



# NEIA CONNECTIONS

Volume 3, 2014



## WHAT'S HAPPENING IN QUANTICO AND AND THE NATION'S CAPITAL

NEI Class 37 joins the ranks of graduates. We welcome them into the ranks of what has been described as the FBI's "Crown Jewel" within its many training programs. Let us encourage them to continue participating in future training conferences and the FBI NEIA.

While we are in the welcoming stage, the following new NEIA members listed on the next page are invited to join any of our other FBI NEIA colleagues attending the Major Cities Chiefs Conference in Orlando, Florida at our NEIA Reception held at the Hilton Orlando hotel.

## NEIA RECEPTION

Sunday, October 26, 2014  
Hilton Orlando Hotel  
6:00 PM – 8:00 PM

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**NATIONAL EXECUTIVE INSTITUTE, SESSION XXXVII****Preliminary Class Roster  
Cycle Two, July 6-11, 2014**

Name Title Department/Organization

1. **Michael Anzallo**, Assistant Chief, DC Metropolitan Police Department
2. **James Barber**, Chief of Police, Mobile Police Department
3. **Catherine Burn**, Deputy Commissioner, New South Wales Police
4. **Scott L. Cruse**, Legal Attaché, FBI – Legat London
5. **Kevin F. Davis**, Chief of Police, Anne Arundel County Police
6. **Thierry Delville**, Director, Paris Prefecture Police
7. **Michael DeSilva**, Commissioner, Bermuda Police Services
8. **Laura Farinella**, Deputy Chief, Long Beach Police
9. **Timothy Gallagher**, Special Agent in Charge, FBI Washington Field Office
10. **Sid Gautreaux**, Sheriff, East Baton Rouge Sheriff's Office
11. **Christopher Gay**, Legal Attaché, FBI – Legat Riyadh
12. **Michael Gleysteen**, Assistant Director (OPR), Bureau of Alcohol, Tobacco, Firearms & Explosives
13. **Michael Goldsmith**, Chief of Police, Norfolk Police Department
14. **Philip Gormley**, Deputy Director General, London National Crime Agency
15. **Greg Hamilton**, Sheriff, Travis County Sheriff's Office
16. **\*Owen Harris**, Assistant Director, FBI Training Division
17. **Todd Henry**, Deputy Chief, Metro Nashville Police Department
18. **Scott Hernandez**, Colonel/Chief, Colorado State Patrol
19. **Richard "Rick" Hite**, Chief of Police, Indianapolis Metro Police
20. **Stephan M. Hudson**, Chief of Police, Prince William County Police Department
21. **Allen J. Jamerson**, Director/ Brigadier General, U.S. Air Force (Security Forces)
22. **Scott R. Jones**, Sheriff, Sacramento Sheriff's Office
23. **Pete Kassetas**, Chief, New Mexico State Police
24. **\*Carol Lee**, Special Agent in Charge, FBI Albuquerque Field Office
25. **Jose Lopez**, Chief of Police, Durham Police Department
26. **Richard Lucia**, Undersheriff, Alameda County Sheriff's Office
27. **Nathaniel McQueen Jr.**, Superintendent, Delaware State Police
28. **Eben Morales**, Assistant Director, U.S. Marshals Service (Prisoner Operations Division)
29. **Susan Pamerleau**, Sheriff, Bexar County Sheriff's Office
30. **Ralph Powell**, Director, Idaho State Police
31. **Paul Pride**, Superintendent, Ohio State Patrol
32. **Thomas P. Ravenelle**, Special Agent in Charge, FBI – Denver
33. **Luther Reynolds**, Assistant Chief, Montgomery County Police Department
34. **Leroy Smith**, Director, S. C. Department of Public Safety
35. **\*Todd Schmaderer**, Chief, Omaha Police Department
36. **Samuel Somers, Jr.**, Chief, Sacramento Police Department
37. **Keith Squires**, Commissioner, Utah Department of Public Safety
38. **\*Greg Suhr**, Chief, San Francisco Police Department
39. **Ray Tarasovic**, Chief of Police, Richmond Police Department
40. **Anders Thornberg**, Director - General, Swedish Security Service
41. **John Urquhart**, Sheriff, King County Police Department
42. **Jorge Luis Vargas**, Colonel, Colombian Police
43. **Chung "Joey" Wang**, Director, Taiwan Ministry of Justice Bureau
44. **J. Chris Warrenner**, Special Agent in Charge, FBI - Minneapolis
45. **Herman Williams III**, Chief of Law Enforcement, U.S. Army (Office of the Provost Marshal)
46. **SSA Jerry Granderson**, Program Manager, FBI Academy
47. **SSA M. Bret Hood**, Program Manager, FBI Academy
48. **LPS Anna Griffin**, NEI Program Specialist, FBI Academy
49. **Dr. Aisha Johnson**, Management & Program Analyst, FBI Academy

## **37TH SESSION OF FBI NATIONAL EXECUTIVE INSTITUTE** **“IN THE BOOK”**

By SSA Richard Kolko, NEI 36 (Staff Graduate), NEI 37 (Counselor)

In March, more than 40 police executives met at the FBI Academy in Quantico, Virginia to begin the 37th Session of the National Executive Institute. These Chiefs, Sheriffs, Directors, FBI Executives, federal partners and foreign law enforcement leaders hailed from all corners of the globe, including the U.S., South America, Europe, Asia, Australia, and the Caribbean. Several had crossed paths at some point in their careers, but for others, new friendships emerged and over the two sessions, those friendships turned into lasting professional relationships and personal bonds.



FBI Assistant Director Owen Harris welcomes his NEI classmates to the FBI Academy.

Monday morning began with a welcome from FBI Assistant Director Owen Harris. AD Harris not only oversees the academy and NEI program, but was a student in this session and said, “NEI is the FBI’s premier executive training program and it’s something we at the academy are very proud of. It’s very competitive to be selected,” and lightheartedly added, “Maybe that’s why it took so long for me to get a slot in the class.” The morning briefings began with Chuck Wexler, Executive Director of the Police Executive Research Forum facilitating an interactive introduction session. In the session titled, “Contemporary Challenges for LE Executives,” Chuck adeptly led the group by having each participant bring to light not only issues faced in their departments, but solutions they had implemented. It was apparent many of the law

enforcement leaders shared similar challenges. The highlight was learning different ways to address these challenges. Students came away with either a different method to try, or a new professional contact to discuss these issues. After lunch, the participants were given a tour of the Academy and Hogan’s Alley. The National Academy grads were amazed at the growth of the facility. A visit to the Operational Technology Division included capability briefs and tour of the response vehicles and mobile command posts. Later, the students were shown the Virtual Simulator tactical training facility.

Tuesday started with a speaker familiar to many of the students from previous law enforcement conferences. Dr. Kevin Gilmartin spoke about the executive role in leadership ethics. His talk brought to light the current ethics crisis in law enforcement and provided not only a theoretical analysis of ethics in leadership, but added current case studies and examples pertinent to the class.



FBI Director James Comey

The class was pleasantly interrupted when FBI Director James Comey dropped by unannounced. Director Comey addressed the students and then opened up the floor for questions. This was the first time many had met the new Director and he stressed how critical the relationships were, not only with the FBI, but amongst each other as well.

The afternoon session featured Assistant Director Joe Demarest of the Cyber Division and members of his staff discussing the quickly evolving problem and what the FBI was doing to counter its effects. The Director of the National Cyber Investigative Joint Task Force (NCIJTF) presented on operations and initiatives as well as the fellowship program which brings state and local officers to the NCIJTF for an expense paid internship to build expertise throughout law enforcement. The cyber training unit provided information on cyber training available for police.

Wednesday included a visit to the U.S. Holocaust Memorial Museum, always a thought provoking and memorable presentation. A discussion designed specifically for police followed the tour providing insight and reflection for the students on the events surrounding the Holocaust and law enforcement’s role during that tragic time in history.



Thursday began with Dr. Jack Enter talking about the challenges in organizational cultures, especially in law enforcement. Using humor and contemporary examples, Jack easily kept the class engaged in identifying, discussing and addressing some of the serious issues facing law enforcement executives today. After lunch, Ralph Powell, Director of the Idaho State Police was joined by FBI CID and gave a compelling case study of the 2013 Hannah Anderson kidnap case which came to an end in Idaho. Hannah was kidnapped in San Diego, CA and her mother and brother were killed. Her kidnapper fled, taking Hannah to Idaho. The presentation highlighted the challenges faced by law enforcement working in austere and hazardous conditions. Director Powell briefed on many of the problems in communications, logistics, media, and crisis management.

In July, the students reconvened for the second session. Monday began with author Don Phillips discussing his book, "Lincoln on Leadership". His presentation on executive strategies for tough times related to the issues faced by President Lincoln during the Civil War but had clear connections to some of the same difficult situations faced by our leaders today. After lunch, the class traveled to FBIHQ for a Q & A session with FBI Associate Deputy Director Kevin Perkins. ADD Perkins presented on the, "State of the FBI" now, where the Bureau is headed, and reiterated how the FBI could only be successful by building and maintaining partnerships with state, local and international law enforcement. A tour of the FBI's new Education Center finished the afternoon.

Tuesday's presentation from Dr. Larry Barton focused on workplace violence and critical incidents. A lively discussion, some compelling statistics, and several group exercises kept the class fully engaged and clearly was one of the highlights of the entire program.

Luther Reynolds, Assistant Chief of the Montgomery County Police Department in Maryland led the group through a discussion of, "What keeps you up at night?" Given a short time on the schedule, the group was so involved it went beyond the allotted time and was continued the next morning.

On Wednesday, John Boles, Assistant Director of the FBI's International Operations Division spoke about the responsibilities of IOD and the role of the LEGATs. Stressing all crime and threats cross international borders, AD Boles asked each of the international students to talk about their relationship with the FBI and encouraged further interaction.

The group then headed to the NEWSEUM for a presentation from Ari Fleischser, former Press Secretary for President George W. Bush. He talked about the difficulties of having to be on the podium in the days following 9/11 and the initial days of the wars in Afghanistan and Iraq. Relating the current pressures faced by law enforcement executives when dealing with the media, Ari was able to provide tangible advice to the class.

Thursday began with a trip to the Washington Metropolitan Police Department for a brief by Chief Cathy Lanier on last year's Navy Yard shooting as well as the challenges of working in a federal city with dozens of law enforcement entities. Her command staff provided a demonstration of the technical capabilities of MPD.





NEIA President Charlie Connolly

John Firman, Director of Research, Programs and Professional Services at IACP provided a well received afternoon briefing about his organization's programs. Charlie Connolly, President of the National Executive Institute Associates (NEIA) spoke about the history and significance of the NEIA and encouraged participation from the class in the future.

The results of the class spokesman election were then announced and Chief Sam Somers of the Sacramento PD accepted the honor of representing Session 37 of the NEI. Sam said, "It's been a great two weeks and while I may have been selected to be the spokesman for the class, in reality we are all one group that will move forward together. My goal is for all of us to stay connected professionally and personally and I am sure we will all continue to work together taking on the challenges we face in law enforcement."

The class was honored by a visit from Congressman John Lewis and Chief Kevin Murphy (ret.) of the Montgomery, Alabama Police Department (Session 36 NEI Graduate/Class Spokesman). Kevin met with Congressman Lewis in 2013 and apologized for the conduct of the Montgomery PD in the 1960's during the civil rights movement. In an act of reconciliation, Chief Murphy presented his badge to Congressman Lewis. A video of the apology has been seen around the world and is worth watching at: <http://www.youtube.com/watch?v=vKBVtLn5T1k>

Invited to address the NEI on the 50th anniversary of the Civil Rights Act, Congressman Lewis spoke to a hushed crowd about his experiences as a Freedom Rider during the civil rights movement. The story, which many are familiar with from history books and old news footage was brought to life by Mr. Lewis and clearly had an impact on everyone in the room. After addressing the group, everyone wanted to meet the Congressman and he graciously took the time to greet each student and thank them for their work in law enforcement.

After two weeks of executive leadership training, relationship building and professional networking, it was time for graduation. FBI Executive Assistant Director Amy Hess, Science and Technology Branch (NEI 35 graduate), served as the graduation speaker and handed out diplomas to each student.

As the students received their diplomas, they were asked to sign a book. This book, a new tradition started by SSA Granderson will serve as a historical record for session 37 and all future graduates of NEI, memorializing the names of the law enforcement leaders who fulfilled the requirements of NEI.

Sheriff Sid Gautreaux of East Baton Rouge, LA, summed up the class, "We came to the NEI with high expectations and they were met. New friends, super training, great experiences and a host of new ideas to take back to our respective departments, we couldn't ask for more. It was an honor to be a member of Session 37 of the NEI."



FBI Executive Assistant Director Amy Hess presented diplomas to all of the NEI graduates: shown here with Deputy Chief Laura Farinella, Long Beach Police and Special Agent in Charge Tom Ravenelle, FBI Denver.



Congressman Lewis signs the NEI book held by SSA Jerry Granderson.

Note: The FBI NEIA wishes to thank SSA Richard Kolko, NEI class 36 who served as this year's counselor. While this portion was edited for brevity, SSA Kolko's full article will be submitted to the FBI Investigator for publication consideration.

## WHAT ARE OUR MEMBERS DOING?

Gil Kerlikowske, Commissioner, U.S. Customs and Border Protection, Department of Homeland Security has an article in the Police Chief (August) describing the Homeland Security's mission as part of every police organization, whether or not those words appear in its name, stressing that it's only through continual collaboration that we collectively will achieve that objective. Gil provides a brief summary outlining the value of sharing expertise through training, utilizing Intelligence Collaboration in connecting the dots. In closing, Commissioner Kerlikowske reminds us that whether federal, state or local, we are wedded to the concept that our collective participation is an "All for One" Law Enforcement mission.

In a key move, new Seattle Police Chief Kathleen O'Toole promoted Assistant Chief Carmen Best to serve as Deputy Chief and second in command Thursday, saying Best has demonstrated she has the "right compass" to oversee department issues. Best, 49, has moved rapidly through the ranks since 2012, jumping from lieutenant to captain and then assistant chief as the department underwent a series of shake-ups in the top command amid a federal mandate to curtail excessive force and biased policing. "Since I was appointed, Carmen has shown me she cares deeply for this department and the community," O'Toole said in a written statement. O'Toole, who was sworn in June 23, called Best a respected leader within the department who has shown in her most recent assignment as head of criminal investigations that she has "the energy, integrity, work ethic, commitment and skills to move the Seattle Police Department forward." The move comes weeks after O'Toole tapped a civilian instead of a sworn officer to oversee a broad range of administrative functions, including information technology identified as needing vast improvement before the department can emerge from a 2012 settlement agreement with the Department of Justice to carry out the reforms.

In choosing Mike Wagers, who most recently worked in an executive position for the International Association of Chiefs of Police, to serve as chief operating officer — the equivalent of a deputy chief — O'Toole fulfilled a pledge to bring more efficient business practices to the department. O'Toole said in an interview Thursday that her selections of Best and Wagers, along with other organizational changes she unveiled, represent the "first wave," to be followed by performance evaluations to decide whether other moves are needed. She said she took a similar "sink or swim" approach when she served as Boston's Police Commissioner from 2004 to 2006, which resulted in a second set of changes. Best immediately impressed her, O'Toole said. "She has the whole package," O'Toole said. "She is a genuinely decent person." Since joining the department in 1992, Best's assignments have included patrol, school safety, patrol supervisor, media-relations supervisor, watch commander, operations lieutenant, narcotics commander, robbery, gangs and fugitive commander, community-outreach commander and South Precinct commander.



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## **Releasing Ferguson Details Key to Ending Violence**

By Mark Niquette - Aug 19, 2014

Article includes interviews of several FBI NEIA members

Officials can reduce violence in the St. Louis suburb of Ferguson by releasing all available details about the shooting death of an unarmed black teenager, said Raymond Kelly, a former New York City police commissioner. Police in the Missouri city waited almost a week before disclosing the name of the white officer involved in the killing of 18-year-old Michael Brown on Aug. 9, and no official autopsy has been released. The Brown family yesterday provided its own autopsy, conducted by former New York City medical examiner Michael Baden, which showed the teenager had been shot at least six times. Putting out information such as how many bullets were fired as early as possible is appreciated by people angered by such an event, said Kelly, president of risk management services for real estate brokerage Cushman & Wakefield Inc. in New York. It can help soothe tensions among protesters while those breaking the law are arrested, he said. "It certainly has the potential for quelling or lessening disturbances," Kelly said in a telephone interview. "You tell them what you know and tell them what you don't know, rather than dribbling it out."

Missouri Governor Jay Nixon ordered the state National Guard to restore peace after a third straight night of violence in Ferguson. Early yesterday morning, organized groups attacked police officers with firearms and gasoline bombs, leading police to fire tear gas into the streets.

While it's understandable that the governor would want Guardsmen brought in to help restore order, they should be used primarily for security on the perimeter of activity to free up police, who should be better trained to deal with the public, Kelly said.

"These are people who are, generally speaking, not trained in policing tactics," Kelly said. "Military don't do that; that's not in their core mission." The National Guard can be helpful because there are elements of the community that don't trust the local police, said Scott Bates, president of the nonpartisan Center for National Policy in Washington and a former police commissioner in Stonington, Connecticut. "It's performing the policing function, but maybe it's seen as more of a trusted party," Bates said. "It's a very strong statement -- whenever you see those uniforms on the street, it really is a wake-up call to everyone in the community that the situation is almost beyond control."

Norm Stamper, police chief in Seattle during demonstrations against the World Trade Organization in 1999, said he's still divided about using the National Guard then. While it helped bring peace and ensure safety, it was "a military solution to a First Amendment situation," he said. It would help in Ferguson to assemble a crisis team of police, elected officials and members of the community with credibility to manage the conflict, speak with one voice and resolve tensions, Stamper said. "De-militarizing" the police would help, he said. "Anything that we can do now to shift police officers out of that military mindset is vital," Stamper said.

Kelly, was in charge when Sean Bell, an unarmed 23-year-old man, was killed by police in a 50-bullet barrage outside a nightclub in Queens just hours before he was to be married in November 2006. While the incident drew public outrage, it didn't spark the type of civil unrest seen in Ferguson. Besides getting out information quickly, it's important to have one person in charge of the tactical response, a single spokesman, and experienced legal advisers -- which hasn't always been evident in Ferguson, he said. "The toothpaste is out of the tube here," Kelly said. "There's lots of things that should have been done differently, and you have to live with them."

While authorities may be following procedures to withhold information for any future court case, it's created a vacuum that is fueling speculation and heightening tensions, said Ed Davis, the former police commissioner in Boston. More compassion for the family and the community needs to be shown, said Davis, who led the department during the Boston Marathon bombings last year.

"It's hard to fix this because it's gone so bad," said Davis, who was commissioner from 2006 to 2013 and now leads Ed Davis LLC, a security advisory firm in Boston. "If people look at the human side of this and not just the legalistic side of it, they'd be better off right now." ‘

It's "mind-boggling" that the Ferguson Police Department of 53 has only three black officers for a community that is almost 70 percent black, Kelly said. It's critical that the force increases its diversity, he said. The police need to focus on the "relatively small number of people who are committing crimes," while allowing others to peacefully demonstrate, Kelly said today on Bloomberg Television's "Market Makers." Kelly worked from 2002 through 2013 under former Mayor Michael Bloomberg, the founder and majority owner of Bloomberg News parent Bloomberg LP. He also served an earlier stint, from 1992 to 1994, which makes him New York's longest-serving police commissioner.

Governance in Ferguson hasn't caught up with the increasing numbers of black residents, and the "old boy's network" of recruiting dominates many smaller police departments, said Colin Gordon, a professor at the University of Iowa who has mapped demographic shifts in the region. "My dad was a cop, I'm going to become a cop' is the sort of pipeline of recruitment," Gordon said.

Increasing the diversity of a police department isn't just the right thing to do morally; it also makes the force stronger, said Fred Bealefeld, a retired Baltimore police commissioner. Bealefeld cited the Maryland city's efforts to recruit Latino officers during his time as commissioner from 2007 to 2012 in response to a growing Hispanic community. "You can't say, 'Let's just teach a bunch of white guys to start speaking Spanish,'" Bealefeld said. "You have to recruit from within the Hispanic community so that you're getting true diversity." Bealefeld said the best way to attract minority officers is to reach out to community groups and tap existing members of the force to recruit qualified friends and family members. Baltimore offered financial incentives for officers who did, he said. Kelly said he recruited officers at black churches.

Even so, it would be a mistake and setback for diversity to rush to hire officers who aren't qualified, Stamper in Seattle said. "It requires immediate action, but it does not mean hiring individuals who are destined to fail," he said.

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DETROIT, MI -- Police Chief James Craig on Monday said Detroit has better police-community relations than Ferguson, Mo. and comparisons shouldn't be made between instances tensions here and widespread unrest there. He made the comments during a press conference outside a vandalized building on the city's west side, where five graffiti writers were chased and arrested last week. A crowd of residents gathered and cheered police as they announced charges against the suspected vandals. "You have community members standing here with the police today," said Craig, pointing to the crowd. "This is the Detroit Police Department and community relationship. We have community police officers... I'm not going to let the media take this thing and spin it to suggest we're on the brink of civil unrest." The governor of Missouri on Monday called in the National Guard on Monday for assistance quelling unrest there after an unarmed black teenager was fatally shot by a white police officer Aug. 9. "That tells me that there's been no relationship with the community," said Craig, who, before coming to Detroit last year, worked in Cincinnati and Los Angeles, two cities that have seen major riots over police using fatal force in the past.

"The underlying issues, there's no relationship between the police department and that community." Detroit police last week faced tension on the city's east side after a passenger in a car was shot while the driver allegedly tried to run over an officer. Both men in the vehicle were suspects in an alleged illegal gun transaction. A crowd gathered after the non-fatal shooting, some yelling at police, and one man crossed caution tape that surrounded the scene and was pepper-sprayed. Additional police units had to be called to calm the situation. But Craig said the majority of the crowd was supportive of police action in the neighborhood. "Detroit is not the next Ferguson," he said. The Detroit Coalition Against Police Brutality on Monday called for a judge to reject a proposed end to federal oversight of the Detroit Police Department. "As we look at the potential for citizen-police confrontation, this is no time to back away from Federal oversight," said the group's spokesman Ron Scott. Craig in response said he's repeatedly invited Scott to meet with him and present specific grievances and that an invitation stands for him to join an external advisory committee.



In another article, Chief Craig has weighed in on the issue “Disarming the people or arming them? According to Detroit Police Chief James Craig, arming the people is one of the best ways to deter crime. Last July, Craig was named as the new police chief of one of the most crime infested cities in the nation. Detroit is also experiencing severe financial problems and does not have the money to invest in training and putting more police on the streets. Shortly after taking over the police force in Detroit, Chief Craig told the citizens of Detroit to arm themselves and learn how to use their guns. There has been a number of Detroit citizens who have applied for and received conceal carry permits, even though Michigan law does allow open carry also. In December, Craig went on a popular Detroit radio show and praised the citizenry of Detroit for arming themselves. He told the people:

*“There’s a number of (concealed pistol license) holders running around the city of Detroit. I think it acts as a deterrent. Good Americans with CPLs translates into crime reduction. I learned that real quick in the state of Maine.”*

A year after Craig began telling Detroit citizens to arm themselves, the city is reporting a reduction in robberies of 37% over the same time period as last year. Break-ins have decreased by 22% and there’s been a 30% drop in carjackings.

Whether the reduction of crime is due solely to people arming themselves is hard to say, but you can’t argue the results. One Detroit citizen, Al Woods admits that he is a reformed criminal told the local paper:

*“If I was out there now robbing people these days, knowing there are a lot more people with guns, I know I’d have to rethink my game plan.”*

Note: Chief Craig is not in the majority on this issue. But you have to give him credit as he is willing to take the heat.

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**Editor’s Note:** The following articles stem from the Ferguson Mo. and Staten Island (NY) instances of deaths involving police officers. In a country of a 309 million diverse population, there is always, just below the surface, the potential to undermine or simply attack what is known as the “establishment.” Occasionally, it might have a rational objective. In today’s case, it is directed at police officers. Such editorials, though few in number labeled it a “War on Cops.” It’s important to recognize that the events portrayed and overly mediaized will in all probability occur in America’s policing history despite the best executive and management, training, recruitment and accountability in place. We will never have a perfect world and it’s part of the Human Condition. Police have a responsibility to enforce laws and maintain public order. Physically fighting with any authority figure, i.e. police officer is not an act of “civil disobedience.” It is lawlessness and dangerous. AND LEFT UNCHALLENGED, IT CAN BE CONTAGIOUS. Public Safety exists only with the agreement of the community. Keeping that balance is a continuing challenge for law enforcement. In these recent cases, we have witnessed politicians and media reporting at its worse. Politicians looking for a quick remedy to a problem that calls for a rational national debate and a media desperate to keep a 24 hr news cycle going. In my opinion, Chief Jordon’s took the appropriate course of action in defending the right of officers contributing to a fund for a fellow officer. His letter explains his actions better than I could. The second article is written by a former police captain in the LAPD who articulates the need for a balanced response to those who simply don’t understand the concept that we are a nation governed by law rather than selective prosecution. Chief Jordon and Captain Meyer’s simple message must be a constant part of the police/community dialogue.

- Charlie Connolly

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**Many of life’s circumstances are created by three basic choices: the disciplines you choose to keep, the people you choose to be with; and, the laws you choose to obey.**

TULSA, Okla. — Tulsa Police Chief Chuck Jordan released a statement after Tulsa police officers took collections for a Ferguson Missouri police officer at a Tulsa police station.

The donation bucket was to collect money for the legal defense of Officer Darren Wilson. Officials say Wilson shot Michael Brown in Ferguson. Brown's death has prompted protests that call for Wilson's arrest and prosecution.

TPD took the donation bucket down over the weekend because it is a violation to seek donations on city property, but Jordan's statement (in full below) expressed the donation bucket was not about race, guilt or innocence but about the rule of law.

Here is Jordan's full statement:

*There has been recent media interest regarding TPD officers expressing support of Officer Wilson in Ferguson, MO.*

*I think it is important to point out a few facts. First, our officers have proven their dedication and service to ALL of our community and will continue to do so with respect and compassion. I expect no less of them. Second, their support is not about race, guilt or innocence it is about the rule of law.*

*The situation in Ferguson has produced an intense atmosphere in which relevant facts are being overlooked and facts not in evidence are being broadcast as the truth. Very public figures are making statements vilifying the police across the nation and insinuating Officer Wilson's guilt before the investigation is over, thereby tainting potential jury pools in the event a trial is warranted.*

*The rule of law has served our nation well for over two centuries. Are we really ready to abandon that concept now? I don't know if Officer Wilson is guilty or innocent of the charges being leveled at him. And neither does anyone else at this point.*

*In this spirit, I sincerely appreciate the objective and discerning thoughtfulness our community has demonstrated to the rule of law and The Tulsa Police Department.*

*It should be noted in past instances where TPD officers have been arrested, officers made no such collection efforts. Why? Because they saw due process was in place and the rule of law would prevail.*

*While collection boxes in City facilities may not be appropriate, the desire to seek justice in a just manner certainly is.*

*- Chief Chuck Jordan*

## **"Unarmed" Suspects and Un-brained Media**

**Reporters draw on their own prejudices and political agendas when covering incidents, like the Michael Brown shooting, rather than asking legally relevant questions about police use of force.**

*September 02, 2014 | by Greg Meyer*

How can it be, in 2014, with all the media attention to controversial police use-of-force cases in recent years that the public is still treated to bogus "reporting" of such incidents? The coverage of the Michael Brown shooting in Ferguson, Mo., is the worst in memory.

Year after year, such cases get massive, national media coverage. Yet the media folks have learned nothing about how police use of force is reviewed in our American system?

After an incident occurs, the usual gang of opportunists crawls out of the woodwork to get in front of as many television cameras and microphones as possible to sell their race-based political agenda. For the most part

the pseudo-journalists and their bosses give the opportunists free reign to promote a single point of view (and pollute the jury pool) without asking them any hard questions.

What the media usually fails to discuss is that the law recognizes the speed and complexity of the demands made on officers in these encounters. That is why investigations take time and cool heads. The media has neither, and they are governed by other laws, ones that have more to do with profit and political agendas than with the facts.

How hard would it be for a journalist to ask meaningful questions when they interview someone?

“Thank you for your point of view, Rev. Sharpton and Mr. Family Lawyer. Of course this is a tragedy for the family, the community, but also for the officers. Do you have a comment about that videotape of the 6-foot 4-inch, 292-pound young man committing a violent felony (strong-arm robbery, in the Ferguson case) a few minutes before the shooting? How do you think that officer got his face injured? What are your thoughts about the soundtrack of the video made right after the shooting where a witness said that the guy kept charging at the officer? Do you think the fact that (as of late August) 29 American police officers had been murdered by gunfire so far this year—one per week, a 47% increase over 2013/2014—might have played on the officer’s fear during the struggle? Do you plan to attend any police funerals or organize any demonstrations on their behalf?”

The media’s obsession with “unarmed youth” who unfortunately on occasion do get shot by the police can be charitably described as “ignorant.” No 6-foot 4-inch, 292-pound “youth” is “unarmed.” There’s a reason that about 10 percent of police officers who are murdered by gunfire are shot with their own guns. It’s because they get overpowered by someone who decides to kill them. There’s a reason why an “unarmed” suspect who attacks with his or her hands and feet and seriously injures someone is booked and prosecuted for “assault with a deadly weapon.” Because it’s assault with a deadly weapon.

Few if any pseudo-journalists or pseudo-pundits on the nightly news have bothered to mention *Graham v. Connor*, which for a full quarter century has been the law of the land regarding how to evaluate a police use of force. They are too busy convicting the Ferguson officer without seeing the results of the investigations. Media description and commentary on the law of the land would be useful.

*Graham v. Connor* states that the legal question is, was the use of force “objectively reasonable” under the facts and circumstances of the incident? To answer that question, one must stand in the shoes of a hypothetical reasonable officer at the scene, with the same training and experience as the involved officer. “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 . . . The test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application . . .”

Let’s be clear. The shooting death of anyone is a tragedy. Police officers are the only people in society who are legally empowered and trained to use force on someone who hasn’t been convicted of a crime in the name of the state. Our life-and-death decision-making is not perfect. Usually we get it right, sometimes we get it wrong. As this is written, in the Ferguson case we just don’t know yet. Neither do Rev. Sharpton and Mr. Family Lawyer. Neither do the journalists and pundits.

“Unarmed” suspects and un-brained media really ought to learn how to behave.

*Greg Meyer is a retired Los Angeles Police Department captain, a member of the POLICE advisory board, and a frequent use-of-force expert in civil and criminal litigation cases.*

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Congratulations are also in order for Sheriff Doug Gillespie for being selected as this year’s recipient of the Ferris E. Lucas sheriff of the Year. The award was in recognition of his leadership and significant contributions to advancing the core principles of Law Enforcement. Sheriff Gillespie was honored during the National Sheriffs Association Conference in Fort Texas.



Recently, had lunch in New York with Jeff Miller, Chief of Security for the National Football League (NFL) for the past six years.. It was an extra special day for Jeff as he was just appointed Senior Vice President. Before signing up with the NFL, he had a thirty year career with the Pennsylvania State Police starting as a trooper and finishing as its Commissioner. He is obviously enjoying the challenges that go with the job and looks young enough to tackle his current one for another twenty or so years.

While he is not an NEI graduate, Dave Weisz has been an integral part of the FBI NEIA organization for decades. Dave has just finished a 34 year career with Motorola Solutions, most recently leading their Law Enforcement and Homeland Security Alliances. He and his family have been sponsors for our speaker's platform for decades. At their recent conference in Tucson, AZ, Dave was named the Executive Director, of the National Association of Women Law Enforcement Executives. In May, the National Law Enforcement Officers Memorial funds presented Weisz with a Lifetime Achievement Award for the services rendered since 1987. Dave is also a founding member of the Concerns of Police Survivors National Advisory Council, and serves on key industry committees dealing with officer safety, crime victims' rights and other top issues. Dave, once again, you have found a place to continue your dedication to law enforcement. Congratulations.

## **Toronto's Next Police Chief could be from Outside Canada**

By PATRICK WHITE and ELIZABETH CHURCH

### **The hunt for Toronto's next police chief promises to be most extensive the city has ever conducted and holds the possibility of placing an outsider at the helm**

The hunt for Toronto's next police chief promises to be most extensive the city has ever conducted and holds the possibility of placing an outsider at the helm – a common practice elsewhere that would be unprecedented in modern Toronto history.

Toronto Police Services Board chair Alok Mukherjee and Mayor Rob Ford say they want a search spanning borders and oceans to find someone who can keep the force's budget in line.

"It's the best person that's qualified for the job. I don't care where they are from," Mr. Ford said on Thursday, the day after the police board decided not to renew Toronto Police Chief Bill Blair's contract. "I told them to search everywhere."

The attitude squares with a pattern in the recruitment of big-city police chiefs. No longer must a chief rise through the ranks of a single agency, amassing scars and allies across myriad units before emerging as a leadership candidate.

In the United States, top chiefs can seem more like business chief executives with transferable skills and superstar status. Bill Bratton ran police forces in New York, Boston and Los Angeles, and was briefly touted to lead Scotland Yard before landing at the helm of the New York City Police Department for a second time late last year.

The same goes for Superintendent Garry McCarthy in Chicago, who previously worked in New York and Newark, N.J., and Charles Ramsey in Philadelphia, renowned for fixing systemic problems in Chicago and Washington, before becoming Philadelphia's top cop in 2008.

In Canada, the chiefs in Calgary and Edmonton both came from the RCMP. Smaller Ontario forces regularly pilfer from the ranks of Toronto Police Services for executive talent.

Amalgamated Toronto, meanwhile, has never really gazed beyond its own area code for a leader. Julian Fantino, who came from London, Ont., ran the force from 1999 to 2005, but it was more of a homecoming than a departure, because he had spent 23 years policing on Toronto streets.

“Toronto has never gone outside and they should,” a senior provincial police official said on the condition of anonymity. “I don’t want to slam the current deputies, but if you’re going to break the cycle, the current way of doing business in Toronto, they have to go outside.”

After nine frustrating years in which Mr. Mukherjee has politely nudged Chief Blair to trim costs and reorganize his troops, the force’s budget has done nothing but grow – from \$689-million in 2005 to \$1.1-billion this year. About 90 per cent of TPS spending is on fixed-labour costs, but board members have long argued that many positions do not require expensive uniformed officers. “I’d like to see someone who can introduce more high tech, because the basic expenses of the police force is personnel, and everywhere in the world today, people are trying to replace personnel costs with strategic investments in high tech,” Toronto Deputy Mayor Norm Kelly said.

While Mr. Ford has no direct say in the search for Chief Blair’s replacement, his time as mayor has coincided with a surge in foreign-born leaders holding lofty positions across the City of Toronto.

With Britain-born Andy Byford running the Toronto Transit Commission, Stephen Buckley, from Philadelphia, taking over transportation services, and Gene Jones, a veteran of several U.S. housing agencies, hired (and fired) at Toronto Community Housing, the municipality has shown an appetite for foreign leaders.

The Jones example – as well as that of William Elliot, a career civil servant whose tenure running the RCMP was marked by a divisive management style and an exodus of top talent – shows hiring outside is risky. In policing, the unique nuances of the Criminal Code and local politics would present a giant barrier to a non-national.

If the job posting does manage to attract an able crop of international applicants, the board can thank one man: Chief Blair.

“He’s put Toronto on the map as far as we’re concerned,” said Chuck Wexler, executive director of the Police Executive Research Forum, a Washington-based think-tank that has conducted executive searches for virtually every major police department in the U.S. “For things he’s done in areas like social media, developing use-of-force policies, bringing in an independent judge to study problems, Toronto is seen as leader.”

Of course, there is a daunting asterix beside all these hiring plans in the form of the municipal election set for Oct. 27. Mr. Wexler said a proper search involving community consultations and focus groups would take about four months. The timing means the board’s composition – along with its zeal for transformation – could change considerably before a search is complete. “I think that the board that would be formed next year should be the board that makes the choice,” Mr. Kelly said, “because they’re the ones that would have to be in a supervisory position with that new chief.”

Chief Blair’s contract expires in April, 2015.

Note: I share Chuck Wexler’s evaluation of Bill Blair’s skill sets. The implementation of a well intentioned process does not always result in a successful outcome. This may turn out to be a prime example.



## NATIONAL NEWS

The U.N. racism watchdog urged the United States on Friday to halt the excessive use of force by police after the fatal shooting of an unarmed black teenager by a white policeman touched off riots in Ferguson, Missouri.

Minorities, particularly African Americans, are victims of disparities, the U.N. Committee on the Elimination of Racial Discrimination (CERD) said after examining the U.S. record.

“Racial and ethnic discrimination remains a serious and persistent problem in all areas of life from de facto school segregation, access to health care and housing,” Nouredine Amir, CERD committee vice chairman, told a news briefing.

Teenager Michael Brown was shot dead by a white police officer on Aug. 9, triggering violent protests that rocked Ferguson - a St. Louis suburb - and shone a global spotlight on the state of race relations in America.

“The excessive use of force by law enforcement officials against racial and ethnic minorities is an ongoing issue of concern and particularly in light of the shooting of Michael Brown,” said Amir, an expert from Algeria.

“This is not an isolated event and illustrates a bigger problem in the United States, such as racial bias among law enforcement officials, the lack of proper implementation of rules and regulations governing the use of force, and the inadequacy of training of law enforcement officials.”

The panel of 18 independent experts grilled a senior U.S. delegation on Aug. 13 about what they said was persistent racial discrimination against African-Americans and other minorities, including within the criminal justice system.

U.S. Ambassador Keith Harper told the panel that his nation had made “great strides toward eliminating racial discrimination” but conceded that “we have much left to do”.

Ferguson Police Officer Darren Wilson, who shot Brown, has been put on paid leave and is in hiding. A St. Louis County grand jury has begun hearing evidence and the U.S. Justice Department has opened its own investigation.

Police have said Brown struggled with Wilson when shot. But some witnesses say Brown held up his hands and was surrendering when he was shot multiple times in the head and chest.

In its conclusions issued on Friday, the U.N. panel said “Stand Your Ground” Laws, a controversial self-defense statute in 22 U.S. states, should be reviewed to “remove far-reaching immunity and ensure strict adherence to principles of necessity and proportionality when deadly force is used for self-defense”.

Ron Davis, father of Jordan Davis, a 17-year-old shot dead in a car in Jacksonville, Florida during an argument over loud rap music in November 2012, attended the Geneva session. Sybrina Fulton, mother of Trayvon Martin, an unarmed black teen killed in Miami, Florida by a neighborhood watch volunteer, testified.

The U.N. panel monitors compliance with a treaty ratified by 177 countries including the United States.

“The Committee remains concerned at the practice of racial profiling of racial or ethnic minorities by law enforcement officials, including the Federal Bureau of Investigation (FBI), Transportation Security Administration, border enforcement officials and local police,” it said, urging investigations.

The experts called for addressing obstacles faced by minorities and indigenous peoples to exercise their right to vote effectively. This was due to restrictive voter identification laws, district gerrymandering and state-level laws that disenfranchise people convicted of felonies, it said.

Jamil Dakwar of the American Civil Liberties Union (ACLU) said the U.N. recommendations highlighted “shortcomings on racial equality that we are seeing play out today on our streets, at our borders and in the voting booth.



“When it comes to human rights, the United States must practice at home what it preaches abroad,” he said.

(Reporting by Stephanie Nebehay)

Editor’s note: This report reminds me of those individuals who make mountains out of moles and claim to be mountain climbers. The U.S. has its flaws but a history of correcting them. Many of the U.N. members have yet to even recognize their failings. A good example of transparency is the following study:

When we think of government corruption (as one tends to do), our biased minds often gravitate to thoughts of military juntas and third world governments. But, of course, corruption is everywhere, in one form or another. And it’s costing U.S. citizens big time.

A new study from researchers at the University of Hong Kong and the University of Indiana estimates that corruption on the state level is costing Americans in the 10 most corrupt states an average of \$1,308 per year, or 5.2% of those states’ average expenditures per year.

The researchers studied more than 25,000 convictions of public officials for violation of federal corruption laws between 1976 and 2008 as well as patterns in state spending to develop a corruption index that estimates the most and least corrupt states in the union. Based on this method, the the most corrupt states are:

- |                        |                        |
|------------------------|------------------------|
| <b>1. Mississippi</b>  | <b>2. Louisiana</b>    |
| <b>3. Tennessee</b>    | <b>4. Illinois</b>     |
| <b>5. Pennsylvania</b> | <b>6. Alabama</b>      |
| <b>7. Alaska</b>       | <b>8. South Dakota</b> |
| <b>9. Kentucky</b>     | <b>10. Florida</b>     |

That these places landed on the list isn’t exactly surprising. Illinois, which has gain notoriety for its high-profile corruption cases in recent years, is paired with states like Mississippi and Louisiana, which are some of the least economically developed in the country. The researchers also found that for 9 out of the 10 of the most corrupt states, overall state spending was higher than in less corrupt states (South Dakota was the only exception). Attacking corruption, the researchers argue, could be a good way to bring down state spending without hurting services that people need.

Researchers also found that spending in these states was different than their less corrupt counterparts. According to the report, “states with higher levels of corruption are likely to favor construction, salaries, borrowing, correction, and police protection at the expense of social sectors such as education, health and hospitals.”

The paper explains that construction spending, especially on big infrastructure projects, is particularly susceptible to corruption because the quality of large, nonstandard projects are difficult for the public to gauge, while the industry is dominated by a few monopolistic firms. Corrupt states also tend to, for obvious reasons, simply have more and better paid public servants, including police and correctional officers. The researchers argue that the need for correctional officers is greater in corrupt places too because “the overall extent of corruption will be higher in states with higher numbers of convictions of public officials.”

Of course, it’s not all bad news, as the study also found the least corrupt states too. Citizens of these states—Oregon, Washington, Minnesota, Nebraska, Iowa, Vermont, Utah, New Hampshire, Colorado, and Kansas—can take solace in the fact that they’re not getting ripped off as badly as the rest of us.

**Created by Microsoft and the New York Police Department, the Domain Awareness System, known as “the dashboard,” is state-of-the-art crime fighting technology.**

The dashboard,” instantaneously mines data from the NYPD’s vast collection of arrest records, emergency 911 calls, more than 3,000 security cameras, license plate readers and portable radiation detectors and aggregates it into a user-friendly, readable form in the control room. Eventually, that data will be able to be seen in real time by officers on laptops in their squad cars and on mobile devices as they walk their beat. Rolled out six months ago, the department began work to create the system back in 2009. At the moment the system is mainly used within the counter-terrorism bureau. Officers were involved throughout the process with programmers from Microsoft, offering input on what they needed during an emergency. As a result, the system is user friendly; security cameras are on a five-minute delay so officers can hunt for possible suspects. Sensors pick up whether a bag or other item has been left sitting for a certain period of time and alert. When an emergency calls comes at a specific address, officers can check prior 911 calls to the location. New York could make millions of dollars under a deal that allows Microsoft to market the software to other law enforcement agencies and civilian companies around the world in exchange for 30 per cent of the revenue. Updates are always in development, including a new version rolling out in a few weeks that will allow layering, so officers can map crimes on top of one another. Developers are also working on getting information gathered out in the field back faster and giving mobile devices to some officers. The system will eventually be rolled out to the whole 34,000-officer department.

Note: At a recent luncheon of NYPD colleagues, Commissioner Bratton suggested that the Domain System in future years will have a similar recognition as COMPSTAT, suggesting further that it will be part of former Commissioner Ray Kelly’s legacy.

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***By Ian Simpson***

(Reuters) - City officials in crime-ridden Baltimore on Tuesday defended plans for one of the toughest U.S. youth curfews against criticism from residents who were skeptical about police enforcement of the new law. In a forum with residents, Mayor Stephanie Rawlings-Blake said the measure, set to take effect on Aug. 8, was aimed at getting children off the streets before they were put in danger. “This is not about criminalizing young black children but to reach them before the only option for them is law enforcement,” the mayor told the crowd of about 100 people. Police Commissioner Anthony Batts said he had sometimes come across children riding bicycles across the city at 3 a.m. When the parents were contacted, they had no idea where their children were, he said. “They should not be out there, and you should be honest about that,” Batts said.

The new curfew in Baltimore, the setting for such gritty television police dramas as “The Wire”, will make it a violation for a youth under 14 to be outside their homes after 9 p.m. year-round. Those aged 14 to 16 would be banned from being outside on school nights after 10 p.m. and on other nights after 11 p.m. Police could take violators to a curfew center, where they and the parents will have access to social services. Parents would have to take city-approved counseling classes and could face a \$500 fine for repeat violations, up from the previous \$300. Children younger than 17 can now stay out until 11 on weeknights and until midnight on weekends.

Many residents at the forum said they opposed the law because police officers were often overly aggressive and failed to investigate crimes. One man told the mayor: “Youth are a ticking time bomb”. He said parents would put their low-wage jobs at risk if they had to leave to pick up their children at a curfew center. Mayor Rawlings-Blake replied: “Once you decide to be a parent you are a parent 24 hours a day, and when you have difficulties you cannot cast off your responsibility.” The forum at the University of Baltimore Law School was sometimes interrupted by shouts from the crowd. When the session ended, members of a leftist group, Fight Imperialism Stand Together, shouted obscenities and chanted: “No new curfew”.

FBI statistics for 2012 show Baltimore, which has about 625,000 people, almost two-thirds of them black, had one of the highest rates of violent crime of any U.S. city, with 218 murders. But there are signs that crime is

starting to fall. The mayor's office said homicides for the year so far totaled 116, down 14 percent from the same period last year. The American Civil Liberties Union, as well as the Fraternal Order of Police, have argued that the tougher curfew will be ineffective and burdens police officers who are given few guidelines about how to enforce it. The ACLU of Maryland said in a statement that the curfew was more likely to entangle young people in the criminal justice system. Baltimore is among many U.S. cities with curfews. The U.S. Conference of Mayors reported in 1997 that 80 percent of 347 cities surveyed had nighttime youth curfews.

A 2011 University of California-Berkeley analysis of FBI data showed arrests of youths affected by curfew restrictions fell 15 percent in the first year and about 10 percent in following years.

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### **Wave of minors on their own rush to cross southwest border**

Since Oct. 1, a record 47,017 unaccompanied children have been apprehended at the southwest United States border, most traveling from Central America, part of a larger wave that includes some youngsters accompanied by their parents and some traveling alone.

<http://www.nytimes.com/2014/06/04/world/americas/wave-of-minors-on-their-own-rush-to-cross-southwest-border.html?ref=todayspaper>

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GoogleX – the lab responsible for Google Glass, Google's self-driving cars and Google's smart contact lenses has announced its latest endeavor: self flying delivery drones. Under the name Project Wing, Google is testing drones that can be pre-programmed with a destination and then fly themselves automatically to deliver goods. The Mountain View CA Company posted a YouTube video of one test in Queensland, Australia that shows a drone drop-delivering a small box of dog food to a rural customer. In the future, Google may want to use Project Wing drones as part of its new Google shopping Express same day delivery service. But Google X typically takes years to develop, so it will likely be a while before consumers can request Project Wing deliveries. Last year, Amazon announced a similar project called Prime Air, drones that could be used to deliver packages of five pounds or less.

Note: Should we prepare for the days when drugs, plastic firearms and other contraband will truly be airborne.

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### **GPS tracking case has left unsettled questions**

By ERIC TUCKER (*The Associated Press*)

Monday, June 16th, 2014; 7:13 a.m. EDT

Washington — a 2-year-old Supreme Court decision has caused more confusion than clarity on how police may track the whereabouts of criminal suspects, illustrating how hard it is for the slow-moving judicial system to keep up with the light speed of technology. In the case of *United States v. Jones*, decided in January 2012, the justices unanimously affirmed a lower court ruling that police erred when, without a valid warrant, they attached a GPS tracking device to the Jeep of a Washington, D.C., nightclub owner, leading them to a stash house for drugs. But in three separate opinions, the justices offered different legal rationales for that decision. That left a muddled legal landscape for police and lower-court judges, who have since struggled with how to apply it to a world where privacy and technology increasingly collide. "Courts are all over the place on all of these issues," said Hanni Fakhoury, an attorney with the Electronic Frontier Foundation, a privacy group.

Technological advancements are forcing the issue more and more, a development magnified by a heightened national debate over privacy versus surveillance and the disclosure of the National Security Agency's bulk collection of Americans' telephone records. Where once police could hope to track a suspect's movements through a pager or with sniffing dogs, new technologies are developing at a faster rate than judges can issue opinions. As a result, courts in different jurisdictions have reached different conclusions on similar



issues, leaving law enforcement confused about what it can legally do and providing little uniformity on core constitutional questions. Among the questions being confronted: Should GPS evidence gathered before the 2012 case was decided be admissible in court? What are the rights of a passenger in a car being tracked by GPS, or of someone borrowing the vehicle? And, perhaps of greatest importance, how might the ruling affect other types of technology, such as pole-camera surveillance and “Stingray” devices that capture cell phone data? Just last week, an Atlanta-based federal appeals court ruled in the case of a man imprisoned for armed robberies that investigators need a warrant to get cell phone tower tracking data, evidence authorities use to place suspects in the vicinity of a crime. Yet an appeals court in New Orleans last year authorized warrantless cell site tracking in a case that presented similar legal issues. A related federal case in Michigan is now on appeal, too.

The questions form a broader debate about how police should confront “circumstances of legal ambiguity,” said former federal prosecutor Caleb Mason, who has written on the Jones case. “Do we want them pushing the envelope as long as no legal authority, no appellate court, has expressly told them no?” he asked. Or is it preferable to act now and sort it out later? In the Jones case, authorities thought a warrant for the GPS would be useful and persuaded a judge to issue one for Washington, D.C. But officers waited until after the warrant had expired and installed the device in a jurisdiction outside Washington. Their surveillance went on for four weeks before the suspect was indicted. The Supreme Court unanimously agreed that using the device constituted a search under the Fourth Amendment, which bars unreasonable searches and seizures. But the justices stopped short of saying a warrant is always required — an important point since not all searches require warrants. Five of the nine justices mused at the time that the issues probably would resurface.

One, Samuel Alito, wrote that technological change can alter the public’s expectation of privacy and that lawmakers may be better suited than judges to account for the changes. “A legislative body is well situated to gauge changing public attitudes, to draw detailed lines, and to balance privacy and public safety in a comprehensive way,” Alito wrote in an opinion for four justices. Justice Sonia Sotomayor also discussed privacy concerns in the digital age in her separate opinion. The Justice Department, too, has wrestled with the case’s outcome. A department memo dated February 2012, obtained by the Associated Press, advises federal agents to get a warrant when in doubt for GPS evidence given the “substantial uncertainty” surrounding the decision. In investigations where warrantless GPS evidence was obtained before the case was decided, the memo says, prosecutors may reasonably argue to admit the evidence because the officers were acting in good faith based on their understanding of the law at the time. Spokesman Peter Carr said last week that it is department policy to obtain a search warrant to use any technology in locations where there’s a reasonable privacy expectation. Some courts have agreed that warrantless GPS tracking prior to the Jones case was acceptable, though that idea isn’t universally accepted. In throwing out evidence against three brothers charged in a wave of pharmacy burglaries, a three-judge panel of the 3rd U.S. Circuit Court of Appeals ruled last year that police were required to get a warrant before using a GPS device in 2010, rejecting prosecutors’ “good faith” argument. The entire court reheard the case May 28. Courts have been similarly divided on whether car passengers, or non-owners, have legal authority to challenge GPS evidence against them.

The Jones decision has also been invoked in court disputes over the NSA’s telephone records collection. A federal judge in Washington cited the opinions of Alito and Sotomayor in the Jones case to find that telephone users have a reasonable expectation of privacy and to declare the NSA program likely unconstitutional. A federal judge in New York rejected a plea from civil libertarians to invoke those same opinions and instead upheld the NSA program. Police and judges also are wrestling with the privacy implications of other modern forms of surveillance. In Washington State, for example, privacy advocates are arguing that the Jones case requires a court to throw out warrantless video surveillance captured by a stationary camera left by police for a month outside a defendant’s house in a drugs and weapons case. All these issues are “begging and screaming for clarity and simplicity,” said Rep. Jason Chaffetz, R-Utah, a member of the House Judiciary Committee. In one way or another, the questions will likely come before the Supreme Court again, said Brian Hauss, an American Civil Liberties Union lawyer. Police should have clear rules that apply across multiple forms of technology, he said. “Right now, they’re operating in an area of total confusion without significant judicial checks on their authority.”

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## **Supreme Court Rules on ‘Straw Purchaser’ Law**

*By Unnamed Author(s) (The Associated Press)*

Monday, June 16th, 2014; 10:06 a.m. EDT

WASHINGTON (AP) -- The Supreme Court says federal law does not allow a “straw” purchaser to buy a gun for someone else, even if both are legally eligible to own firearms.

The justices ruled Monday that the federal background check law applied to Bruce James Abramski, Jr. when he bought a Glock 19 handgun in Collinsville, Virginia, in 2009 and later transferred it to his uncle in Easton, Pennsylvania. Federal officials brought charges against Abramski because he assured the Virginia dealer he was the actual buyer of the weapon, even though he had already agreed to buy the gun for his uncle. The high court rejected Abramski’s argument that since both he and his uncle were legally allowed to own guns, the law shouldn’t have applied to him.

Read the decision here: [http://www.supremecourt.gov/opinions/13pdf/12-1493\\_k5g1.pdf](http://www.supremecourt.gov/opinions/13pdf/12-1493_k5g1.pdf)

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## **Supreme Court to Hear Appeal Over Illegal Threats**

*By Sam Hananel (The Associated Press)*

Monday, June 16th, 2014; 10:16 a.m. EDT

(WASHINGTON) — The Supreme Court will consider the free speech rights of people who use violent or threatening language on Facebook and other electronic media where the speaker’s intent is not always clear. The court on Monday agreed to take up the case of an eastern Pennsylvania man sentenced to nearly four years in federal prison for posting violent online rants against his estranged wife, law enforcement officials and former co-workers. A federal appeals court rejected Anthony Elonis’ claim that his comments were protected by the First Amendment. He says he never meant to carry out the threats. He claims he was depressed and made the online posts in the form of rap lyrics as a way of venting his frustration after his wife left him. At his trial, the jury was instructed that Elonis could be found guilty if an objective person could consider his posts to be threatening. Attorneys for Elonis argue that the jury should have been told to apply a subjective standard and decide whether Elonis meant the messages to be understood as threats. Elonis’s lawyers say a subjective standard is appropriate given the impersonal nature of communication over the Internet, which can lead people to misinterpret messages. They argue that comments intended for a smaller audience can be viewed by others unfamiliar with the context and interpret the statements differently than was intended. The Obama administration says requiring proof of a subjective threat would undermine the purpose of the federal law prohibiting threats.

The high court said it will consider whether conviction of threatening another person under federal law “requires proof of the defendant’s subjective intent to threaten.” For more than 40 years, the Supreme Court has said that “true threats” to harm another person are not protected speech under the First Amendment. But the court has cautioned that laws prohibiting threats must not infringe on constitutionally protected speech. That includes “political hyperbole” or “unpleasantly sharp attacks” that fall shy of true threats. The federal statute targeting threats of violence is likely to be used more often in the coming years “as our speech increasingly migrates from in-person and traditional handwritten communication to digital devices and the Internet,” said Clay Calvert, a law professor at the University of Florida. Calvert, one of several free speech advocates who submitted a legal brief urging the court to use a subjective standard, said people mistakenly seem to feel that they can get away with more incendiary speech on the Internet, in tweets and in texts. Elonis’ estranged wife testified at his trial the postings made her fear for her life. One post about his wife said, “There’s one way to love you but a thousand ways to kill you. I’m not going to rest until your body is a mess, soaked in blood and dying from all the little cuts.”

FBI agents visited Elonis at home after the amusement park that fired him contacted law enforcement officials about his posts. After the agents left, Elonis wrote: "Little agent lady stood so close, took all the strength I had not to turn the (woman) ghost. Pull my knife, flick my wrist and slit her throat."

*The case is Elonis v. United States, 13-983.*

## **Cops can access your connected home data**

**Your lights are off and your doors are locked, but if you've got a "smart home" system, you may be offering cops a window into your house.**

*By James O'Toole*

Monday, June 16th, 2014 'CNN Money.Com'

NEW YORK (CNMoney) -- Smart home technology is the latest craze among big tech and telecom companies, which are rolling out products that allow people to remotely control things like lights and locks and view footage from security cameras via mobile devices. Apple became the latest company to get in on the act earlier this month, unveiling a new software platform called HomeKit that will allow people to manage their connected devices with their iPads or iPhones. Companies like AT&T, Verizon and Time Warner Cable already offer smart home systems. Google, meanwhile, bought connected device maker Nest Labs earlier this year and has reportedly looked into purchasing security camera maker Dropcam as well. But smart home customers might be unaware that their security footage is being stored in some cases, and that it can be used against them in legal proceedings. Related: Apple's HomeKit is safer, but not hack-proof. "We're seeing law enforcement across a variety of areas arguing that they should be able to access information with lower standards than before the electronic age," said Jay Stanley, a senior policy analyst with the American Civil Liberties Union. "If a lot of information is flowing out of your home, it provides a window into the things you're doing in your private space," he added. Tech companies already get thousands of requests for customer data each year from government intelligence agencies as well as traditional law enforcement for things like email and phone records. Once home security footage begins being stored on companies' servers, there's no reason why cops wouldn't seek that out as well.

That means you may want to study the terms of service from your smart home provider to see what kinds of requirements they place on government and law enforcement data requests. There are generally two ways the government or cops can get their hands on smart home data: search warrants and subpoenas. Warrants are authorized by judges when prosecutors show there is "probable cause" to believe that a specific piece of evidence they're seeking may be related to criminal activity. The standard for subpoenas is much lower, generally requiring only that the information being sought be relevant to an investigation. Some subpoenas require that the subject of the information request be notified and given a chance to challenge it, though some do not. AT&T spokeswoman Gretchen Schultz said that if law enforcement officials are seeking smart home footage in a criminal investigation, the company requires them to provide a search warrant before the video is released. If the request comes in the form of a civil subpoena, she added, AT&T requires consent from the customer in question. Time Warner Cable said it requires a subpoena before releasing pictures or video footage from its smart home system to law enforcement.

Dropcam declined to comment on how it handles government video requests, though it said footage is stored for only 30 days at a maximum. Apple declined to comment, while Verizon did not respond to requests for comment. "People should be asking what steps the companies are taking to encrypt and make sure that their information is private," said Hanni Fakhoury, an attorney with the Electronic Frontier Foundation. "Consumers really should be looking for companies that say they will only turn over footage with a search warrant." There's also the possibility of smart home footage being sought by plaintiffs in civil cases. Location data from toll tags like E-ZPass, for example, has previously been used in divorce proceedings. "Any time there's a data trail being generated, litigants in all varieties of litigation, civil or criminal, will want to get their hands on it," Fakhoury said.

## **Incarceration Rates for Blacks Have Fallen Sharply, Report Shows**

By ERICA GOODE

Incarceration rates for black Americans dropped sharply from 2000 to 2009, especially for women, while the rate of imprisonment for whites and Hispanics rose over the same decade, according to a report released Wednesday by a prison research and advocacy group in Washington. The declining rates for blacks represented a significant shift in the racial makeup of the United States' prisons and suggested that the disparities that have long characterized the prison population may be starting to diminish. "It certainly marks a shift from what we've seen for several decades now," said Marc Mauer, the executive director of the Sentencing Project, whose report was based on data from the federal Bureau of Justice Statistics, part of the Justice Department. "Normally, these things don't change very dramatically over a one-decade period." The decline in incarceration rates was most striking for black women, dropping 30.7 percent over the ten-year period. In 2000, black women were imprisoned at six times the rate of white women; by 2009, they were 2.8 times more likely to be in prison. For black men, the rate of imprisonment decreased by 9.8 percent; in 2000 they were incarcerated at 7.7 times the rate of white men, a rate that fell to 6.4 times that of white men by 2009. For white men and women, however, incarceration rates increased over the same period, rising 47.1 percent for white women and 8.5 percent for white men. By the end of the decade, Hispanic men were slightly less likely to be in prison, a drop of 2.2 percent, but Hispanic women were imprisoned more frequently, an increase of 23.3 percent. Over all, blacks currently make up about 38 percent of inmates in state and federal prisons; whites account for about 34 percent. More than 100,000 women are currently incarcerated in state or federal prisons. The overall rate of incarceration varies widely from state to state, as does the ratio of blacks to whites and Hispanics.

But the trend is clear, Mr. Mauer said, adding that no single factor could explain the shifting figures but those changes in drug laws and sentencing for drug offenses probably played a large role. Other possible contributors included decreasing arrest rates for blacks, the rising number of whites and Hispanics serving mandatory sentences for methamphetamine abuse, and socioeconomic shifts that have disproportionately affected white women.

Alfred Blumstein, an expert on the criminal justice system at Carnegie Mellon University, said his own findings from research he conducted with Allen J. Beck of the Bureau of Justice Statistics also indicated that the rate of incarceration for blacks was declining compared with that for whites. "A major contributor has been the intensity of incarceration for drug offending," Dr. Blumstein said, "and that reached a peak with the very long sentences we gave out for crack offenders, stimulated in large part by the violence that was going on in the crack markets." But crack cocaine has become far less of an issue in recent years, he noted, a fact reflected in revisions of federal sentencing laws. And inmates serving time for crack offenses are now emerging from prison, "so there would be a disproportionate black exodus from prison that as a result would be reflected in a lowering of the incarceration-rate ratio," he said. Mr. Mauer said that especially for black women, the drop in incarceration compared with whites was "all about drug offenses." In New York State, for example, where the overall prison population has dropped substantially, for women "virtually the entire decline was a decline in drug offenses," he said. Increasingly severe drug laws and stiff sentences for drug offenses resulted in disproportionate numbers of black women going to prison, he said, "and now they are disproportionately benefiting from reductions in that area. "We're not going to see necessarily the same level across all 50 states, but the patterns are there," he said. One thing that has not changed, Mr. Mauer said, is that incarceration rates for women as a whole continue to increase at a higher rate than those for men. "All we've seen is a shifting in which women are locked up," he said.

Note: While there is a time lag associated with such national studies, the data could reduce the concerns raised by minority groups regarding the unfairness of sentencing.



## **Former Gov. Jeb Bush joins ‘Don’t Let Florida Go to Pot Coalition’**

*South Florida Caribbean News*

“Florida leaders and citizens have worked for years to make the Sunshine State a world-class location to start or run a business, a family-friendly destination for tourism and a desirable place to raise a family or retire,” said Gov. Jeb Bush. “Allowing large-scale, marijuana operations to take root across Florida, under the guise of using it for medicinal purposes, runs counter to all of these efforts. I believe it is the right of states to decide this issue, and I strongly urge Floridians to vote against Amendment 2 this November.”

## **INTERNATIONAL NEWS**

The IACP for the past 38 years has conducted annual Law Enforcement Information Management (LEIM) training conference. It’s most current one was in Atlanta GA in May of this year. In addition to Harlin McEwen, an NEI graduate, their keynote speaker was Rick Smith co founder and CEO of TASER International a sponsor of numerous law enforcement conferences. Smith commented “The concept of adaptability and change, I think, is becoming more and more important for organizations, whether public or private, because the pace of change is accelerating. And that’s not just some sort of casual observation – it’s a mathematical certainty”.

As a sign of the times, the IACP hosted the Inaugural World Innovation conference along with its national partners among them Canada, Dutch National Police, Federal Police of Belgium, Netherlands. Among those representing the IACP was our own Harlin McEwen, a police expert on communications for the past 40 years. Another graduate, Chief Constable, Vancouver Police and President of the Canadian Chiefs of Police Association, Jim Chu participated. The aforementioned Rick Smith also spoke offering his insights on the future of technology in justice operations and exploring challenges and opportunities confronting law enforcement executives and practitioners around the world. The workshop topics covered Intelligence and Sensing – Policy and Privacy – Social Media – The Operations room of the Future – Cyber security and Crime – shared Services and Biometrics.

The IACP and its international partners are to be commended for further internationalizing these issues. Change is a dynamic that we must continue to address less it controls us. Innovative opportunities will continue to surface. When opportunities do surface, that is not the time to prepare for it.

## **NYPD: Britain must embrace social media to beat gangs**

**New York police tell Scotland Yard to infiltrate gang culture through social media like Instagram and Facebook**

*By Mark Townsend*

Saturday, June 7th, 2014; ‘The Guardian’ / England

Scotland Yard must embrace social media more effectively to dismantle and quash gang culture in London, according to New York police officers.

Evidence on the territories and memberships of gangs, and crimes committed by them, has never been easier to find online, US police said, adding that tracking the electronic footprints of criminals had led them to crush entire gang structures in Manhattan.

Assistant commissioner Kevin O’Connor of the New York City Police Department (NYPD) said use of social media had evolved from MySpace through Twitter and Facebook to Instagram: “It’s getting easier and easier, not harder and harder [to obtain evidence]. All they’ve done is change venues from Facebook to Instagram. For instance, they post a picture standing in front of a rival’s territory saying: ‘Where you at?’”

Using social media to infiltrate UK gang culture was a key topic at an international summit in London to tackle criminal culture. US criminologists said officers from Scotland Yard had displayed “tremendous interest” in social media’s potential to tackle complex crime.

Professor David Kennedy, of New York’s John Jay College of Criminal Justice, said gangs’ need to brag meant they had gravitated to social media as a means of reaching a wide audience.

One by-product of this, he said, was that street graffiti had become almost obsolete as a way of marking territory or communicating with rival factions. Kennedy added: “These gangs used to communicate with each other, threaten each other and send signals through graffiti, but are not doing that anymore; it’s all online. Gangs talk about what they do on social media to an extraordinary degree.”

Last Wednesday the NYPD and the Manhattan district attorney announced the largest indicted gang case in the city’s history. A total of 103 members of three violent gangs were charged and O’Connor said evidence obtained from social media had been a crucial factor in assembling the case against the gangs.

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While we are on social media matters, research has revealed that hundreds of police officers have been investigated for breaching social media guidelines. Freedom of Information requests by the Press Association found officers made racist comments online and asked crime victims to become Facebook friends. Of 828 cases in England and Wales from 2009 to February this year, 9% ended in resignation, dismissal or retirement. The College of Policing said there was “no place for officers who abuse the trust placed in us by the public.”

About a seventh (14%) of the cases reported resulted in no further action at all. The majority of other cases were dealt with through advice being offered to the officer in question.

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#### **Examples of cases uncovered:**

- **A community support officer with Devon and Cornwall Police who received a final written warning after posing with weapons on Facebook**
- **A sergeant with the same force who was given a written warning after making remarks about senior officers on the site**
- **A civilian officer in Central London who posted a comment online about Muslims in London failing to observe a two-minute silence**
- **Two Special Constables who had to resign from Northamptonshire Police after they were pictured on a website in a “compromising position”**
- **A Gwent Police officer who was given a written warning after he “inappropriately” asked a female member of the public to be his friend on Facebook during a house visit**
- **Another PC from the force who received the same punishment for using Facebook to send an “abusive” message to a member of the public**
- **A member of civilian staff in Lancashire who resigned over their “excessive and inappropriate use of the internet during working hours” - including online auction sites, internet banking and social networking**

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Forces must ensure officers are effectively trained and aware of the latest social media protocols”. Various forces also said staffs were investigated for comments deemed homophobic, racist, or “religiously aggressive”. Greater Manchester Police reported the most investigations, with 88 over the period in question.

West Midlands was second highest with 74, while the Metropolitan Police recorded 69. Chief Constable Alex Marshall, chief executive of the College of Policing, said: “People working in policing must always be mindful of the high standards that the public expect from us. “Our which was launched last month, sets out the standards which everyone in the service should strive to uphold whether at work or away from work, online or offline.” He said most police officers and staff “uphold these high standards” and that social media can be a “really useful way of us talking to the people that we serve”. But he added: “There is no place in policing for officers who abuse the trust placed in us by the public.” “Everyone in policing has to remember that if you’re not prepared to put it in a local newspaper with your name at the bottom, then don’t say it on social media.”

The college’s code of ethics urges officers to “use social media responsibly and safely”. It also suggests they “ensure that nothing you publish online can reasonably be perceived by the public or your policing colleagues to be discriminatory, abusive, oppressive, harassing, bullying, victimizing, offensive or otherwise incompatible with policing principles”. And it also says officers should not publish online or elsewhere, or offer for publication, any material that might undermine their own reputation or that of the policing profession. Steve White, chairman of the Police Federation of England and Wales, said: “Social media is an incredibly useful tool for engaging with local communities and gathering intelligence. “Forces must ensure officers are effectively trained and aware of the latest social media protocols. “It is important to acknowledge that the majority of police officers perform their duties with the utmost integrity, discretion and in accordance with the high standards of behaviour rightly expected of them by the public.”

Note: The UK has approximately 46 police agencies compared to the 18,000 in the U.S.

<http://www.bbc.com/news/uk-28844500>

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**By Ben Riley-Smith**

Scottish Political Reporter

Controversial rules that allow Scottish policemen to carry guns to everyday incidents will be formally reviewed, it was announced yesterday. The move comes just days after Kenny MacAskill, the justice minister, waved away opposition calls for a full review amid growing outcry over the policy. Mr. MacAskill was widely derided by opponents last week for failing to go further after telling MSPs the Scottish public “understands and accepts” the need for some policemen to carry guns. In a surprise move, it was revealed HM Inspectorate of Constabulary in Scotland (HMICS) will carry out a review while the Scottish Police Authority (SPA) will undertake a “scrutiny inquiry” of the practice.

The announcement comes after months of mounting pressure with officers across Scotland photographed carrying loaded guns in supermarkets and other everyday environments.

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SAN FRANCISCO — Eight years ago, Ernie Allen, the head of the International Center for Missing and Exploited Children, called the heads of major banks and credit card companies. Why, he wanted to know, were they letting child pornographers move illicit profits through their systems? And so began a collaboration between his organization, major banks, credit card companies, Internet service providers, payment processors, and Internet companies like Google and Microsoft. They had hoped to follow the money and quash child pornography for good. But at some point the money trail went cold. For the last year, Mr. Allen has been working with global law enforcement and financial leaders to find out why.

He may be getting closer to an answer. Today, cybersecurity experts say billions of dollars made from child pornography and illicit sales of things like national secrets and drugs are being moved through anonymous Internet payment systems like Liberty Reserve, the currency exchange whose operators were indicted Tuesday for laundering \$6 billion. Preet Bharara, the United States attorney in Manhattan, described it as the largest online money-laundering case in history.

“What we have concluded is that illegal enterprises — commercial child pornography, human trafficking, drug trafficking, weapons trafficking and organized crime — has largely moved to an unregulated system that is not connected to any central bank or national authority,” Mr. Allen said. “The key to all of this has been anonymity.” Liberty Reserve was shut down last weekend, but cybersecurity experts said it was just one among hundreds of anonymous Internet payment systems. They said online systems like the Moscow-based WebMoney, Perfect Money, based in Panama, and CashU, which serves the Middle East and North Africa, require little more than a valid e-mail address to initiate an account. The names and locations of the actual users are unknown and can be easily fabricated. And they worry that the no-questions-asked verification system has created a safe harbor for illicit activity. “There are a multitude of anonymous payment systems out there, similar to Liberty Reserve, of which there are over one hundred,” said Tom Kellermann, a vice president at the security company Trend Micro. “Many pretend to ‘know your customer’ but do not actually do due diligence.” Representatives for WebMoney, Perfect Money and CashU did not return e-mailed requests for comment. Currency exchanges like Liberty Reserve do not take or make payments of actual cash directly. Instead, they work with third parties that take payments and, in turn, credit the Liberty Reserve account.

After the authorities went after Liberty Reserve, underground forums buzzed with comments from people mourning the potential loss of frozen funds and others offering alternatives, including Bitcoin, the peer-to-peer payment network started in 2009 to offer a decentralized way to create and transfer electronic cash around the world. In closed underground Russian-language forums, one person wrote, “I had almost 6k there. Where to now?” Another suggested, “Maybe another alternative is Perfect Money? I wonder if Bitcoin exchange rate will go up or not.” Indeed, the value of the Bitcoin virtual currency spiked temporarily on news of the Liberty Reserve shutdown. But law enforcement officials say Liberty Reserve operated with more anonymity than Bitcoin. Unlike Liberty Reserve and other anonymous payment systems, Bitcoin transactions are stored in a public ledger, called a block chain, that make it possible to trace Bitcoin transactions even years after the fact.

“You can track specific Bitcoin movements just as you would the serial number on a U.S. dollar,” said Jeff Garzik, a Bitcoin developer. The real concern, security experts say, are private payment services that claim to do due diligence, but do not do even the most basic verification. Typically, money transfers are subject to strict regulation, which include maintaining customer identification records, filing suspicious activity reports, mandatory reporting on large currency transfers, and “know-your-customer requirements.” But security experts say there are a multitude of anonymous payment systems that require no customer identification and have little capability to detect or report suspicious activities. “You would think they would be regulated but there is no regulation,” Mr. Kellermann said. Of online payment processors, PayPal is considered the gold standard. The company, now owned by eBay, has payment experts to ensure PayPal is compliant with “know-your-customer” regulations and with law enforcement agencies in each country in which it operates. “It’s unfortunate that as many of these new services come on board, it’s the people looking to abuse them who are the first to use them,” said Anuj Nayar, a spokesman at PayPal. “There’s a lot more than just having the right technology in place to be an efficient global payment processor.” In March, the Treasury Department’s Financial Crimes Enforcement Network, or FinCen, began applying anti-money laundering rules to virtual currencies, amid worries that new forms of cash purchased on the Web, like Bitcoin, were being used to finance illicit enterprises. While Bitcoin is just a software system, there are multiple gateways and exchange points that allow Bitcoin owners to exchange their Bitcoins for cash. Federal authorities recently seized accounts associated with a United States intermediary of Mt. Gox, the world’s largest Bitcoin exchange, because it was not FinCen compliant. That, and other exchanges in the United States are now racing to be fully compliant with “know-your-customer laws” and anti-money laundering requirements.

Mr. Allen said he believed that was a good first step. “With anonymous payment systems, tracking has become virtually impossible,” he said. “How do you prevent these kinds of problems when you are dealing with an unregulated currency, monitored by nobody? The answer, I think, is there has to be some kind of structure.”



## POLICE ITEMS OF INTEREST

### When should cops use force?

#### **Taking someone in never looks pretty**

*BY Peter Moskos*

Tuesday, August 5th, 2014

'The New York Daily News' (Op-Ed / Commentary)

If you're a cop, how do you cuff a 6-foot-tall, 350-pound man who doesn't want to go to jail?

Most arrests happen without a problem. Police order a guy to put his hands behind his back. The cuffs click or zip, and that's that. But sometimes people make it clear that they don't want to go. Then what?

Let's start with this unarguable fact: When someone dies at the hands of police, especially for a minor, nonviolent offense, it means something went horribly wrong.

Political attention on the death of Eric Garner has understandably focused on an officer's use of a chokehold, which is more than grabbing somebody's neck to pull them down. A chokehold constricts the windpipe or carotid arteries in the neck. It is forbidden by the NYPD, for good reason.

But the many videos now circulating showing cops tangling with suspects raise a broader question: What exactly are police supposed to do when an arrest doesn't go as planned?

Cops are taught to maintain control, but different cops see "control" in different ways. Some officers, usually the lunkheads, see control as verbal and physical dominance. Others — older cops, those with the gift of gab, some smaller and many female officers — see control as a mind game.

Unfortunately, when many officers are on the scene, the loudest, most aggressive (and sometimes most obnoxious) police officer present sets the tone.

The NYPD Patrol Guide is generally a book of "don'ts": don't fire warning shots; don't use chokeholds; don't hogtie; don't use excessive force; don't sit on somebody's chest; don't use curse words to gain compliance. Some of these are more serious violations than others.

But what the guide doesn't say is what police officers should do to get a resisting suspect in custody. This depends on the police as much as the suspect, and very few of the scenarios look pretty.

That said, many police would do well to remember that effective compliance is as much earned as ordered. When I patrolled the streets, I liked to assume that everybody I dealt with could kick my butt. It didn't matter that this wasn't true. My goal wasn't to win a lot of fights so much as to remain undefeated. The wrong words can start fights and get people hurt.

An older cop told me about "Jedi mind tricks." Make eye contact; speak to people rather than at them; listen. The right words calm and convince. I got physical only as a last resort. The NYPD calls this verbal judo. Even today, I'm not completely sure how this works, but it usually does.

Still, there are limits to the ability to talk people into cuffs. The use of force, or at least the threat of force, is why we have police in the first place. Policing is and should be a hands-on job.

And once things get physical, officers have little choice but to jump in as quickly as possible. Sometimes you need three, four or even five people, one for each limb and the fifth to cuff. It may look excessive, but it isn't, not if it's necessary.

What about using tools other than physical force? Tasers, which the NYPD wisely limited to sergeants and above, have been shown to reduce injuries, but are used too quickly by police when even less-lethal force, such as talking and patience, works just fine. (Remember “Don’t tase me, bro!”?) The problem with Tasers is sometimes people die, roughly once a week, nationwide. Using Tasers for nonthreatening noncompliance should never be police policy.

The NYPD Patrol Guide encourages the use of pepper spray for noncompliance. But pepper spray can also cause death. And officers on the street know that if pepper spray were used as often as permitted, riots would probably start.

In recent weeks, some academics have been quick to blame broken windows — the approach of cracking down on minor infractions that Commissioner Bill Bratton brought to New York in the 1990s — every time a cop fights with a suspect.

It would behoove us to remember: Broken windows policing is not synonymous with zero-tolerance policing. Quality-of-life violations need immediate police attention only when they cause public fear. If a minor violation is just illegal — think jaywalking — it’s not a broken window. In these cases, the public good is better served by police discretion and perhaps a stern warning.

The first ever patrol guide, in 1829 London, noted, “There is no qualification more indispensable to a police officer than a perfect command of temper.” But when required to act, the guide continued, the cautious police officer must “do so with decision and boldness (and) expect to receive the fullest support in the proper exercise of his authority.” Those are still words to police by.

Moskos, a former Baltimore City police officer, is an associate professor of law, police science and criminal justice administration at John Jay College of Criminal Justice and the author of “Cop in the Hood.”

Note: We may not agree entirely with the writer’s opinion, but still, it refreshing to hear someone defend police officers.

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***Dear PERF member:***

I am pleased to send you PERF’s new report, “New Challenges for Police: A Heroin Epidemic and Changing Attitudes Toward Marijuana.” This is the 26th report in the Critical Issues in Policing series, supported by the Motorola Solutions Foundation.

Please click on the link below to see a digital version of our report. We also will be mailing you a hard copy of this document next week.

[http://www.policeforum.org/assets/docs/Critical\\_Issues\\_Series\\_2/a%20heroin%20epidemic%20and%20changing%20attitudes%20toward%20marijuana.pdf](http://www.policeforum.org/assets/docs/Critical_Issues_Series_2/a%20heroin%20epidemic%20and%20changing%20attitudes%20toward%20marijuana.pdf)

PERF undertook this project to document two major new challenges facing police agencies nationwide, in the area of drug enforcement.

First, many cities and towns are experiencing an epidemic of heroin abuse. In most cases, this begins when people develop an addiction to prescription pain medication such as Oxycodone. These pain pills are often difficult and expensive to obtain on the street, but heroin, which has the same effect on the body, is cheaper and easier to find. To make the situation worse, today’s heroin is incredibly pure and powerful— as much as 70 to 80 percent purity, compared to less than 10-percent purity in the past. So many addicted persons are overdosing. In many places, heroin overdose deaths outnumber homicides or motor vehicle fatalities.

The police response to heroin is changing. In addition to focusing on their traditional role of investigating major dealers and sources of heroin distribution, police departments are focusing on addicts. Many departments are outfitting their officers with naloxone – a life-saving nasal spray that reverses the effects of a heroin overdose. Furthermore, some departments are working to put heroin addicts directly in touch with drug treatment providers. And police chiefs at PERF’s Drug Summit in April agreed that police executives must take a leadership role, along with public health officials, in developing system wide responses to the heroin epidemic.

The second major issue in this report is the police response to the legalization of recreational marijuana in Colorado and Washington State, and more broadly, the acceptance of medical marijuana and/or decriminalization of marijuana in most parts of the United States.

Police leaders from Colorado and Washington State gave us the latest information about a variety of issues they are experiencing with marijuana legalization. For example, most legal marijuana businesses continue to operate on a cash basis, because banks are leery about running afoul of the federal laws against marijuana. Other issues include problems with residents overdosing on marijuana “edibles,” legal issues regarding the seizure of marijuana plants when growers have far more plants than they are authorized to grow, “seepage” of marijuana from Colorado and Washington to other states, and adverse health effects of marijuana, especially on children.

I’d like to thank all of the PERF members who took the time to complete our survey for this project or who participated in PERF’s Summit and shared information with us. I hope you will find this report interesting and informative.

All the best,  
Chuck Wexler

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### **Rest in Peace**

It is with personal sadness I announce the tragic death of former President, IACP, Chief of Police, Redmond, Washington, Steve Harris. Steve, accompanied by his son, suffered fatal injuries in a head on auto collision. Steve's wife is currently in critical condition.

Steve was Redmond's Chief for 28 years retiring in 2009. A unique contributor to the world of public and private sector partnership, and a practitioner, who knew how to get things done. His influence will be solely missed. Hopefully his example will encourage other to follow in his footsteps.





**NOW FOR A LITTLE HUMOR OR INSPIRATION**

**When insults had class. These glorious insults are from an era before the English language got boiled down to 4-letter words.**

“He has all the virtues I dislike and none of the vices I admire.” - *Winston Churchill*

The exchange between *Churchill & Lady Astor*. She said, “If you were my husband I’d put poison in your coffee.” He said, “If you were my wife, I’d drink it.

A *Member of Parliament to Disraeli*: “Sir, you will either die on the gallows or of some unspeakable disease.” “That depends, Sir,” said Disraeli, “whether I embrace your policies or your mistress.”

“He had delusions of adequacy.” - *Walter Kerr*

“I have never killed a man, but I have read many obituaries with great pleasure.”  
- *Clarence Darrow*

“I didn’t attend the funeral, but I sent a nice letter saying I approved of it.” - *Mark Twain*

“He has no enemies, but is intensely disliked by his friends.” - *Oscar Wilde*

“He is not only dull himself; he is the cause of dullness in others.” - *Samuel Johnson*

“His mother should have thrown him away and kept the stork.” - *Mae West*

“Some cause happiness wherever they go; others, whenever they go.” - *Oscar Wilde*

“He uses statistics as a drunken man uses lamp-posts... For support rather than illumination.”  
- *Andrew Lang (1844-1912)*

**HOW ABOUT A FEW CONTEMPORARY UTTERANCES:**

**“If you don’t like something, change it. If you can’t change it, change your attitude”**

**“If I agreed with you, we would both be wrong”**

**“The difference between an addict and a recovering one is that one hides his/her behavior, while the other can’t stop talking about it”**

**“Some of us never really grow up, we only learn how to act in public”**

**“Real character is exhibited when no one is watching us”**

**“If you live off praise, be aware you might die by criticism”**

**Finally, remember “Today is the oldest you have ever been, yet the youngest you will ever be. Enjoy the day while it lasts.**

**One day your life will flash before your eyes. Make sure it’s worth watching”.**

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### **MCC - FBI NEIA Conference Dates**

- **IACP Conference**  
October 25 - 28, 2014  
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Orange County Convention Center



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