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THE POLICE BEAT

Critical Incident: An Officer Involved Shooting



A First Hand Account

**Joe Morris,
Associate Professor**

I was assigned to the narcotics and vice division of a sheriff's office and was sent to the Federal Law Enforcement Training Center in Glynco, Georgia. While there, I attended a two week course of instruction in undercover narcotics investigative techniques. Many subjects pertaining to undercover operations were taught including the shoot-don't shoot simulator involving a variety of scenarios. One scene involved an elevator door opening and a man holding a shotgun at waist level firing at me. I knelt and returned fire, not realizing the full impact of what I had just learned. After the school ended, I returned home and continued working both as surveillance officer and an undercover officer.

February 11 was a typical winter day, cold, wet, and overcast. It was a day that changed my perception of life forever. I was working with a narcotic Task Force. An informant provided information that a house had a large quantity of marijuana, weapons, and explosives inside. The informant also said that the owner of the residence had stated that he would kill any police officer that attempted to enter his house. This warning was no different than many others received during the years spent in law enforcement.

The search warrant signed, the agents ap-

pointed to their respective positions, the Task Force left enroute to the suspects residence. A search warrant relies upon the element of surprise to minimize the risk to the entry team. We lost the element of surprise when two 18 year old males who had just completed a purchase came out of the front door as the Task Force pulled up in front of the residence. The two males then went back inside and alerted the owner to our presence.

I was assigned to be second man inside the residence and entry was to be made from under the carport area. The first officer attempted to kick the door open, but was wearing tennis shoes and was unable to do so. I kicked the door open with my boots and entered into a storage room with a latched door on my right that opened into the kitchen. The kitchen had a walkway on the left. I pulled open the door and at the end of the kitchen, about 10 feet away, the suspect was holding a 20 gauge shotgun at waist high level, pointed directly at me. I saw the finger on the trigger squeezing off the first shot. I fell to the floor and the shot went over me with the residue from the shot hitting me in the face. I returned fire, getting off 9 rounds. One shot hit the forearm of the suspect's shotgun, five shots hit the suspect. The suspect fired a second time as he was falling backwards out of the line of fire. The second shot was pulled to my left hitting the wall. My partner got off one shot before being temporarily blinded by the sheetrock dust. Two backup officers were pinned down in the utility room by the gunfire.

After the suspect was out of view, I got up from the floor to go into the next room to reengage. I did not know how many shots I

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A Critical Incident, continued

had fired or how many rounds I had left. I dropped the magazine from my S & W 9 mm and placed a new magazine containing 13 more bullets into my gun. I went into the next room and inside was three other agents who had entered through the kitchen and were securing the scene. There were six people inside the residence and after they were secured, medical aid summoned for the suspect and detectives dispatched, I felt a sense of disbelief at what had happened. I was walking around in a daze. At the same time, I felt a sense of euphoria that I believed was inappropriate. This was due to the fact that I was alive and unscathed and the suspect was shot.

The detectives arrived and my partner and I were taken to police headquarters where a statement was to be taken. The detective said that we couldn't talk to each other about this event. We were taken into separate rooms where I was given my Rights per Miranda and without consideration of the impact of my statement, gave a full and complete accounting of the incident. Had I been wrong in my actions, I would have convicted myself by my statement. I was not aware that I didn't have to give the statement. My gun was taken from me and I was placed on administra-



Courtesy of: <http://www.buyindies.com/userimg/images%5Cjuvenile.jpg>

tive leave with pay pending the outcome of the investigation. Whereas all of the actions taken were appropriate, the lack of explanation caused me further anguish. It seemed that I was not to be trusted to carry a gun and was sent home because of the incident. Had these procedures been explained in advance, the stress level would have been greatly reduced.

Long after the investigation was complete, the trials over, and those convicted sentenced, the effects of the shooting lingered. There were frequent nightmares in which I relived the incident. When back at work, the fear felt when executing search warrants was almost unmanageable. Psychiatric help was available but was on a voluntary basis.

Six months after the incident, I was allowed to attend Calibre Press' Street Survival Seminar in Dallas, Texas. I had attended once before

but now it was a three day seminar. The third day, the part of the seminar that helped me put things in perspective, was most valuable. The seminar addressed the effects of an officer involved shooting, personally and legally. The statement that made the difference, "It's a normal reaction to an abnormal situation." This gave me a different perspective on the situation and aided greatly in allowing me to return to normal.

All officers need to prepare themselves, both physically and mentally. Proper training cannot be stressed enough. When things happen, it happens suddenly and we react as we are trained. If we train wrong, we will react wrong. Conversely, if we train properly, keep ourselves physically fit, and maintain a good mental attitude, our chances of surviving an officer involved shooting are greatly enhanced.

More emphasis needs to be placed on the mental aspects of a critical incident starting with the basic academy and mandatory periodic updates throughout an officer's career. This will allow us to save the officer, our investment in the officer, and ensure that the officer is able to effectively handle the stresses of the job.

CRIMINAL JUSTICE CAREER FAIR

The Criminal Justice Program at Northwestern State University of Louisiana is hosting a career fair for Criminal Justice majors and other majors interested in this field, on Tuesday, March 14, 2006, from 9:00 a.m. to 1:00 p.m. in the Student Union Building on the Natchitoches campus.

Law enforcement and correction organizations, state and local governments, law schools and university graduate programs, and other prospective employers participate in this career fair. You are invited to represent your organization and to present your organization's career options to interested individuals and have them begin the application process for available positions in law enforcement, law, and associated fields. Please contact our office at 318-357-6967 and request a reservation form. There is no fee for this Fair.

Please plan to be at this fair and make contact with students and other interested individuals as well as representatives of various public and private law enforcement agencies. We look forward to your participation in this career fair! Place this date on your calendar. We will also update this information as the fair date approaches. See you in March 2006! For further information, please contact the Criminal Justice Program at 318-357-5505 or 318-357-6967.

COUNTER-POINT

Order, Society, & Crime

Bill Shaw
Assistant Professor



Comparison has always been the staple of research. We look for relationships by comparing one set of circumstances with another to determine whether they are similar or dissimilar and why that may be. Criminal Justice research is no different and we invest a lot of time gathering information so we can make these comparisons—between cities, states, areas, ethnic groups, genders, etc., looking for the relationships which cause similarities and differences in criminality. A long-standing comparison, which has puzzled criminologist for a while now, is that between the United States and Japan's crime rates. While Japan is fully as industrialized and modern as the US, its crime rate is one third that of America.

David H. Bayley of University of California Berkeley has some interesting thoughts about why Japan's crime rate is so much lower.¹ The question is not a simple one and confounds more than one of our causation theories developed over the past century. Many social theories depend on urbanization and over-crowding as agents of criminality. However, few countries have the degree of these characteristics as modern Japan. If half of the US population lived in California, it would then have a population density of Japan. We also often blame our violent history and popular culture. Again, Japan has a very violent cultural tradition. The cult of the sword is as great there as the cult of the gun here. Until a hundred years ago, Japan was still controlled by samurai who could execute at will anyone who insulted them. Martial values and traditions are still very important. Political assassinations are far more common in Japanese history than in American. Both countries fought bloody civil wars at about the same time.

So what is it that insulates Japan from the levels of criminality common to America? Often, the lack of gun ownership, lack of ghettos, homogenous demographics, or the criminal justice system of Japan, are cited as the determining factors to explain it. It is likely, however, that the answers are not found in any of these explanations. The important differences seem to be in the culture. Bayley suggests three cultural factors in Japanese life, which control deviant behavior: *propriety, presumption, and pride.*

Propriety is defined as the adherence by the Japanese to an elaborate set of social rules. These rules govern the types of speech allowable when addressing people of different social stations, the types of dress allowable for each person according to their status, exactly what behaviors are allowable in every situation. These rules are reinforced by emphasizing the need to belong. In America, if a child misbehaves, he is locked in, "grounded." In Japan, the parents will lock the child out of the house until he beats on the door begging to be let back in, emphasizing the security of conformity and belonging. Shaming is also an important part of societal control. Where as in America, belittling is considered damaging to the self-esteem, in Japan it is a big part of disciplinary process. While American children are encouraged to "be individuals" and "do your own thing," Japanese children are encouraged to be part of the group, to fit in, to conform to the rules.

The instinctive obedience to shared rules of order is captured in the story of burglar who was caught fleeing from an apartment in Tokyo. It is common knowledge that a rule of social order in Japan is the removal of the shoes before entering a home, especially if it has a raise floor of thick, woven straw. The burglar had crossed a room with such a floor during the burglary and was captured because he had to stop to put his shoes back on when he became aware that the police were entering the house.

An English businessman was so impressed by the orderliness of society in Japan that he conducted an experiment. He personally examined 1,200 yards of subway corridors in Tokyo after an evening rush hour to count discarded trash. He found 19 cigarette butts, 28 match sticks, 11 candy wrappers, and 4 pieces of paper.

The second factor, presumption, is the willingness of Japanese to assume the presumed roles and obligations of membership in their social groups. These roles are well-known and are taught from birth. The roles of husband/wife, parent/child, employer/employee, co-worker, teacher/student, are all carefully calculated and accepted without question. It is demonstrated by the importance Japanese place on members of a group to anticipate the others' needs, requests, ideas, etc. One of the worst insults a man can give his wife is to suggest that he must tell her what he needs. A businessman does not want to be sent on a long trip away from his partners because he will lose his instinctual knowledge of the group. As the Japanese say, the ex-

Order, Society, & Crime, continued

pectation in most of life is that, when you talk, others can finish the sentence. It is not an acceptable excuse in Japan to say, "I wasn't told." One should have know without being told if one is aware his own role and the roles of others in the group.

The final factor is pride. Japanese are taught to take enormous pride in performing well the roles demanded of them. Each person is taught that it is not the status of the work that is important or that make the person important. Rather it is that the role

or work is done well. The end result is no more important than the process of getting to that end. Great effort earns great respect, even if the result is marginal. Americans, on the other hand, tend to excuse sloppy work if the end result is satisfactory.

When examined, these three factors are antithetical to many American cultural values. If they are at the heart of the difference in the crime rate between the two countries, then Americans

will have to look for other solutions its own crime problem. Perhaps the best lesson learned from this comparison is that some research can only tell us why without giving us any how-to.

1. *Patterns of Policing: A Comparative International Analysis* (Crime, Law, and Deviance Series), by David H. Bayley, Rutgers University Press; Reprint edition (October, 1990)

THE FORENSIC FILES

Chemical Fuming & Enhancement of Latent Fingerprints

David Hough
Assistant Professor

Iodine fuming has been around for approximately one-hundred years (Lee and Gaensslen, 2001). Different applications of this method have been standardized and offered in basic forensic identification courses at most college with criminal justice programs, and has been revisited despite the age of the process. The process has long thought to be a chemical reaction, but is now accepted as a type of "physical absorption" (Almog, Sasson, Anah, 1979). When heated, iodine crystals develop into a gaseous state through a process known as "sublimation." The fingerprints, left by secretions containing fatty material-substances become "stained." This staining, unless preserved, will evaporate and the ridge characteristics will disappear. Some techniques of preservation involves spraying a starch-laden substance that seals or covers the iodine staining that usually turns a deep violet or purple color (fixing). Ac-

cordingly, there are

four (4) main development techniques (Lee and Gaensslen, 2001); 1) Iodine Fuming Gun, 2) Iodine Fuming Cabinet Method, 3) Iodine Dusting Method, and 4) Iodine Solution Method. The author has tried all methods



Iodine vapour is physically absorbed by latent fingerprint deposits and there is also some reaction with unsaturated fats. A brown image is formed. This technique is very simple to use although insensitive, especially for fingerprints more than a few days old. The developed fingerprints often fade unless fixed with naphthoflavone solution. This gives a dark blue image. Iodine vapour is toxic and corrosive.²

and found methods number two (2) and three (3) to be the most efficient and easy process with minimal materials. The Fuming Cabinet method appears to be

very popular, however, the cabinet, which is commercially available from any major forensic supplier is somewhat expensive and if of a metal construction, become corroded easily after time and continued use. The Iodine Dusting method appears easy and convenient, not to mention inexpensive of all methods. A key to using the "dusting" method is to shake your initial supply of iodine crystals, which makes a fine powder, especially if you use the rim of the jar with your favorite dusting brush. Just take your brush and gather the fine powder produced by shaking the crystals and dust your porous, suspected areas, i.e. paper. This is more of a controlled process and works well in ventilated areas. Caution should be used and a "fuming hood" area is always recommended. Iodine plating is used to preserve the developed prints, although it is moderately expensive. The best result for preservation has been reported (Lee and Gaensslen) by treating materials with 7,8 benzoflavone (naphthoflavone) reagent. This can be made with the following formulae:

1. Dissolve 1 g (naphthoflavone)



Chemical Fuming continued

- in 50mL acetic acid.
- Add 300 mL 1,1,2-trichlorotrifluoroethane to above solution

This produces a fixing solution that should be stored in a light-stable container (Lee and Gaensslen). Investigators and technicians should experiment with these techniques until they are comfortable with the process, and experiment with addi-

tional novel approaches from the literature. Best wishes with the classic iodine process.

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THE COURTHOUSE

A Hand Up: Drug treatment court offers second chance for some

By Stephanie Masson
News Editor, Natchitoches
Times

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“What happened,” District Judge Rick Harrington asked M., a 42-year-old wife and mother of two, after learning she tested positive for cocaine use.

“I got scared,” she replied.

“You’ve said you need help and you need help right now,” the judge stated.

“I’m packed and ready to go,” M. answered.

Until Natchitoches Drug Court staffers find a place for M. in rehab, she will spend her days in the Avoyelles Women’s Detention Center. On Wednesday, Harrington was presiding over drug treatment court, a special division created in the 10th Judicial District to



deal with substance abusers found guilty of felony crimes.

T. also had a rough week.

“How have you been doing?” Harrington asked.

After hearing T. has a shoulder injury, he wonders if T. has been tempted to use drugs this week. T. said he’s been worried about taking anything for the pain, so he’s been using Icy-Hot.

J., an old hand at the once-weekly sessions, breezes through his question and answer period. Harrington asks about his week and sends him on his way.

You’d think the clients might resent Harrington’s intense scrutiny, but they welcome it, even M., who will spend the night in jail.

“I can’t make it on my own. This lets me help myself. This program has given a lot of people an opportunity for a second chance,” M. said. “It helps us to be responsible for ourselves. It makes me feel better about myself.”

T. feels better knowing someone in the judicial system is there when he needs them. “You don’t have to be scared about the system,” he said.

Another young man says he’s here on his third drug possession. “I didn’t get off drugs until this program,” he explained.

Harrington emphasizes that drug dealers and violent offenders are not eligible. Only defendants appropriate for probation are considered. Participants must plead guilty to a crime and be placed on probation.

“The court is based on the concept that if a non-violent, non-drug dealing defendant can be gotten off drugs, the odds dramatically increase that they will not commit another crime,” Harrington said.

Every Wednesday afternoon, the drug court team meets to discuss the progress of each participant and how each they should be dealt with that week. Court then convenes and each participant goes before Harrington for a status review. He questions their drug use, attendance at group and one-on-one treatment sessions and work status.

A Hand Up, continued

He rewards those doing well and sanctions those who are not.

“By doing this on a weekly basis, the court is able to closely monitor each participant’s progress,” Harrington said. Those who do well after four to six months of intensive treatment and weekly open court sessions are moved to the next level. Their court appearances are reduced to every other week. After another four to six months, with additional treatment, they may report to court monthly. Four to six more months can see them discharged from the program.

“The hands-on approach provides a level of supervision and attention that the state probation office is unable to provide because of its heavy case load,” Harrington said.

“The bottom line purpose of drug court is to put offenders with substance abuse problems under the strict probation supervision of the court and provide them with treatment so they don’t return to the system, and, hopefully, will become contributing members of society.”

Drug court is funded by a \$112,000 grant Harrington applied for from the U.S. Department of Justice. It pays for contact services of Natchitoches Parish Sheriff’s Department employees to staff the court and defense counsel from the Indigent Defender Board. The grant also provides substance abuse treatment through the Natchitoches Center for Addictive Disorders and drug testing.

Team members, including Sheriff’s Department Administrative Assis-

tant J.D. Thornton who coordinates drug court, and deputies Lori Woodard and Lamar McGaskey, received specialized training through the grant. Harrington receives no extra pay for the weekly court session.

“The drug problem is so severe, not just here but nationally, that we are losing whole generations to drug addiction and the resulting crimes and destruction of families,” Harrington said. “Hopefully drug court will be another weapon to fight this terrible problem in our society.”

(Editor’s note: Although court is open, the Times decided to respect the participant’s anonymity by not using their names.)

THE GRAB BAG

HIGH SPEED PURSUIT

Joe Morris,
Associate Professor



We see it on the nightly television news where the high speed police pursuit of a violator by a police officer ended horribly wrong. Some innocent child or family member was killed or seriously injured by being in the wrong place at the wrong time. Then starts the “hue and cry” of how the police caused the accident, the interview with the crying family member bemoaning their loss and the “terrible actions” of the police that led to this catastrophe.

Police officers do have a specific liability in the operation of a police vehicle. They are charged with the same standard of care as the general public and are found liable under a straight negligence theory for the negligent operation of vehicles. Statutes are now being interpreted by the courts to require officers to use reasonable care under existing circumstances and this is particularly critical when “hot pursuit” is involved.¹

If damage results, officers and/or their departments may face lawsuits. At issue is whether police officers violate the Fourteenth Amendment’s guarantee of substantive due process by causing death through deliberate or reckless indifference to life in a high-speed automobile chase to apprehend a suspected offender. The United States Supreme Court, in *County of Sacramento v. Lewis (1968)*, held that “In high-speed vehicle pursuit cases, liability in Section 1983 (civil rights violations) cases ensues only if the conduct of the officer ‘shocks the conscience.’²

In the same case, Justice Souter noted that an officer’s decision to pursue a fleeing suspect often is made in a “split-second ... in circumstances that are tense, uncertain and rapidly evolving.” Officers are forced to “balance on the one hand the need to stop a suspect and show that flight from the law is no way to freedom, and, on the other, the high-speed threat to everyone within stopping range, be they suspects, their passengers, other drivers or bystanders.”³

Why do we never see the news media talking about the person who is controlling this high-speed police pursuit

High Speed Pursuit, continued

– the violator? John Bellah writing in the April 2003 edition of *Police* an article entitled *Cutting out the Chase* correctly identifies the real cause of high-speed police pursuits. “The real culprit [in a pursuit] is the rabbit. The motorist has the legal obligation to yield and stop when lawfully signaled by a police officer. The driver who fails to stop and elects to flee is the one responsible for placing his or her life in danger, placing the officers’ lives in danger and is a menace to the civilian population.”⁴

The courts and the news media need to place more emphasis on actions of the violators as the ones controlling the event and causing the accidents. Assuming the officers’ actions were reasonable and legal, placing blame on the violator and holding him accountable for

the consequences of his actions is the right and just thing to do.

¹Karen Hess and Henry Wroblewski, *Police Operations: Theory and Practice*, (Belmont, CA: Thompson/Wadsworth, 2003) 465.

²Karen Hess and Henry Wroblewski, *Police Operations: Theory and Practice*, (Belmont, CA: Thompson/Wadsworth, 2006) 154.

³Karen Hess and Henry Wroblewski, *Police Operations: Theory and Practice*, (Belmont, CA: Thompson/Wadsworth, 2006) 154.

⁴Bellah, John L. “Cutting Out the Chase.” *Police*, April 2003, 28-31.



G.S.R.C.P.I.

STAR - Safety Training and Resources (STAR) Initiative

This innovative program is designed to assist local law enforcement, emergency responders, government and citizens in collecting and disseminating local information for community preparedness. The STAR Initiative aims to provide support and enhance community and volunteer group disaster preparedness and response efforts (Neighborhood Watch, CERT, VIPS, TRIAD and SLATT) by creating a database and response plan. This is important so that when disaster strikes, everyone will know what resources are available in their communities, from chainsaws and dump trucks to shelters and citizens available to cook.

The STAR Initiative is designed to provide emergency responders with crucial LOCAL resource information before, during and after an emergency. With training provided by local law enforcers; community representatives will be empowered to collect, collate, and disseminate important community safety and resource information through a variety of portals.

The STAR toolkit includes instruments and educational tools to assist communities in preparing for critical incidents such as natural disasters or terrorist attacks. The toolkit is comprised of (1) An interactive CD-ROM with user friendly database templates; (2) A pre-constructed website that can be tailored to fit the needs of individual communities; (3) Guides

to assist individuals in publishing an Emergency Resource Directory; (4) A facilitator manual for conducting Community Resource Assessment; (5) Models for successful citizen-based activities relating to disaster preparedness, emergency management, and anti-terrorism are also included.

By participating in the STAR Initiative both the law enforcement agency and the community receive considerable benefits including:

- Community involvement in preparedness planning
- Development of network structure that supports emergency responders
- Higher level of coordinated response
- Enhanced relationships between community and emergency responders

All costs are paid by the US Department of Justice COPS Office and GSRCP. Communities need to provide the training space, refreshments and make sure the RIGHT members are at the training. Call 1-888-283-0966 or www.GSRCPI.org for more information on bringing this training to your area.

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