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Policing Mass Transit

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Editor

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Kathryn E. Sulewski

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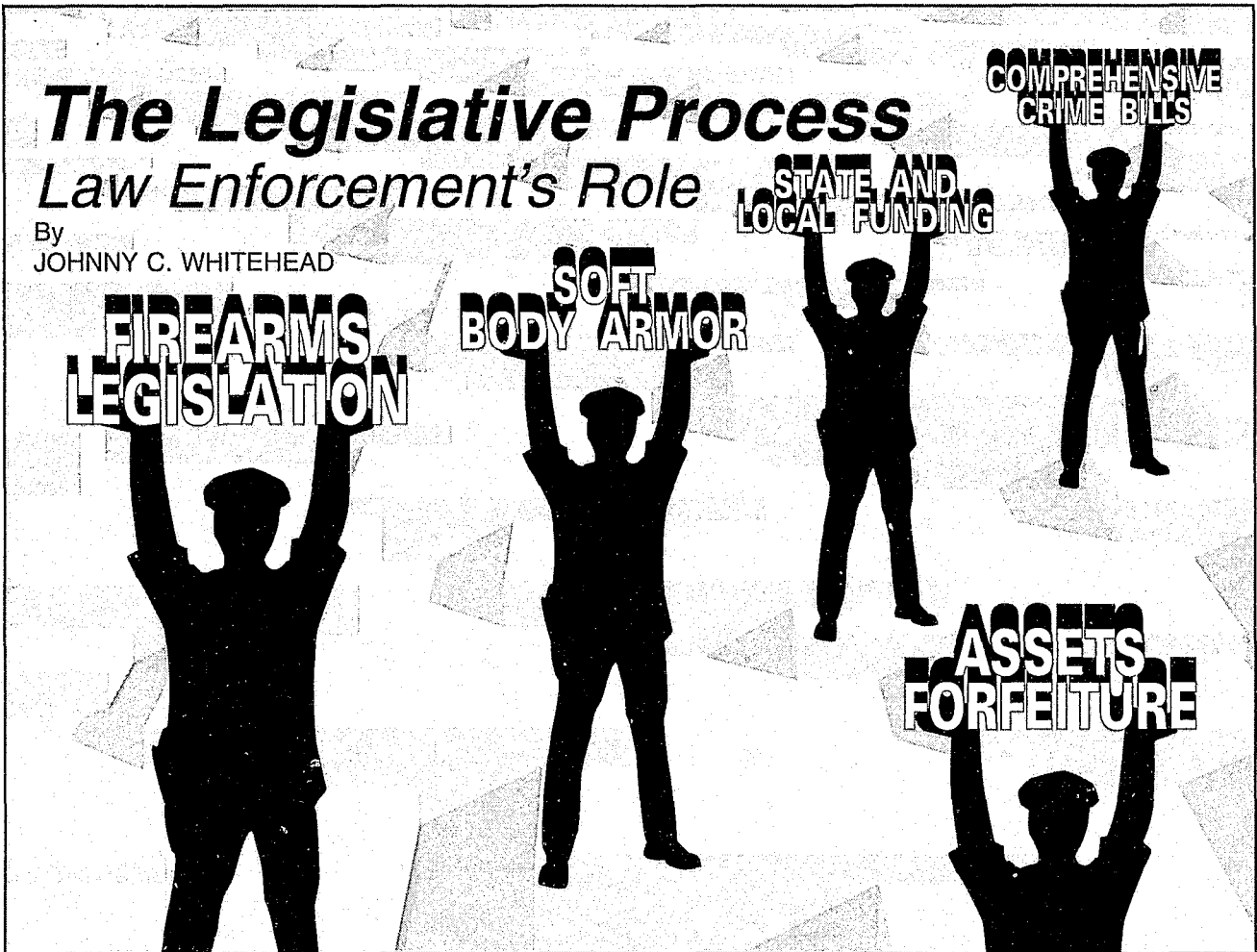
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The Legislative Process

Law Enforcement's Role

By

JOHNNY C. WHITEHEAD



Lawmakers at all levels of government introduce and pass legislation that significantly impacts on law enforcement operations. At times, these well-meaning politicians fail to realize the residual effects of their actions. As a result, legislation that is either difficult to enforce or detrimental to law enforcement becomes law. Law enforcement's reaction at this point becomes one of disbelief, panic, or both.

This does not, however, have to be the case. Law enforcement agencies can avoid such nightmares by monitoring legislation be-

fore it becomes law and by working actively with lawmakers to educate them on the nature of law enforcement. This article shows ways in which agencies can accomplish these critical tasks and provides various strategies for influencing future legislation.

ACTION TAKEN

Traditionally, law enforcement officials stood on the sidelines while politicians proposed legislation and passed laws that seriously affected police operations. In the Baltimore County, Maryland, Police Department, however, police administra-

tors eventually realized that active involvement in the legislative process would allow them to voice the needs of the department and keep the problem from perpetuating itself.

For this reason, they initiated a legislative program that allows the department to take a "watchdog stance" to ensure that proposed legislation serves law enforcement's best interests. The program is also a source of information for legislators who, for the most part, are unaware or ill-informed of law enforcement's mission and constraints.



Captain Whitehead serves with the Baltimore County Police Department in Cockeysville, Maryland.

“The responsibility for monitoring legislation rests with each agency.”

manufacture and sale of armor-piercing ammunition, better known as “cop killer bullets.”

During the past 8 years, this group, now known as the Law Enforcement Steering Committee (LESC), expanded to include law enforcement research organizations and police management and labor groups representing over 400,000 police practitioners.² It has supported such issues as assets forfeiture, State and local government funding, soft body armor, firearms legislation, and comprehensive crime bills.

TECHNIQUES

Once a police department adopts a position on proposed legislation, a number of approaches can be taken to promote that position. The strategy used depends, in large part, on the nature of the proposal and the impact it has on the agency, both operationally and politically.

Baltimore County liaison officers follow the guidelines developed by the League of Women Voters of Maryland, Inc.,³ to include writing letters, sending telegrams, telephoning legislators, contacting legislators personally, and testifying at committee hearings. These tactics assist the department in mounting effective campaigns, while avoiding many of the pitfalls and mistakes that might jeopardize success.

Letters

A well-written letter can help any cause. However, liaison officers should follow certain steps when constructing the letter. First, they should discuss only one bill or topic in a letter and should identify the bill

LIAISON

To begin the legislative program, two Baltimore County police officers were chosen to serve as legislative liaisons for 3 months during Maryland's annual legislative session. After several sessions, the officers' efforts showed signs of success. By establishing liaison with Maryland lawmakers, they were able to influence the voting on inadequate or unenforceable legislation.

At the same time, these officers found active supporters among the legislators, which added a new dimension to the original concept. The legislative liaison officers began networking with elected officials to develop legislation that would benefit the community at large. Because of the successes realized, a police officer now serves year round as a full-time legislative liaison officer.

SIMILAR PROGRAMS

Agencies in other jurisdictions support similar formal legislative

programs. In Maryland, sworn officers of the Baltimore City Police Department and the State police monitor legislation full time. The Legislative Affairs Unit of the New York City Police Department works with the mayor's office, and the Denver, Colorado, Police Department operates a Legislative Unit within its Public Information Office.

What has occurred in many areas of the country, either locally or statewide, has also spread to the national level. For example, in 1985, five law enforcement associations¹ united to form the Law Enforcement Steering Committee Against S-49 to oppose firearms legislation then pending in the U.S. Senate. This legislation, known as the McClure-Volkmer Act, would have made it easier to gain access to handguns.

The committee drafted and successfully worked for the adoption of several amendments to the bill to minimize its negative impact. It was also instrumental in influencing the

by number, if possible. Second, the letter should be brief and should clearly state the agency's position. Rambling letters that fail to make points up front and succinctly serve little purpose.

Liaison officers should direct letters to the chairperson and members of the appropriate committee and to all influential legislators. Each letter should be addressed correctly and with the appropriate salutation.

As another consideration, liaison officers should determine whether legislators use other than standard paper or binders for their bills. If so, it helps to write position letters on the same sized paper, which enables legislators to insert the letter conveniently next to the bill without taking the chance that it would get lost or damaged before the issue comes up in committee.

Telegrams

Public messages or mailgrams provide a quick and succinct means to voice an opinion. These can be sent to elected officials for a nominal fee.

Telephone

Telephones provide the easiest way to register opinions with legislators; however, during legislative sessions, it is often difficult to reach the intended party by phone. In most cases, office staff members take messages, and these aides are usually quite efficient in relaying information to legislators.

Media

Departments can provide print and broadcast media with reliable, well-documented background in-

formation or a well-written analysis of proposed information. This can be done through press releases, press conferences, letters to the editor, or editorials. These public relations tools arouse public interest and can influence legislators.

Personal Contact

Personal contact remains one of the most effective techniques, particularly after a bill has been heard in committee. Liaison officers can



effectively deal with any apparent information gaps or questions by forwarding the needed information promptly to legislators.

If a legislator sympathetic to law enforcement sits on the committee, the department's liaison officer should ask that person's advice on strategy. Legislative liaison officers should be particularly responsive to those legislators who express concerns at hearings. They should concentrate on those legislators who appear undecided, because those who strongly oppose the legislation probably cannot be influenced to change their votes. Liaison officers need to be aware of the number of

votes needed to pass, or defeat, legislation, which can be done by counting anticipated votes. If there are not enough favorable votes, an officer could ask an ally on the committee to request a delay of the vote count until the necessary number of votes can be secured.

Testifying at Committee Hearings

Perhaps the most formal method of liaison is testifying at committee hearings. Before doing so, however, departments should address several important questions. Is the person testifying the most informed and best qualified to answer the committee's questions, or should scientific or technical experts be called before the committee? Is the person an effective and eloquent speaker? Can facts be substantiated and validated with data, such as costs, comparisons, uses, and effects? Are other groups lobbying on the same issue, and can the department join forces with them? And finally, considering the costs and benefits, is testifying the best technique to use, or would alternative methods be more effective?

If testifying before a committee appears to be the most effective way to voice a department's concerns, individuals appearing before the committee should follow several steps before giving testimony. First, they should read the bill very carefully to understand fully what the bill proposes and what it means to the department. They should also determine whether this type of legislation has been proposed previously. If so, what is its history?

The next step would be to talk to the sponsor to learn why the bill was

introduced and its intended effect. If the department supports the bill, the sponsor may have suggestions for the officers who will testify. The sponsor of the legislation should receive any proposed amendments prior to the hearing. This allows the sponsor time to consider the department's recommendations or other alternatives.

The department should also find out the costs of the proposed legislation, if such information is available. It is also advisable for liaison officers to network with other groups interested in the bill. This provides officers with the opportunity to learn of similar or differing views and to determine what these groups will say at the hearing.

Officers scheduled to testify should come to the hearing well-prepared. This includes having written testimony that identifies the officers appearing at the hearing, the name of their agency, and the department's position on the proposed legislation.

The officers should state the agency's views, say how and why it arrived at its position, and advise the committee of the benefits, or detriments, that will be realized by the legislation. They should also address the fiscal implications of the proposal and then summarize the agency's position at the end of their testimony.

Officers who testify should register to speak before the hearing begins and arrive at the hearing room at the designated time. They should have prepared copies of the agency's statement to distribute to all committee members, the press, and other interested parties. The officers should not read the written

testimony; instead, they should speak directly and forcefully to committee members, while maintaining eye contact. Their statements should be brief, and they should be prepared to summarize the statements if the allotted time runs short.

AVENUES OF SUPPORT

Each year, legislators introduce approximately 2,000 bills in the Maryland General Assembly, one-quarter of which affect law enforcement in some way. The Baltimore County Police Department monitors the law enforcement-related

**“
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”**

bills, which allows the county legislative office to concentrate on legislation affecting the other 17 departments of the county government.

After a thorough review of proposed legislation relating to law enforcement, the police department informs the county executive of its intent to oppose or support specific legislation and the manner in which it plans to advance its position. If disagreement arises on the department's stance, the department opts to allow other agencies to lead the fight, because the chance exists that a specific proposal will have a major impact on other agencies as well.

One avenue of support shared by Maryland's law enforcement agencies is the Maryland Chiefs of Police Association. The association's legislative committee meets regularly during the State's legislative session to review proposals and develop positions. If a police department is unable to take a position on an issue, the committee or another member agency takes the lead, thereby removing the department from the controversy.

POLITICAL CONSIDERATIONS

Several issues arise when a law enforcement agency gets involved in the legislative process. These include labor-management issues and possible conflicts between a law enforcement agency and other government agencies.

It is important for law enforcement representatives to work with their government administrations, whether it be the mayor's office, the county executive's office, or the governor's office. Each administrative level should be informed of liaison activities, particularly those involving controversial issues.

In Baltimore County, the county executive includes police department proposals in the annual legislative package. To assist in the process, the department's legislative liaison officer works side-by-side with the county's legislative office.

There may come a time when a law enforcement agency finds its position in conflict with that of the government's administration. In these instances, allowing other agencies to take the lead becomes a viable option, especially consider-

ing that most proposals impact a number of agencies, not just one.

Occasionally, legislation proposed by a local or State agency faces opposition from another. In such situations, careful consideration must be given to available options. First, departments must determine whether the problems created by the proposal outweigh the problems created by opposing the other agency. Also, does the potential exist for working out the interagency conflict before it becomes public? In either case, the department should make the government's administration aware of the problem and ad-

vice the other agency of its intended opposition.

CONCLUSION

The law enforcement community has taken great strides to assist the legislative process on the local, State, and national levels. But, much more can be achieved.

The responsibility for monitoring legislation rests with each agency. Whether on a full-time or part-time basis, any attention given to proposed or pending legislation that impacts law enforcement serves only to benefit all police officers and the citizens they serve. ♦

Endnotes

¹ The International Association of Chiefs of Police (IACP), the Police Executive Research Forum (PERF), the National Organization of Black Law Enforcement Executives (NOBLE), the National Fraternal Order of Police, and the National Troopers Coalition formed the Law Enforcement Steering Committee Against S-49.

² The Federal Law Enforcement Officers Association, the International Brotherhood of Police Officers, the Major City Chiefs, the National Association of Police Organizations, the National Sheriff's Association, and the Police Foundation joined the original members of the Law Enforcement Steering Committee Against S-49 to form the LESC.

³ League of Women Voters of Maryland, Inc., #87/3, 1987, 19-20.

Wanted: Photographs

The *Bulletin* staff is always on the lookout for dynamic, law enforcement-related photos to accompany and accent the various articles that appear in the magazine. We are interested in photos that depict the many aspects of the law enforcement profession discussed in the magazine and illustrate the numerous and challenging tasks that law enforcement personnel perform.

We can use either black-and-white glossy or color prints or slides, although we prefer color prints (5x7 or 8x10). Appropriate credit will be given to contributing photographers when their work appears in the magazine. We suggest that you send duplicate, not original, prints as the *Bulletin* does not accept responsibility for prints that may be damaged or lost. Send your photographs to:

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