down or brought to an end with a minimal use of force. Unfortunately, there are times when deadly force is needed to bring about an end to a situation. Police officers do not shoot suspects because they enjoy it. They do it to protect the community from the danger posed by the suspect. This report is a look at the dangers police officers face in the line of duty. We will look at some of the weapons a police officer is confronted with and why they must use deadly force to protect themselves and their community. We will also look at the communities reaction to police officers who use deadly force and look at two incidents where police were forced to use deadly force.

Stop Or I'll Shoot A Look At Police Use Of Deadly Force

When confronted by a dangerous situation, people react by running away from the danger. A police officer responds to dangerous situations and brings about an end to the problem and protects the public from danger. Most of the time an officer can end a situation with a minimum amount of force. There are times when more force will need to be used. Unfortunately, there are going to be times when police have only one option to bring

about the end to a situation. That option is to use deadly force.

Officers Killed Or Assaulted In The Line Of Duty

First, let's take a look at the risk officers face in the line of duty. According to the FBI's Officers Killed Or Assaulted In The Line Of Duty Report (2005), between 1996 and 2005, 575 officers were feloniously killed in the line of duty. This includes officers killed by a felonious act but does not include officers accidentally killed in the line of duty. This number also does not include the officers killed in the September 11th, 2001 attacks. 575 is not just a number. It is a large group of officers who left home for work in the morning but never came home, leaving behind husbands, wives and children.

According to the FBI's report (2005), there were 566,626 assaults on police officers during that same 10 year period. A large amount of these attacks were made with suspects' hands and feet but also with vehicles, knives, firearms and other weapons. Being a police officer is a dangerous profession where you are confronted by upset, angry individuals who do not always want to cooperate with law enforcement.

Constitutional Standards

What gives an officer the right to shoot or kill a suspect? Police Officers are employed by city or county agencies to protect the citizens of those areas. The public trusts in them to protect the community and gives them the right to arrest suspects who break the law. Not every suspect is willing to cooperate when being arrested. Many will lash out and attack the officers. As Patrick and Hall (2005) discuss, under the Fourth Amendment officers may use deadly force within two contexts:

1. To protect themselves and others from immediate threats of serious physical injury; and/or,
2. To prevent escape of a person who may justifiably be characterized as "dangerous" to the officers or to the community if allowed to remain at large. (p. 15)

To protect themselves and others seems pretty straight forward. Every person has a right to self

defense. This notion extends to police officers as well. When confronted by a suspect who is angry and unresponsive to commands the police always have the right to defend themselves.

The Supreme court has also established a the standard of how to judge when police were justified to use deadly force. In *Graham v. Connor* the court stated:

"whether the officer's actions are objectively reasonable in light of the facts and circumstances confronting them... judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation" (as cited in Patrick and Hall, 2005, p. 31,34).

The court ruled that in order to determine if an officer's act was justified, one must stand in the officer's shoes with the facts available at the time and determine if the officers actions were reasonable. Knowledge gained after the fact, such as finding out that the suspect was unarmed or the gun had no bullets, is irrelevant

Weapons And The Use Of Deadly Force

The most dangerous threat to police officers comes from suspects armed with firearms. According to the FBI's Law Enforcement Officers Killed Or Assaulted In The Line Duty preliminary statistics for 2007 (2007), 57 police officers were feloniously killed in the line of duty; 55 of these were from firearms.

A common misperception is that the police have to wait for a suspect to shoot at them before they can shoot at the suspect. This is not the case. A suspect armed with a firearm always poses a great risk to a police officer. The Courts have ruled that police officers are not required to wait for a suspect to shoot at them first, a suspect having a weapon is considered a serious, dangerous threat to the officers. In the case of *Elliott v. Leavitt*, a man in police custody for D.U.I. while in handcuffs pulled a firearm and aimed it at officers. The

two police officers shot and killed the suspect. After a civil suit was filed the appellate court ruled in the officer's favor saying:

"The Constitution simply does not require police to gamble with their lives in the face of a serious threat of harm... The Fourth Amendment does not require police officers to wait until a suspect shoots to confirm that a serious threat of harm exists." (as cited in Patrick and Hall, 2005, p.17)

A similar situation is when a suspect possesses a firearm but is fleeing from the police. As Patrick and Hall (2005) summarize, in the case of **Montoute v. Carr**, police were called about a man with a gun. An officer found the man to be armed with a shotgun. He ignored requests from the officer to drop the weapon. After the suspect started to run from the officer, he was again ordered to drop the weapon, which he did not do. The officer then shot and wounded the suspect. The court ruled that the suspect was still a serious threat even though he was fleeing because he could have turned and aimed the shotgun and fired at the officer in a split second before the officer would have time to defend himself. These decisions are acknowledgements by the courts that suspects with a firearm poses a significant risk to officers, even if they are not aimed at the officers, even if they have not fired the firearm or are fleeing from the officers.

What if the suspect is armed with a knife? Are police justified in using deadly force when the suspect is armed with a knife? The answer is yes. A knife is less effective as a weapon than a firearm but it still poses a danger to officers. Police departments have had a departmental rule called the "21 foot-rule" which basically states that a suspect with a knife is considered to be a dangerous threat to the officers when within 21 feet of them. As the distance to the officers decreases the risk of attack increases; this is meant to be a training tool to help officers assess the danger of a situation.

Patrick and Hall (2001) tell of an experiment done by the FBI at the Firearms Training Unit of the FBI Academy at Quantico, Virginia. One instructor was armed with a rubber knife and another with a blank firing pistol. The instructor with the knife would charge without warning at the instructor with the firearm. When the attacking instructor was more than 21 feet away, the attacked instructor had time to evade the attack, draw the weapon and fire at the attacker. If the attacker was within 21 feet at the start of the attack, the attacked instructor could get a shot off at the same time as they were being assaulted with the knife. Unless the shot hit the central nervous system, it would still be possible for the attack to continue. When in close range, the attacker was always successful in stabbing or slashing before the attacked could draw their weapon and fire (p. 108-109).

Less conventional weapons can also pose a threat to police officers. Baseball bats, sticks, clubs, pipes, rocks, fireplace poker; the list of potential weapons is endless. No policy can ever cover all of the possible ways a suspect may find to attack a police officer. Police must use their discretion in deciding if the suspect poses a dangerous threat to the officers or others. The damage from these attacks is not just the only danger to the officer. If the officer is overtaken by the suspect, the suspect gains control of the officers weapons, including his sidearm. Of the 57 officers feloniously killed in 2007, four had

their firearms stolen and two were killed with their own weapon. (FBI, 2007)

A suspect being unarmed does not mean that they are defenseless against an armed police officer. The hands, feet, knees, elbows and teeth are all formidable weapons against a police officer. The officer must protect himself from harm, protect his sidearm, attempt to restrain the suspect all while staying within constitutional guidelines and protecting the public from harm. The suspect does not operate within these limitations. All they need is one lucky hit to incapacitate the officer and take control of the officer's weapon.

Two common criticisms of police officers when they use deadly force is that they could have used another method to end the situation or that they handled the situation incorrectly, causing the suspect to have no option but to attack the officers. As Hall (n.d.) discusses, these are simply attempts to shift the blame from the actions of the suspect to the judgment of the officers. This places two large burdens on police officers. First, when faced with a threat of serious harm, the police officers would have to think of other options before using deadly force. And second, police officers would have a responsibility to know and prevent a suspect from acting in a way that would cause deadly force to be used.

In the case of **Plakas v. Drinski**, a police officer was taking a man into custody when he attacked the officer with a fireplace poker. The police officer shot and killed the attacker. Before attacking the officer, the suspect pointed the poker at the officer and said "Either you're going to die here or I'm going to die here." When the court had to determine if the police officer should have used less lethal means of force to subdue the suspect the courts ruled in favor of the police officer saying that:

"There is no precedent in this circuit (or any other) which says that the Constitution requires law enforcement officers to use all feasible alternatives to avoid a situation where deadly force can be justifiably used. There are, however, cases which support the assertion that where deadly force is otherwise justified under the Constitution, there is no constitutional duty to use non-deadly alternatives first" (as cited in Patrick and Hall, 2005, p. 34).

When faced with a deadly threat from a suspect, a police officer must react to stop the threat. Causing a police officer to use the least forceful alternatives first would place the officer in a position to be attacked continuously while he uses all of his means of defense.

The second criticism revolves around the idea that the actions of the police officers are responsible for the actions of the suspects. Hall (n.d.) points out that this argument has three problems. First, it counters the idea set forth in **Graham v. Connor**, that the relevant facts are those confronting the officers at that time. Second, it expands the application of the Fourth Amendment to include actions and events that happen before a search or seizure. And third, it makes the police responsible for the suspect's actions as well as their own.

Hall (n.d.) discusses a case where the police came up with a plan to arrest a man who had tried to hire a hitman to kill his wife. The arrest plan went wrong and the suspect started shooting at the police, killing one officer before being killed himself. The suspect's wife (who he had tried to have killed) filed suit, alleging the officers' lack of planning caused the situation where deadly force

had to be used. The court rejected this argument saying:

"Pre-seizure conduct is not subject to fourth amendment scrutiny... Even if (the officer's) concocted a dubious scheme to bring about (the suspects) arrest, it is the arrest itself and not the scheme that must be scrutinized for reasonableness under the Fourth Amendment" (as cited in Hall, n.d.)

Officer's Reluctance To Use Deadly Force

The U.S. Federal Courts have ruled continuously that the use of deadly force is not a decision that police officers make, rather one the suspects force them to make. Despite this, many police officers are still reluctant to fire their weapons. Bohrer, Kern and Davis (2008) believe there are four main reasons why police officers would hesitate to fire their weapons. They state that police officers are unwilling to shoot people, departmental policies encourage police officers not to shoot, officers misperceive the threats in front of them and officers feel that shooting a suspect will be a detriment to their career (p 9-10).

The first of these reasons is pretty straight forward. "Law enforcement officers believe that they are there to help people and to keep the peace or, put more simply, "to protect and serve," a message displayed on most police vehicles." (Bohrer et al, 2008, p. 9) A police officer does not want to be responsible for taking another person's life. But in doing so they are protecting the lives of themselves, their fellow officers and the public.

The second reason is that officers may be restricted by the police department's policies regarding the use of deadly force. Police department policies regarding the use of deadly force must follow the guidelines established by the fourth amendment and cannot force a police officer to use deadly force. But a policy can restrict when the officer is allowed to use deadly force. While this may be an attempt to protect the department from scrutiny and lawsuits, it is a move that places the police officers at greater risk. The more rules and restrictions that are in a policy, the more the police officers must remember in the middle of an altercation with a suspect. If a police officer is worried about the wording of a policy, they might not be able to focus on the situation in front of them, cutting into their reaction times. Bohrer et al. (2008) tell of studies they have researched where groups of officers were asked about policies regarding the use of deadly force. Most of the officers could recall when they were not allowed to shoot but few could recall when they were allowed to.

The third reason is that officers may not perceive that the person in front of them is a threat. According to Table 40 of the FBI's LEOKAA (2006) 375 out of 633 of the known assailants who feloniously killed a police officer from 1997 till 2006 were between the ages of 18 and 30. However, the ages of assailants ranged from under 18 to over 60. There is no single type of person that is likely to engage police officers in a confrontation. Police officers must stay focused on the situation in front of them at all times. Falling into a false sense of security can cause a police officer to become involved in a dangerous situation.

The last reason is because police officers may believe that shooting a suspect can be a detriment to their career. After a police officer shoots a suspect, even if he is cleared of wrong doing for the shooting, he may come under scrutiny by his own police department. If an

officer is charged with violating a department policy not related to the shooting, it can send a message to other officers not to shoot anyone in the line of duty (Bohrer et al, 2008).

The Aftermath Of A Deadly Force Incident

There are consequences for a police officer after he uses deadly force. As Patrick and Hall (2001) discuss in chapter 10, the aftermath of a police shooting can have a negative effect on the police officer because the odds are stacked against him. Summarizing from their years of experience in law enforcement, the following scenario is based on the information they provide about common reactions after a police shooting.

When a police officer is called to a situation involving a dangerous suspect with a weapon who is uncooperative or even non-responsive to commands from the police officer, the officer can be left with no other option but to shoot to protect himself and the community from danger. After the shooting, the officer will be placed on administrative leave pending review. The police department or municipality will decline to comment on the matter while it investigates.

The family and community of the suspect will not act in such a quiet manner. The media will interview family members and friends of the suspect who will always describe the suspect as a kind, loving, caring, family man or woman. They will brag about the suspect's ties to the community. They will use the media to provide inaccurate or distorted facts about the shooting. At the same time, the police department will have no comment pending investigation.

Frequently, community or political activists will get involved; not for the sake of justice but often times to further their own agendas. They will accuse the police or the municipality of wrong-doing or of conspiring to cover up the police officers' actions. Lawsuits will be filed on behalf of the suspect. Lawyers will take such cases on a contingency basis. That way if they win, the lawyers will walk away with a large part of the settlement or if they lose, as they often do, the activists are not out of any money. With such a setup, activists and family members will almost always pursue a lawsuit, not in the name of justice but in the hopes of getting a settlement.

Lawsuits are not usually filed in a state court because then only the assets of the police officer are available for the settlement. Most lawsuits will be filed in the U.S. district courts so that the deeper pockets of the municipality or its insurance carrier, are available for settlement. This poses a problem for the officer. Insurance companies are not going to evaluate the police officer's behaviors and actions based on right or wrong. They are going to work on a solution that simply involves the lowest cost to the insurance company. The risk of a larger settlement if a lawsuit goes to trial can drive the insurance companies and the municipalities to settle simply to save money and to make the issue to go away. This can send the wrong message to the police officer and the community, implying that the officer's actions were wrong.

If a lawsuit goes to trial, the odds finally change into the officer's favor. Once the trial begins, only the facts and actions can be brought before the judge. The distorted facts from the media and pressure of the insurance companies to settle have no place in the trial. The judge will determine if the officer's actions were

reasonable and within the law. If so, the police officer will be cleared of wrongdoing. Unfortunately, after the time it takes for a lawsuit to go to trial and the officer to be cleared, they may already be feeling embittered and alienated from and by the very community they had sworn to protect.

A police officer is essential to protecting the community they serve. The police department is a full functioning part of that community but mostly an unnoticed part. It operates in the background, effective but silent. When a police officer is involved in a deadly force incident, it brings the focus of the community onto the police department. The most effective way for a police department to maintain their bonds with the community they serve is to keep the community informed. While the police department is unable to discuss the details from an investigation of a deadly force incident, they can discuss factors involved in shootings such as action versus reaction times, wound ballistics, physiological factors and law enforcement's responsibilities to the communities they serve (Patrick and Hall, 2001, p 189).

Deadly Force Incidents In The News

There was a recent incident of police officers having to use deadly force in central Minnesota. On June 24th 2008, Gordon Wheeler, a local business owner from Little Falls, Minnesota, entered the meeting room of the Morrison County Board with a loaded pistol. He cocked the hammer on the pistol and threatened to shoot board members. Wheeler had previous disputes with the County Board over a number of businesses that he had owned and operated in Morrison County. Wheeler approached the table where the board members were sitting, telling them they were going to answer his questions and that he was going to shoot anyone who lied to him. The board meeting room is in the same building as the Morrison County Law Enforcement Center so police were on the scene immediately.

Police could see through the windows into the board room and could hear the conversations between Wheeler and the board members inside. Wheeler's main focus seemed to be on County Administrator Houle and Commissioner Wenzel. Board Chairman Gene Young, who had a good working relationship with Wheeler, tried to talk to him to deescalate the situation. Police slowly entered the room and were able to get the hostages out of the room. Police told Wheeler to drop the gun but Wheeler responded "No." Wheeler crouched down behind the table. As he did so, Young told Wheeler things did not have to be this way and Wheeler responded that Young was in the line of fire. Wheeler then raised his pistol to a firing position. Police officers then shot and killed Wheeler.

The Minnesota Attorney General's Office cleared all the officers involved in the shooting. William Klumpp Jr., the Minnesota Assistant Attorney General, stated

"At no time during the approximately 21-minute incident did Mr. Wheeler do anything to indicate he was other than serious about shooting one or more of the individuals present... At no time did Mr. Wheeler comply with any of the demands of law enforcement that would have resulted in a peaceful conclusion to the incident" (Richardson, 2008).

Another incident worthy of mention in the discussion of police officers having to use deadly force is from Florida. On September 28, 2006, Angilo Freeland was

shot 68 times by police officers. The day prior, Freeland had been pulled over in Lakeland, Florida. After giving a false driver's license to the sheriff's deputy, Freeland fled into the nearby woods where he ambushed and killed sheriff's Deputy Matt Williams and his K-9 unit and wounded Deputy Doug Speirs. Freeland then hid in the woods until a nine officer team found him hiding under a tree the next day. After Freeland made a sudden motion at the officers they opened fire, firing 89 shots and hitting Freeland 68 times.

The Florida Department of Law Enforcement, The Polk County Sheriff's Office and the Medical Examiner's Office all investigated the shooting. They turned their findings over to the State Attorney's Office who decided the officers' use of force was justified. The Federal Bureau of Investigation looked into the incident and turned over their report to the U.S. Dept Of Justice who ruled that Freeland's civil rights were not violated, ending their investigation (Walter, 2008).

When asked by a reporter about why the officers had shot the suspect 68 times, Sheriff Grady Judd told reporters "That's all the bullets we had or we would have shot him more. Quite frankly, we weren't taking any chances" (Mikkelson, 2008).

The role of a police officer is a dangerous one. They are entrusted by the public to protect the community and it's residents from danger. The police officers are put into situations with dangerous and unpredictable suspects. Many times, a use of force is necessary to end these situations. However, when the suspect's actions pose a danger to the officers or to the community, the police officers can use deadly force. The decision to use deadly force will be highly scrutinized by the community and will almost always involve some sort of legal action. The courts have continuously upheld the police officer's right to defend themselves from harm. The important thing to remember is that police officers do not shoot to kill, they shoot to protect.

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Analysis of Evil: Using a Graphic Novel to Teach an Interdisciplinary Honors Course Involving Psychology and Serial Murder

By Dr. Greg Galardi, Assistant Professor, Peru State College, Peru, NE and Dr. James Nevitt, Associate Professor, Peru State College, Peru, NE

Introduction

Media portrayals of murder, crime scene investigation and the psychological aspects of suspect investigation have exploded in recent years (Soulliere, 2003). Creating a course that allows for a higher level of student engagement and critical thinking strengthens undergraduate education (Umbach & Wawrzynski, 2005). The creation of an interdisciplinary set of courses within the criminal justice and psychology disciplines allows instructors to actively engage students through a set of whodunit and problem solving exercises. The two course Honors series, titled *Analysis of Evil I & II*, began in the spring semester of 2006 at Peru State College. The first course topics in the *Analysis of Evil* series focus upon serial murder and criminal and psychological profiling. The second course topics included cult-related homicide, mass suicide and ritualized violence. The focus of this paper is *Analysis of Evil I*. As the courses evolved, the use of a graphic novel, in comic book format, was introduced in 2008 and became a primary means to reinforce and stimulate student learning by allowing students to follow the evolving psychological and criminal activities occurring in the fictional town of Black Mounds, Nebraska.

Course Design Considerations

The design of *Analysis of Evil I* allows students to not only ponder subject-related issues presented in traditional settings but also engage them in critical thinking and profiling activities inside a simulation specifically created to be compatible with traditionally presented subject matter. The course met twice a week for 75 minute periods. The course was supplemented using PowerPoint, handouts and pictorial descriptions of the ongoing psychological and criminal activities occurring in the fictional town of Black Mounds, Nebraska. As the course progressed, the addition of a graphic novel in 2008 to increase student engagement and interest was incorporated into the course structure. The rationale was to provide a visual medium to stimulate and reinforce discussions occurring in the traditional classroom environment setting which involved philosophical, theoretical and problem solving topics associated with

the course. Significant additional assigned reading focusing on topics associated with psychology, criminal justice and criminalistics were included in the course. The course also included an on line element where students and visitors to the website could follow the plot line of the course.

Course Instructional Materials

The primary course textbooks included *Psychopathy: Antisocial, Criminal and Violent Behavior* by Millon, Simonsen, Birket-Smith and Davis (2003) and *Serial Murderers and their Victims* (4th ed.) by Hickey (2006). An optional course textbook was *The Encyclopedia of Serial Killers* by Newton (2000).

Additionally, the authors of this article created a manuscript known as *Evolving a Theory of Evil in the 21st Century* (Nevitt and Galardi, 2005). This manuscript contained necessary background information to permit discussion of philosophy, theology, psychology, sociology and criminology as they applied to the topics of "extreme evil", "violence", "deviance" and "psychopathy". A summary of the most recent research regarding the subject matter and a student glossary of terms used throughout the course was included. The manuscript took approximately 150 hours to complete using conventional library and internet resources. Students received a paper of the manuscript at the beginning of the semester. An electronic copy was made available to the students as well.

PowerPoint presentations were used to supplement the lecture/discussion portion of the course. The presentations were between 40 and 90 frames in length. Textbook concepts and case studies are used to enhance the depth and breadth of student learning.

The ongoing graphic novel regarding the activities occurring in Black Mounds, Nebraska is provided to students.

The First Analysis of Evil Course: Serial Murder and Profiling

After review of pertinent theoretical and practical aspects of the concepts of evil, various connotations of evil within different academic disciplines, pathology, violence, the interplay of the mind of a psychotic or

psychopathic criminal (Millon, Simonsen, Birket-Smith and Davis, 2003), crime scene investigation (James and Nordby, 2003) and basic profiling concepts, such as organized vs. disorganized serial murderers (Hickey, 2006), an in depth exploration of several serial murder cases (Jack the Ripper, David Berkowitz, Ted Bundy, John Gacy) took place. As this investigation took place, a simultaneous graphic novel is distributed within the classroom and placed onto an Internet website to allow for interactions between students in the course, instructors and external constituents who wished to follow the plot line. Basic profiling concepts and aspects of famous cases incorporated into a graphic novel that featured the activities of profiling characters in the novel allowed practical evaluation of crime science evidence and student posturing as to who was the "killer" within the graphic novel. The class alternates between the actual world of forensic science and the fictional world provided by the graphic novel.

Creation of the Graphic Novel

While instructors obtained high levels of self reported student satisfaction and learning subsequent to team teaching an interdisciplinary honors course known as *Analysis of Evil I and II* in psychology and criminal justice during Spring 2006 and Spring 2007, ways to improve the course through other mediums were explored. The thought provoking nature of the psychological and criminal topics associated with the course were a natural segue for a more visual medium within the course.

Subsequently, the primary instructor, Dr. James Nevitt, created a graphic novel via comic book using *Comic Book Creator 2.0* (2007) to augment conventional textbook coverage of particular topics in *Analysis of Evil I*. This medium allowed further refinement and a more visual element to the unique plot-line using some of the same fictional environment and characters encountered in the *Analysis of Evil* courses. The graphic novel *The Autumn King Murders*, was featured in Fall 2008 as a part of HP 300, the first course in the two-course series. Creation of a graphic novel utilizing *Comic Book Creator 2.0* requires a significant amount of time of at least 25 hours per issue, however, students report the

end results as stimulating and as a means to increase curiosity with the content of the course.

Evolution and Utility of the Graphic Novel in Education

The history of graphic novels can be traced to education since their near-fatal demise in 1954 by psychologist Dr. Fredric Wertham. While treating the initial use of graphic novels with disdain, Dr. Wertham (1955) later expressed the positive attributes of the graphic novel when discussing this genre in his book, *The World of Fanzines: A Special Form of Communication*. Wertham praises the efforts of comic-book readers and presents graphic novels as a new model of communication by bright young people.

Kay Haugaard's 1973 plea for research on comic books is no less relevant today than it was those many years ago. Haugaard (1973) was a teacher and a mother of three boys, all of whom were reluctant readers. She found that it was only when her boys started to read comic books that they did not have to be "urged, coaxed, cajoled and drilled" to read.

Bonnie Norton (2003) conducted a study in an elementary school that suggested that the sense of ownership that children have over comic books accounted for the vibrant debate, discussion and critique of them. Such insights may help teachers reclaim literacy as a meaning-making practice. A particular challenge for high school teachers of struggling adolescent readers is that their level of sophistication in understanding complex issues exceeds their ability to access traditional texts. Often teachers are faced with two poor choices: give students a watered down text that doesn't meet a standard of conceptual complexity or give students a text that is far beyond their reading level.

Frey and Fisher (2004) discuss graphic novels, which are short novels done in the medium of comics, as an effective means of teaching struggling adolescent readers. Often, the authors would present comic panels without dialogue bubbles challenging students to predict what character were saying or thinking. Student recognition of the similarity between how artists and writers use language to communicate the ideas can become a bridge for teaching new information about reading comprehension.

Hall and Lucas (1999) describe the uses of comic books in collegiate sociology courses through parallelism. Morrison, Bryan and Chilcoat (2002) suggest the use of student-generated comic books in the classroom as another valuable means to reinforce student learning and increase student interest in the content matter. Kirsh and Olczak (2001) provide a cognitive perspective of violence on the use of comic books.

The overall evolution of the graphic novel at all levels of education reflects graphic novels as an alternate or supplemental means to support reinforcement of learning through a higher level of student interest. Use of the graphic novel in the Analysis of Evil courses supports these beliefs through self-reported student evaluation.

Creative Writing as a Means to Foster Appreciation of Subject Matter

The use of fantasy and fiction materials in a psychology courses may encourage creative expression as it relates to subject matter of the course. Carlson (1992) described a series of writing assignments in which entry

level graduate students in a personality theory class wrote four short papers interpreting the personality of a character from a children's story or comic strip. Each paper utilized a different theoretical orientation, such as psychoanalytic, dispositional, phenomenological or behavioral to allow for individual student evaluation of the topic under investigation. The paper included student feedback on the assignments and allowed for a deeper understanding by the instructor of students' perceptions of the content matter.

Why Horror Subject Matter in an Interdisciplinary Honors Course?

There is merit in excursions down cultural back-alleys. Minimally, three topics that resonate with psychology majors and fans of horror literature and films include: (1) The subject matter is emotional not intellectual. Horror writing is primarily an emotional medium; (2) fear of death and the horror that arises from media or literature that explores this concept; and (3) the renaissance of horror fiction and film is also a response to the terrors of contemporary life such as nuclear war and urban violence (King, 1981).

An Instructor-Created Simulation Using a Graphic Novel

The use of a simulation allows for an extensive level of student engagement and learning within the constraints of the collegiate environment. Student interest in the simulation increases as they become more knowledgeable and involved in the simulation itself.

What is a Simulation?

A simulation reproduces a set of givens and then a plausible situation derived from those givens. In this context, a participant must work to examine evidence, analyze documents, discuss a problem and otherwise engage in critical thinking.

Why Use Simulations?

A simulation, whether computer based or not, can be a powerful tool when used properly and in the right setting. Simulations help students actually experience a system or problem beyond just reading or hearing about it.

Role Play vs Simulation

Although some people do not differentiate simulations from role plays, the two instructional methods can be separated. Simulations require the students to act as they would act in the scenario, whereas role plays assign characteristics to students' roles and encourage acting. Simulations also provide key facts about the situation so that nothing has to be made up by the participant.

Instructor Roles

The instructor should function as an organizer and facilitator. As an **organizer**, the instructor must prepare materials, assign roles, brief the students on the rules of simulations and debrief the students at the end. As **facilitator**, the instructor should remain removed from the action of the simulation and should be willing to allow students to make mistakes in the protected simulation environment allowing for personal growth opportunities. If the simulation begins going awry, drastically reroute it by creatively entering a note or request to a participant in the scenario to change their actions.

Our First Simulation Using a Fictional serial Murder Case

The first novel/simulation *Dark Harvest In Black Mounds* was a "murder mystery" told through the medium of PowerPoint. There were relatively few illustrations in the endeavor. The simulation was divided much in the same way a novel is divided into chapters. Writing a murder mystery and adapting it for classroom use in a course requires not only imagination but also a familiarity with creative writing and an understanding of what might best appeal to a student audience. At the end of this document, a brief bibliography of creative writing books useful to the initial course creations as constructed assisted in developing the tale of gothic horror in a small Nebraska town called Black Mounds.

The Simulation in the Context of the Course

Using the tool of a simulation allowed me to present "the play in" of such topics as "offender and victim profiling" or "personal vs. banal evil" while engaging students in the process of turning ideas on their sides and challenging investigation groups to put theory into practice. As serious learning occurs, the boundaries of normal teaching practice are extended. It is difficult to estimate the number of hours of preparation this portion of the class.

Dr. Nevitt's Reflections on the Perception and Psychology Behind a Course Featuring a Horror Novel

The success of a course such as *Analysis of Evil I* requires both student and instructor to be passionate about the subject matter. Unfortunately, on many college campuses, most academic types and authority figures shy away from passionate discussions about evil, horror and serial killers. It's actually rather unfair and somewhat odd because horror fans and writers are perceived rather differently than other writers. Most people don't assume that just because a person who enjoys reading and writing romance they therefore live a life of unbridled passion and heaving bosoms. Horror writers, on the other hand, are considered to be not entirely "nice". People that write mysteries are seldom asked, "Why do you write that stuff?" When people that write science fiction are asked, "Where do you get your ideas?" - the questioner is friendly and inquisitive. That question posed to a person that writes horror is occasionally accompanied by fear and loathing.

The most common remark heard after explaining the nature of the course to some new friend or neighbor is "But you looked so normal to me!" Fortunately most students at Peru State College have an open mind regarding 'what a course could or should be'. Student and instructor enthusiasm concerning subject matter provides a lot of the impetus involved in many of my pleasant classroom experiences.

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Biography

Dr. James Nevitt has over thirty years experience teaching in community colleges and four-year colleges in the state of Nebraska. He spent five years as an Addictions Counselor in Wichita, Kansas. He is now a tenured Associate Professor at Peru State College, Peru, Nebraska. His research interests are addictions, deviance, violence and personality disorders.

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Student Perceptions of Collaborative Learning in the Criminal Justice Classroom

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ABSTRACT

This manuscript reviews collaborative learning at the post-secondary level and provides student perceptions of this pedagogy in the criminal justice classroom. The study included 316 students enrolled in graduate and undergraduate criminal justice courses at a large research-level institution. Results showed personality-related questions were most successful at predicting criminal justice student satisfaction with collaborative learning. Instructor factors, as well as group dynamics, had little effect on overall satisfaction and willingness to engage in future collaborative learning classes. Students

that perceive themselves as leaders and prefer to work in groups are most likely to embrace collaborative learning over traditional lecture formats.

Key Words: Perception, Personality, Pedagogy, Learning

Student Perceptions of Collaborative Learning in the Criminal Justice Classroom

INTRODUCTION

Educators have long been concerned with how students learn and how to implement the best teaching methods to maximize learning. In the postsecondary environment, attention has focused on the pedagogical theories that often create noticeable differences between instructors, between programs and between universities.

However, there is often little effort made to identify the factors that facilitate students' learning in accordance with these theories in specific postsecondary tracks or programs. Of the many different learning theories, "[r]esearch on cooperative and collaborative learning is extensive. Indeed, there is far more research on learning in small groups than on any other instructional method, including lecturing" (Cross, 2000:10). However, this research has failed to discuss the delineation of what may make students prefer to take courses done collaboratively over those that are done traditionally.

This paper will not attempt to discern the differences in application of these varying strategies but rather will focus exclusively on the specific perception of learning that these factors create in the collaborative learning process. While there have certainly been many definitions of collaborative learning in the literature, for the purposes of this paper it is broadly defined as the

process of forming students into small groups of learners to work on a common goal. While widely researched at the primary and secondary levels, little empirical research has been done on collaborative learning at the postsecondary level (Gokhale, 1995).

Most collaborative learning methods emphasize the significance of group interaction and individual accountability. Students must not only work collectively but must be held responsible for their own learning, as well as that of their teammates (Cross, 2000). Touted by many academic programs, distance education programs and training programs (especially in criminal justice), as a method to make classes more interesting, understandable and enlightening (Sims, 2006), there has been little data collected on whether or not this instructional method makes students enjoy their classes more, feel as though they are absorbing academic materials better or perceive that they are learning more of the material presented. The current research is designed to identify factors that may be conducive to student satisfaction in courses based on collaborative methods that could be utilized to bring changes to instructional methods that are currently being used in criminal justice courses. The following review of the literature focuses both on the problems surrounding the perception of collaborative learning and the identification of factors perceived to be critical in the learning process in general.

LITERATURE REVIEW

The collaborative learning method is a process that sharply contrasts with the traditional lecture method to which most professors and students are accustomed (Jones, 2006; Sims, 2006). The lecture method is one in which the instructor leads and students record every nugget of information deemed to be important. In contrast, collaborative learning blurs the roles between student and teacher, as students are required to assume more responsibility for this learning and the direction in which the class proceeds (Johnson and Johnson, 1989; Panitz, 1996; Panitz, 2004). While earlier theorists such as Piaget and Vygotsky emphasized the importance of collaboration in cognitive development (Tzuo, 2007), many educators believe these factors are transferable to different learning environments. "In extensive meta analysis across hundreds of studies, cooperative arrangements were found superior to either competitive or individualistic structures on a variety of outcome measures, generally showing higher achievement, higher-level reasoning, more frequent generation of new ideas and solutions and greater transfer of what is learned in one situation to another" (Cross, 2000:14). Identifying the value of collaborative learning, Thomas and Busby (2003) supported group projects as a teaching and learning tool, citing an increasing pressure on educational institutions to provide opportunities to students to acquire and develop skills necessary in the workforce. These researchers reported an "added value" of collaborative learning projects which supported developing skills in areas outside the course curriculum, including communication and problem solving skills, personal and interpersonal skills, responsibility and organizational skills (see also: Fedler and Brent, 1994).

Collaborative learning may have very little obvious involvement by the instructor. The teacher assumes the role of guide but allows the class a modicum of

freedom. The relationships between student and teacher in collaborative classrooms are nontraditional in the context that the power that most instructors wield is less noticeable. In exchange for this higher degree of responsibility, students require more training in order to understand the dynamics of group work and individual accountability is stressed but balanced with group accountability, which leads to positive interdependence (Cross, 2000; Gokhale, 1995; Siciliano, 2001). Jones (2006) stated that one of the reasons for the success of group-based learning is the availability of mutual support and stimulation in a topic. Students can "move from the traditionally passive mode of learning into active involvement and engagement..." (p. 90).

Collaborative learning is a process in which each individual contributes their insight and personal experience to benefit the learning accomplishments of the group (Johnson, Johnson and Smith, 1998; Rinehart, 1999). Collaborative learning is not just the process of having students talk to each other, whether face to face or through electronic means, while they do their individual assignments; it is not having students complete tasks individually and then help those who have not finished yet; and, it is not having a few students do all the work while others sit in the periphery (Klemm, 1994). Collaborative learning is centered on student-based activities rather than being teacher focused, with an emphasis on students assisting each other to find results rather than seeking answers from instructors; it is based on students working together to solve problems by gathering data, analyzing the data and group discussions (Kimber, 1994).

According to Ledlow and Davidson (1999), collaborative learning and cooperative learning should be and are, used interchangeably. "Collaborative/Cooperative Learning" (C/CL) is also defined as an instructional approach in which students work together in small groups to accomplish a common learning goal. Ledlow and Davidson delineate C/CL from traditional group work in that: students work together in small groups of two to five members; the student task is carefully designed to be suitable for group work; there is positive interdependence necessary for students to succeed; students are individually accountable for learning and participation; attention and class time is given to interpersonal skills and cooperative skill building; and the role of the teacher changes from being the "sage on the stage" to "the guide on the side" (p. 1). Other authors, such as Panitz (1996, 2004), argue that there is a distinction between collaborative and cooperative learning, even though both are founded in constructivist theory where knowledge is discovered by students and transformed into concepts.

Neither collaborative nor cooperative learning rely upon passive methods such as lengthy note taking or rote memorization. Both emphasize a hands-on approach that allows students to discover the correct action rather than memorize. The teacher, as a facilitator, assists the groups of students as they work together for a solution and stands ready to provide input where necessary (Jones, 2006). In both systems, a number of interpersonal skills are developed as a result of this type of learning involvement and a different type of thinking is generated that simulates the problem-solving environment used in the business of government (Matthews et al., 1995).

One can readily identify the nexus between collaborative and peer-assisted learning (PAL), a similar methodology. PAL can be traced back to the early Greek scholars who questioned each other's ideas in small groups over food and beverage. This style of learning evolved into the Socratic Method that is characterized by the use of questions to arouse curiosity. These questions are intended to function as logical, incremental and step-wise guides to enable students to solve or cope with complex topics or issues. Students are expected to engage in their own thinking and development and utilize their insights (Ellerman, Denning and Hanna, 2001). McKeachie (1994) contends that peer learning includes both collaborative and cooperative learning since "there is an interdependence of group members working toward a common goal" (p. 143).

While it is clear that there continues to be increased opportunities in teaching for collaborative learning and teaching (Smith et al., 2003; Spanier, 2001), even education experts are at odds when it comes to clearly delineating the distinction between the teaching systems and the benefits of collaborative learning. This is exacerbated by the fact that research into the effectiveness of collaborative learning, as well as similar pedagogies, has been limited basically to the primary and secondary levels of education. While there has been very limited exploration of the effectiveness of the collaborative learning model on the undergraduate and graduate levels, there is increasing pressure from businesses and government on educational programs to provide students with critical thinking and group-working skills required in the workforce (Gokhale, 1995; Spanier, 2001; Thomas and Busby, 2003). For example, Kennett and Young (1999) concluded that cooperative learning was no more instrumental in facilitating higher academic performance than any of the other traditional teaching methods. However, they did identify a number of intangible benefits, such as the social aspects of group membership and clarification of problems that can be utilized to assist in course management.

While still largely void in the literature, there has recently been an attempt by scholars to review collaborative learning in the post-secondary classroom. Tessier (2007) found that biology students performed better on exam questions that were based on material that they taught to peers or learned from peers than questions that were based on material discussed in lecture format. While Tessier reported that this success was largely based on small group learning, he also reported that lecturing itself may be partially at fault; students may develop less patience for lecture-formatted classes and learn less from them as a semester continues. Tessier also reported that students who perform the poorest may be the most likely to become engaged in the collaborative learning processes. Klionsky (2001) also reviewed teaching in the biology classroom and found that students participated more in class, were able to answer questions pertaining to the objectives and both the instructor and students gained more enjoyment from the group-learning approach. Harskamp and Ding (2006) reviewed student learning outcomes in physics testing when utilizing structured collaborative learning and found that students were able to perform better. Schelfhout, Dochy and Janssens (2004) applied a collaborative learning approach to teaching business

courses and found that students in a teacher-controlled environment and students in a “coached” learning environment were both more successful than students who learned solely from their peers. Lunsford and Herzog (1997) looked at student learning, student reactions and student outcomes in a community-college anatomy and physiology courses, reporting that most students felt positive about active learning format of the courses.

Within the academic discipline of sociology there has also been an attempt to quantify student success and enjoyment of collaboration within the classroom. Snowden (2004) documented learning communities as a collaborative learning technique that positively affected the divergence of student views, learning and perceptions in introductory sociology courses. However, Dietz (2002) found that study groups were negatively associated with success in the sociology courses studied. Finally, Rinehart (1999) discussed the importance of collaborative learning in creating a classroom environment which stimulates learning. Rinehart theorized that instructors employing collaborative learning methods in sociological theory courses would alleviate student passivity and promote engagement in the classroom, encouraging students to work together on “collaborative theorizing” (p. 226).

Of importance to this research, student satisfaction has also been found to be positively affected by collaborative learning classrooms, even when there were no discernible improvements in student performance (Jones, 2006). While Cohn (1999) found a higher level of individual learning and understanding in those classes that utilize collaborative learning methodologies, this study also revealed that student evaluations showed that extracurricular skills had also been positively affected. In courses using this methodology, Cohn revealed that over 90 percent of the students strongly agreed that their critical thinking skills had improved and nearly 90 percent expressed a positive attitude toward the subject material. This was in comparison to 60 percent for both factors in previous years. Jacobs, Watson and Sutton’s study (1996) demonstrated slight gains in academic achievement while significant gains were noted in the areas of self-concept and friendship. Jacobs and Ward (2000) reported that overall, research has suggested that collaborative learning can be associated with higher achievement, higher level thinking, group dynamics and positive self esteem.

Johnson and Johnson’s meta-analysis (1989) can also be used to make some tentative comments regarding the value of collaborative learning. They examined 529 research studies involving social interdependence, various dependent variables and the results of that analysis revealed that cooperation in any form had the best results over both individual and competitive situations. Competition can occur between groups or individuals and was more successful than individual efforts as a driving force for achievement but was less successful than cooperation. In this study, individualistic situations had the lowest levels of academic achievement.

Upon reflection of the literature and the definitions that separate the pedagogues, the question remains whether collaborative learning in the criminal justice classroom positively influences student perception of the course. This current study investigates certain factors which may contribute to student satisfaction and

how this information can be utilized. Whitbourne and Weinstock (1986) cited the works of Horn and Donaldson when they demonstrated that vocabulary, general information and experiential evaluation revealed a positive increase in learning from age twenty and thereon, revealing that chronological and mental ages are predictors of performance in education. The literature also suggests that gender is also a predictor of learning styles and therefore its subsequent outcome. This is important in light of the research by Inglehart, Brown and Vida (1994), whose findings revealed the presence of a direct relationship between masculinity and competition. Collaborative learning, it is believed, results in a learning environment containing less competition and as a result may be found to be more appealing to female students (Wellesley College, 1995). Piaget (1981) found that experience plays a role in cognitive growth. That is, novice learners lack the practice of seasoned learners. This would apply to experience gained through time in a graduate program as well as exposure to collaborative learning. As this analysis of the prior research reveals, only a small number of studies have examined post-secondary students and even less have looked at student perceptions of the teaching methodology within particular academic programs. The lack of scholarly research in this area is a motivating factor for the current research study.

METHODOLOGY

Because of the many factors considered to be relevant in predicting learning outcomes using collaborative learning, this study structured a research plan to assess these factors and their application to core courses in criminal justice. The definition of collaborative learning in this project is consistent with the literature; functionally, this means students are assigned to work in small groups (two to five persons) on a specific assigned task and the groups’ goal is to arrive at a commonly shared conclusion. The process of collaborative learning mandates that the students attempt to achieve the objective through the use of positive interdependence, cooperation and personal responsibility. This means that the instructors’ role in this learning environment becomes one in which he/she functions primarily as a facilitator or guide. In this environment the instructor provides parameters for the exploration and discussions without assuming an active role.

The current survey was constructed utilizing a five-point Likert scale (1 = strongly agree; 5 = strongly disagree), that asked questions about the respondent’s perception towards factors commonly occurring in collaborative courses. The survey was distributed to graduate and undergraduate criminal justice courses at the University of Central Florida, one of the top ten largest universities in the nation. Courses were chosen through convenience sampling (both collaborative and non-collaborative courses were selected) and instructors were asked for permission to distribute the survey to their students during a regularly scheduled class period. The survey was anonymous and voluntary. 316 surveys were collected and analyzed out of approximately 370 total available respondents (this figure is approximate, as some students may not have been in class when the survey was administered; additionally, students were advised not to complete more than one survey if they happened to be in more than one class where they

received the survey) or 85.4 percent.

The first section of the survey consisted of three questions which asked students to identify their personalities in regards to working with others, flexibility and leadership potential. The second section consisted of five questions which related prior experiences with collaborative learning focusing on the classroom environment. The final four questions related to previous collaborative learning groups and the respondent’s satisfaction with other group members and the collaborative process. The final section of the survey collected demographic information and control variables such as respondent self-reported current grade-point averages.

The research questions that guided this study were: Do students in criminal justice classrooms that utilize collaborative learning methods have better perceptions of the classroom experience than students who receive other types of instruction? If there is a difference in perception, what student personality factors could affect enjoyment of a collaborative learning environment? Students who responded to the survey reported the following demographics, which were relatively proportionate to the university demographics as a whole. A summary of demographics is presented in Table 1.

Table 1. Demographics

| | N | % |
|------------------|------|------|
| Gender | | |
| Male | 169 | 53.5 |
| Female | 147 | 46.5 |
| Age | | |
| Mean | 23.5 | |
| Median | 21.0 | |
| Major | | |
| Criminal Justice | 231 | 73.1 |
| Other | 85 | 26.9 |
| Academic Level | | |
| Undergraduate | 283 | 89.6 |
| Graduate | 33 | 10.4 |

**Note: not all respondents answered each question*

Respondents indicated that they were largely criminal justice majors and undergraduate students, although 85 (26.9 percent) were other majors and 33 (10.4 percent) were graduate students. The mean age for respondents was 23.5 years. 169 (53.5 percent) of the respondents were male, closely following the demographics of the criminal justice program at this institution.

Findings

A proxy-measure was created to serve as a dependent variable in this analysis. After defining the concept of collaborative learning, the survey asked students to rate their level of agreement with the statement “If I had the opportunity, I would take another class taught with collaborative learning;” this was utilized to capture the essence of student satisfaction. This relies on the premise that if consumers who are not satisfied with service would not return to the same establishment, students who are not satisfied in a teaching pedagogy would avoid

more of the same.

Utilizing the proxy measures, OLS regression was used to examine which of the independent variables were predictive of student satisfaction of collaborative learning. Table 2 provides the results of OLS regression of the models exploring the nexus between satisfaction and student factors in the collaborative learning classroom. This table displays the R², the un-standardized coefficients, intercept and standardized regression coefficients for each variable. For these models, examining normal probability plots of residuals and scatter diagrams of the residuals tested assumptions necessary for regression. No violations of normality, linearity or heteroscedasticity were noted. In addition, box plots revealed no evidence of outliers.

Table 2: OLS Regression of Student Factors within Collaborative Learning Classes

| Variable | Opportunity to take future class | | |
|---------------------------------------|----------------------------------|------|----------|
| | B | SE | β |
| Personality flexible | .301 | .067 | .181*** |
| Personality prefer to work alone | -.364 | .050 | -.326*** |
| Personality prefers group assignments | .324 | .044 | .322*** |
| Personality perceives self as leader | .164 | .053 | .120** |
| Professor provides enough directions | .157 | .065 | .115* |
| Professor links exercise to class | .036 | .079 | .023 |
| Able to ask questions of professor | .028 | .069 | .018 |
| Free to pursue answer | -.107 | .072 | -.071 |
| Group respects ideas | .104 | .069 | .068 |
| Group contributes equally | .083 | .050 | .084 |
| Dissatisfied with other members | .087 | .049 | .008 |
| Would not hesitate to report others | .005 | .041 | .005 |
| Same grades for entire group | .088 | .041 | .095* |
| Age | .025 | .009 | .118** |
| Gender | .086 | .101 | .033 |
| Grade level | -.392 | .178 | -.093* |
| Current grade point average | -.046 | .044 | -.040 |
| F | 26.56*** | | |
| R | .778 | | |
| R ² | .606 | | |
| Adjusted R ² | .583 | | |

Note. B = unstandardized coefficient, SE = standard error, β = standardized coefficient. *p < .05
p < .01 ; *p < .001. (two-tailed)

When controlling for relevant variables, the results indicated the proxy measure identified and eliminated a number of the variables that had been documented in the extant literature. In this model, eight variables were significant at the .05 level or better. The strongest relationships appear to be those that dealt with the individual respondent's self-assessment of personality. In terms of individual relationships between the independent variables and willingness to take a future class utilizing the collaborative learning pedagogy, *flexibility* (p < .001), *prefers to work alone* (p < .001), *prefers group learning to traditional* (p < .001), *perception of self as leader* (p < .01), *enough directions from instructor* (p < .05), *same grades for all team members* (p < .05), *age* (p < .01) and *grade level* (p < .05) each significantly predicted student satisfaction.

Overall, variables that can be attributed to an individual's personality characteristics make a significant contribution to the model in that they identify a sizeable

increase in student satisfaction. The overall model is able to explain over 58 percent of the variance in our proxy-measure dependent variable. Variables that were not significant in this model tend to be related to class structure and respondent demographics. The two noted exceptions were *age* and *grade level*.

DISCUSSION

Efforts to identify salient issues that are predictive of student satisfaction and desire to learn should be a quest for all educators regardless of discipline. This current research offers a snapshot of student perceptions within the criminal justice program at one major university. Certainly these findings are not generalizable to other universities or other academic programs, additional research is warranted. While some of the

class. As the analysis has shown, this is not the case.

Additionally, the literature suggested that a great deal of trepidation would exist by students regarding their fate of being interdependent upon the performance of their teammates. This matter was almost universally an issue whenever the authors taught a class involving collaborative or group projects. Frequently, one or more students were accused of not doing their fair share of work and the rest of the group was required to "pick up the slack." Surprisingly, only one of the group dynamics questions, *same grades for all team members*, showed statistical significance and then only at a marginal level. Consequently, while these issues may be troubling to some students, this research indicated that they were of less importance than previously thought.

CONCLUSION

It was hoped that the dimensions captured by the current study would enable researchers and course instructors to elicit better feedback and therefore allow for course modifications and improvement. The components within collaborative learning can be analogized to that of the ingredients of a recipe. Too much or too little of any ingredient may cause the final product to be unpalatable. In the same fashion, collaborative learning may be unpalatable if the ingredients are not in the right proportions. Modification of group size, responsibilities and even the amount of involvement by the instructor can occur to produce a better classroom.

Several important factors to ensure greater success in the collaborative criminal justice classroom were identified in this study. As it appears that personality factors on the part of the student are most predictive of later satisfaction, perhaps it may be possible to pre-screen students with a brief questionnaire to determine suitability for the collaborative classroom. While this instrument would not be used to prevent interested students from enrolling, it might identify those who would be least satisfied and offer them an opportunity to enroll in a course taught more to their liking. Additionally, overall class dynamics may be positively affected, as the classroom composition is comprised of only those students that truly enjoy the group interaction and participate to an even greater degree. However, additional research is necessary in order to quantify the benefits of such sweeping changes.

It is acknowledged that collaborative learning cannot be all things to all people. Some individuals may feel uncomfortable with the different dynamics of collaborative learning and prefer to remain in traditional classrooms. But for those who chose collaborative classes, group contacts and teamwork offer as many learning experiences as the course curriculum itself.

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A

re We A Culture of Control? Empirically Testing Garland's Culture of Control Model

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Abstract

David Garland, noted scholar and social commentator, has argued that the United States has experienced significant social transformations over the course of the last 50 years with profound changes occurring in criminal and juvenile justice policy. During the current period of late modernity, society has become less tolerable of criminal conduct, more punitive and defines its transgressors as evil doers who merit exclusion and incarceration. This paper presents the findings of an analysis which sought to critically and empirically test Garland's main assumptions. A decade of legislative agenda items or proposals from the North Carolina Governor's Crime Commission were subjected to a content analysis in order to determine if these proposals validated and demonstrated Garland's viewpoint that we live in a punitive state or demonstrated the converse position that the rehabilitative ideal, espoused during the modern period, still remains viable today. Results indicate mixed findings with no apparent culture of control trend emerging over the course of the last decade.

Introduction

In the Culture of control: Crime and social order in contemporary society David Garland (2001) presents an insightful analysis of the criminal justice system and the state's crime control apparatus over the course of the last century with the main emphasis focusing on two historical periods. The modern period, in which the author primarily discusses the 1950's and 1960's and the late modern period which encompasses the 1970's through the end of the century.¹

Prior to the 1970's, system practitioners were committed to the rehabilitative ideal with the operations, policies and daily practices of the criminal and juvenile justice systems reflecting this ideology. The focus was on the offender and decisions were made in the offender's best interest with an emphasis on individualized treatment and case based processing. Policing was reactive with no targeted patrols and there was less concern for minor or nuisance offenses which were typically handled informally and extra-legally. Judicial officials had far greater latitude and discretion in sentencing decisions with prisons being viewed as a last resort for the most severe and violent offenders; offenders received indeterminate sentences, which were often tied to treatment and were eligible for early release or parole.

Research and criminal justice experts guided and shaped the system with significantly less legislative involvement and little, if any, expressed concerns coming from the general public. Crime was viewed as a social problem with program development targeting the root causes in the community and society at large. Garland refers to this period as the penal-welfarism era which directly parallels what criminologists refer to as positivistic criminology, which places more emphasis on the offender, versus the criminal act, treatment and reintegration and a belief in social determinism versus individual free will.

During the 1970's and more intensely during the 1980's, the system began to undergo a profound transformation or reconfiguration which was inexplicably tied to social, political and cultural changes occurring across the country.² The criminal justice system fell into disfavor and was perceived as part of the problem and no longer as the solution. Crime and the fear of crime, became commonplace or routine and viewed as just a part of everyday life.

Policing became proactive with targeted or directed patrols guided by geographic information systems and hot spot analyses. Crime prevention through environmental design and neighborhood watch programs became the norm. Surveillance cameras and notification systems were deployed as well. Collaboration between criminal justice system agencies and private and non-profit agencies developed in response to the belief that the state could no longer solely provide adequate law and order maintenance. The new buzz words and theories were risk management, cost-benefit analysis, punishment, routine activities and rational choice.

Judicial officials lost discretion through determinate sentencing structures and complex guidelines or matrices. Habitual felon and three strike legislation spread rapidly as well as the belief that prison works with offenders receiving longer sentences and experiencing longer stays in custody as well with the abolition of parole. Community sanctions fell into disfavor also, which only further exacerbated overcrowding in correctional facilities.

Legislators, victims and members of the general public became more vocal and critical of system operations with their input taking greater precedence over the knowledge of criminal justice experts and practitioners. The rational use of research and data was displaced by often irrational opinions and expressive anecdotal and horrific case stories now shape important policy decisions.

During this period, which Garland describes as a culture of control, the offender has become vilified and stigmatized as an outsider or other who freely chooses a criminal lifestyle and deserves the maximum amount of punishment when apprehended. Victims' rights, intel-

ligence systems and concern for public security now supersede any concern for the offender; indeed to speak of treating offenders became taboo much like discussions of punishment, incapacitation and preventive incarceration were during the penal-welfarism era. This period parallels the classical school of criminology, which focuses on the crime and not the offender, punishment at the expense of treatment and discounts sociological explanations on the causes of crime.

Attributes of both of Garland's descriptive periods can still be found today but the author would argue that culture of control features are more prevalent and far outweigh the practices and policies of penal welfarism. This paper presents an analysis of the Governor's Crime Commission's biennial legislative agendas within Garland's framework by categorizing its recommended agenda items as either being oriented to the goals, objectives and elements of a culture of control or conversely as possessing more of the ideals of penal welfarism. The number of items falling into each category will be analyzed in an effort to discern any significant trends or shifts in Commission recommendations over the course of the last ten years.

Methods

Before the beginning of each long session of the General Assembly, the Crime Commission compiles a legislative agenda which outlines its proposals for reforming, enhancing and strengthening the criminal, juvenile and victim services systems. These proposals may require legislative action, policy development or revisions or the creation of new and innovative programs. Copies of the Commission's legislative agenda publications were obtained and analyzed to categorize all proposed items for the years 1997 through 2007.

To further categorize each year along the penal-welfarism/ culture of control continuum a G-score or factor was calculated using the following formula.

1 = 75-100 percent of grants or legislative agenda items are penal-welfarism and 0-25 percent are culture of control then the year is defined as being heavily weighted toward penal-welfarism.

2 = 51-74 percent of grants/items classified as penal-welfarism and 26-49 percent are culture of control then the year is classified as being primarily penal-welfarism or approaching culture of control.

3 = 50 percent penal-welfarism and 50 percent culture of control then the year is classified as neutral.

4 = 49-26 percent of grants/items classified as penal-welfarism and 51-74 percent classified as culture of control then the year is classified as primarily culture of control or as slightly crossing into a culture of control.

5 = 75-100 percent of grants/items are culture of control and 0-25 percent are penal-welfarism then the year is classi-

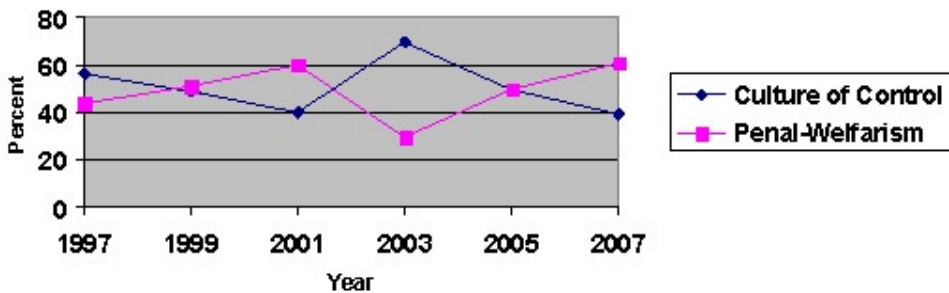
Table 1

Legislative Agenda Proposals and Initiatives by Year

| Year | Total Agenda Items | Culture of Control | | Penal-Welfarism | |
|------------|--------------------|--------------------|----|-----------------|----|
| | | N | % | N | % |
| 1997 | 45 | 25 | 56 | 20 | 44 |
| 1999 | 37 | 18 | 49 | 19 | 51 |
| 2001 | 20 | 8 | 40 | 12 | 60 |
| 2003 | 20 | 14 | 70 | 6 | 30 |
| 2005 | 4 | 2 | 50 | 2 | 50 |
| 2007 | 23 | 9 | 39 | 14 | 61 |
| Total/Avg. | 149 | 76 | 51 | 73 | 49 |

Figure 1

Percent of Legislative Agenda Items by Category



ned as being heavily weighted to a culture of control.

Results and Discussion

As Table 1 and Figure 1 reveal, the 2003 legislative agenda contained the greatest percentage of culture of control recommendations with 70 percent of the total proposals matching Garland's model. The 1997 agenda was the second most control oriented with 56 percent of the items matching this descriptive category. The fewest culture of control recommendations were found in the 2001 and 2007 agendas with 40 and 39 percent respectively.

Conversely, penal-welfarism recommendations were more prominent in the 2007 and 2001 agendas and least pronounced in the 1997 and 2003 agendas. Penal-welfarism and culture of control recommendations were more evenly balanced in 1999 and 2005. Indeed, across the entire ten year period of recommendations the Commission has produced a well balanced agenda series with the percentage of culture of control recommendations (51%) almost being perfectly congruent with the percentage of penal-welfarism type recommendations (49%).

Table 2 presents the G-scores for each year and documents the fact that the Commission did not have any extreme outliers or years which were strong or heavily

weighted to either penal-welfarism or a culture of control. Legislative agenda items were more oriented to penal-welfarism for three years with one year, 1999, approaching neutrality or crossing over into a culture of control. Two agendas, 1997 and 2003, were more oriented to promoting a culture of control with the 2003 agenda nearly moving into being characterized as possessing strong or high culture of control overtones with 70 percent of its recommendations being categorized as control related items. Across the ten year trend, the Commission's 149 legislative agenda recommendations can best be described as almost neutral or possessing slightly more culture of control type items (51%) than penal-welfarism recommendations (49%).

As a general rule, the Crime Commission's recommended legislative agenda items, during the last decade, have remained in a centrist position with only one substantial deviation or fluctuation in 2003; a year in which 70 percent of the legislative recommendations can be categorized as possessing the attributes of Garland's culture of control model. Recommended legislative agenda issues during this period included a proposal to begin mandatory fingerprinting for all misdemeanants, a call for more prison construction and a recommendation

to modify the state's structured sentencing grid. Additional items that could be construed as fitting Garland's model included expanding the state's criminal justice information network, enforcing compliance to provisions of the victims' bill of rights as well as funding the state's automated victim notification system.

This analysis challenges Garland's (2001) strong assertion that today's society is a culture of control and reveals that many practices, strategies and legislative recommendations, emanating from a statewide criminal and juvenile justice policy advisory board, contain elements of rehabilitation and reform. No discernable long term trends were found to exist or suggest that a culture of control has been present over the last decade or will persist into the future. Further research, following this type of analysis, should be conducted in other states as well as with Congressional legislation to further test Garland's model (2001) and as a means of offering comparative assessments both across divergent jurisdictions and longitudinally over time.

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(Footnotes)

¹ While the text was published in 2001, the author insinuates and recent legislative and policy developments confirm, that many of the system attributes described or subsumed under the culture of control model persist today; a period that many social commentators refer to as the postmodern period.

² The author elucidates the following as significant catalysts: globalization and the free market economy, changes in the family and household structure, the effects of television and the media, advances in transportation, technology and communications, changes in the social ecology of urban areas and the democratization of social and cultural life.

Biography

Douglas L. Yearwood is the Director of the North Carolina Criminal Justice Analysis Center. Prior to assuming this position he held social research positions with the Federal Bureau of Prisons and the state Attorney General's Office. In addition to governmental reports, he has published articles and book reviews in *Justice Research and Policy*, *the British Journal of Criminology*, *Criminal Justice Policy Review*, *the Journal of Family Violence*, *the American Journal of Police*, *Children and Youth Services Review*, *African American Male Research*, *the Journal of Gang Research*, *the F.B.I. Law Enforcement Bulletin*, *Criminologist*, *Federal Probation*, *Police Chief* and *American Jails*. He is co-author, with James Klopovic and Michael Vasu, of the book *Effective Program Practices for At-Risk Youth: A Continuum of Community-Based Programs*, published by the Civic Research Institute. Mr. Yearwood holds a B.S. in criminal justice and a B.A. in psychology from North Carolina Wesleyan College and an M.S. in criminal justice from North Carolina Central University. He is also a Certified Public Manager through the state personnel office and an Advanced Certified Law Enforcement Planner through the International Association of Law Enforcement Planners. He is the current Past President of the Justice Research and Statistics Association.

Table 2

G-Score Rating by Year

| Year | Culture of Control | Penal-Welfarism | G-Score |
|---------------|--------------------|-----------------|---------|
| 1997 | 56 % | 44 % | 4 |
| 1999 | 49 % | 51 % | 2 |
| 2001 | 40 % | 60 % | 2 |
| 2003 | 70 % | 30 % | 4 |
| 2005 | 50 % | 50 % | 3 |
| 2007 | 39 % | 61 % | 2 |
| Trend Average | 51 % | 49 % | 4 |

C

orrection Officers and Jailers: The Application of Legal Liabilities

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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 lawsuit 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 a 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 have been 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 an 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. A prison regulation that impinges on inmates' constitutional rights is valid if it is reasonably related to legitimate penal interests (*Turner v. Safley, 2006*). 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. The U.S. Supreme Court ruled in 2006, that a disabled state prisoner may sue a state for monetary damages under Title II of the American with Disabilities Act. It should be noted that State sovereign immunity in these type cases does not apply (*United States v. Georgia, 546 U.S. 151*).

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, she 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 purposes: (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 probably result in a lawsuit based on either on a civil rights claim or a tort claim of wrongful death (AELE Law Enforcement Legal Center, 2007). Such lawsuits may not likely 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

An excellent example for the dissemination of information shared in this article could be premised upon the notoriety acquired by Sheriff Joe Arpaio, Maricopa County (Phoenix) Arizona. Sheriff Arpaio was elected in 1993 after an illustrious career in federal law enforcement. The media has dubbed him "*America's Toughest Sheriff*." The Maricopa County Sheriff's Office employs over 3000 people and is the third largest sheriff's office in the United States. His office processes over 300 arrests daily and houses over 10,000 inmates. He is noted for the creation of "*Tent City*" whereby convicted inmates reside in canvas covered military style tents. He implemented the nation's first female and juvenile "*chain gangs*." Sheriff Arpaio (due to copious amounts of theft) implemented a policy having all prison garb dyed "*pink*" – undershorts, undershirts, socks, sheets, towels and all inmates are required to wear these garments. Jail uniforms for the convicted consist of black and white strips. He feeds inmates for 15 cents per day and has recently activated a website (Rogue Gallery) which depicts all persons arrested in his jurisdiction. Most recently, he has asserted his law enforcement (executive) authority to arrest and detain illegal aliens (undocumented immigrants). Sheriff Arpaio and the Maricopa County Sheriff's Office are an excellent example of a functional law enforcement agency to be applauded for their outstanding legal knowledge, professionalism and creative initiatives in their endeavors to "Serve and Protect" the community as guardians of constitutional rights and civil liberties.

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 institu-

tions 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.

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