



Law Enforcement Executive

FORUM

Human Trafficking

Vol. 12, No. 1 • March 2012

Law Enforcement Executive Forum
Illinois Law Enforcement Training and Standards Board Executive Institute
Western Illinois University
1 University Circle
Macomb, IL 61455-1390
www.ILETSBEI.com

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The *Law Enforcement Executive Forum* is published online four times per year by the Illinois Law Enforcement Training and Standards Board Executive Institute located at Western Illinois University in Macomb, Illinois.

ISSN 1552-9908

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A Sad Case Study of Public Corruption: Governor of Illinois Reports to Prison

On March 15, 2012, the indicted, impeached, and disgraced two-term elected Governor of Illinois, Rod Blagojevich, reported to a federal prison in Littleton, Colorado, to serve a 14-year prison term. This single date marks the end of a manipulated public spectacle that “played out” for nearly a decade since Blagojevich first ran for governor. Over the intervening years, his corruptive antics and incessant/delusional denials of wrong-doing were broadcasted in the national media as his sociopathic personality became ever more evident.

Rod Blagojevich truly had talent as a politician. His most prominent skill was campaigning and convincing others that he was the “real deal,” that he represented change, and that he offered reform and a new direction. As a Democrat, Blagojevich followed Illinois Republican Governor George Ryan, who is presently serving a six-year federal prison term for public corruption. Behind the façade of Blagojevich was a deliberate and intentional drive to mislead the citizenry of Illinois and to take advantage of his public office for personal gain. This is the classical definition of public corruption.

Federal prosecutors understood Rod Blagojevich’s misdirected intentions long before the citizens of Illinois. Within the first several years of the Blagojevich administration, federal prosecutors were investigating the Governor and his administration. The FBI secured approvals for wiretaps and listened in as Blagojevich orchestrated his reign of public corruption. Federal investigations do not move fast; time is on their side. The feds are meticulous and deliberate as investigations progress. In the case of Blagojevich, his sociopathic tendencies, narcissism, and greed eventually led to his decline.

Blagojevich leaves behind two young daughters and a loving but compliant wife. He will spend a minimum of 12 years in prison, according to federal sentencing guidelines. Now 55, Blagojevich will not see freedom until the age of 67. What went wrong? Why did he throw away everything in the search for something more? Why do personal egos get in the way? Why would a person who won the public trust throw it all away? These are intriguing questions.

Should we feel sorry for Governor Blagojevich? Personally, I feel sorry for the people of Illinois who were deprived of effective leadership and subjected to his corruptive actions, and I feel sorry for his children, but not for him or for his wife. When you accept the high honor of public office, much is expected. In Illinois, Governor Blagojevich was given the opportunity to improve state government and to significantly impact the lives of 11 million citizens. He failed in the worst possible way. He disgraced himself, but more significantly, he disgraced the office. He did not have a compelling desire to act in an ethical manner.

On May 21, 1974, Jeb Stuart Magruder, who served as a young and brilliant top advisor in the Nixon Administration, was sentenced to serve seven months in federal prison for his role in Watergate and its cover-up. At sentencing, Magruder made the following statement to the court: “Somewhere between my ambition and my ideals, I lost my moral compass.” The difference between Magruder and Blagojevich is that Blagojevich did not have a moral compass.

I knew Governor Blagojevich and worked for him as an agency director. I met with him and found him to be engaging. However, there was an underlying impression that I came away with—that he was a flawed character; that the “glad-hander,” “do-gooder,” and “bigger-than-life” character he presented was

disingenuous, self-absorbed, and, in many obvious respects, a fictional character; and that my boss and our governor had sociopathic tendencies.

In electing public officials, we seek out those who above all else have an embedded desire to honor the public trust, offer effective leadership skills, and have an overriding conviction and commitment to always doing what is right. These are the cornerstones associated with effective public service.

As the prison door slams shut on the second consecutive governor from the great state of Illinois, we must remain hopeful that we can once again reestablish our faith in the governmental process by electing good and decent people as our leaders—those who honor the public trust and place the best interests of the citizenry as their top priority.

Thomas J. Jurkanin, PhD
Senior Editor

Toward Constructive Engagement Between Local Law Enforcement and Mobilization and Advocacy of Nongovernmental Organizations About Human Trafficking: Recommendations for Law Enforcement Executives

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Introduction

It is not every day that Centro Legal de la Raza, the nongovernmental advocacy and legal-aid organization serving Spanish-speaking immigrants in the San Francisco Bay Area, can attest to successfully collaborating with Immigration and Customs Enforcement (ICE), but in the spring of 2008, La Raza contacted ICE to report one of their clients was a victim of human trafficking—held as a domestic slave for nearly two years in Walnut Creek, California, by Mabelle de la Rosa Dann. The victim's daily routine included preparing meals for Dann and her children; cleaning the small apartment, including the floor where the victim slept; washing laundry; collecting the children from school; preparing dinner; and entertaining the children and preparing them for bed. Working from 6:00 AM to 10:00 PM every day, the victim was never paid by Dann, was afraid to leave, and could not have returned home to Peru since Dann had hidden her passport. This seemingly unlikely collaboration between La Raza and ICE was the first step in what would become the first human trafficking trial in the Northern District of California, with Dann convicted on forced labor and other charges, and then sentenced to five years in federal prison (Russoniello, 2009).

Labor and sex trafficking cases have been documented in increasing numbers all across the U.S. These forms of criminal exploitation take place in and through many sectors of legitimate businesses as well as in illegitimate businesses. Over the last decade, since the passage of the original

Trafficking Victims Protection Act in 2000, the U.S. government has launched multifaceted efforts to combat all forms of human trafficking—within the U.S. as well as internationally. In many cities and states, state-level and municipal agencies, including law enforcement, have been striving for better legislation, investigations, and prosecutions of crimes related to trafficking in persons. They do not work alone. Nongovernmental organizations (NGOs) work alongside government agencies at municipal, state, and federal levels—sometimes separately, sometimes collaboratively—to combat human trafficking. Until recently, the trafficking-oriented NGOs with which law enforcement bodies at any level have had the most interaction have typically been providers of direct services to trafficking victims. In many locations, some of these types of service provider NGOs receive state or federal funding for at least some of the services they provide and/or they are part of referral networks for law enforcement and other government agencies.¹

However, increasing societal awareness of human trafficking over the last few years is both due to and resulting in the growth of a different type of NGO: those focused on mobilizing citizens against human trafficking and on (mostly) local and state-level advocacy for stronger anti-trafficking laws and better services for trafficking victims. These mobilization/advocacy NGOs (MANGOs) rarely if ever provide direct services for victims and, thus, may not have any direct contact with law enforcement or other government entities.

In our respective experiences as a social science researcher of anti-trafficking efforts (Foot) and an investigator of trafficking incidents and manager of a federally-funded anti-trafficking task force (Vanek), we have observed firsthand the growth in both size and number of anti-trafficking MANGOs in the U.S. Relatively well-established, large MANGOs continue to extend their reach (e.g., by creating local chapters or enrolling smaller community-based groups in their networks). And new, small MANGOs seeking to combat human trafficking “seem to be popping up like mushrooms in a forest” rather than joining existing, nationally organized MANGOs, observed a leader of one such well-established MANGO we interviewed in 2009. The growth of anti-trafficking MANGOs across the U.S. is attributable to several factors, including successful mobilization efforts by the MANGOs themselves, increasing news media coverage of human trafficking, the growth of cause-promoting social media platforms such as Change.org, and issue-oriented uses of general social networking sites such as Facebook. Some citizens become aware of human trafficking directly through outreach efforts spearheaded by MANGOs. Other citizens are exposed to human trafficking through the news media or other sources, and then they seek out others who share their concerns about the issue and thus find their way into MANGO networks. It behooves law enforcement to be aware that individuals who contact them about human trafficking concerns are likely to be affiliated with—and thus influenced by and potentially influencing of—one or more MANGOs, whether or not they identify themselves as representing a MANGO.

Tensions and opportunities for fruitful collaboration between service provider NGOs and law enforcement are well-documented (Clawson, Dutch, & Cummings, 2006; Farrell, McDevitt, & Fahy, 2008a, 2008b; Konrad, 2008; Laczko, 2005), but the growth of MANGOs is precipitating new challenges and opportunities for local law enforcement agencies in combating human trafficking—and these have not yet been studied. Law enforcement agencies that have not yet been contacted by MANGOs about human trafficking concerns are likely to be soon since citizens are being

encouraged by an array of government bodies and NGOs to do so. As participant observers in interactions between MANGOs and law enforcement in, collectively, five metropolitan regions in three states over the last several years, we have witnessed significant differences in the perspectives, aims, and operational modes of MANGOs and law enforcement, the tensions that can arise between them, and the positive outcomes that can result from substantive dialogue between these sectors. Our aim in this article is to describe three kinds of overtures that we have observed MANGOs make toward law enforcement, and to suggest ways that law enforcement can engage constructively with MANGOs. The three kinds of interactions we consider are (1) reporting of concerns about specific instances of potential human trafficking by citizens (whether explicitly affiliated with a MANGO or not), (2) requests for participation by law enforcement in MANGO-organized community events and coalitions on combating human trafficking, and (3) requests for support of MANGOs’ anti-trafficking activities.

Suspicious Activity Reporting

With the advent of Suspicious Activity Reporting (SAR) programs, new formats for relaying potential crime information to police (via social media tools), and—specifically related to human trafficking—the ever-increasing number of faith- and community-based organizations looking to identify slavery in their communities and report their suspicions to police, law enforcement leaders must be aware of this changing landscape and the breadth of new potential reporters of crime. In fact, this confluence of two new phenomena (law enforcement encouraging the public to report potential crime or threats in new ways and the growing mobilization within communities to proactively look for human trafficking and expect law enforcement to respond) brings challenges to leadership and line officers alike. While leadership will want to engage and support responsible community activists, line officers and investigators will be left to navigate through leads of varying quality, delivered by persons and organizations with disparate levels of training on human trafficking and how to properly identify it, and, perhaps most importantly, be

responsible for creating and maintaining positive relationships with community mobilization and advocacy groups. Examining these new reporters of potential human trafficking cases, they can be broadly categorized into two groups: (1) the MANGO and (2) the as-yet-unaffiliated reporter.

The Not For Sale Campaign (NFSC), an anti-slavery organization based in San Francisco which supports a variety of projects worldwide, drew attention from some in law enforcement circles in 2009 when they launched their Investigator Academy to train citizen investigators to recognize trafficking within their communities, with the hope to then engage local law enforcement by providing this open-sourced intelligence. The NFSC “Academy” illustrates a programmatic strategy increasingly employed by some MANGOs to recruit and train concerned citizens in reporting potential trafficking cases. Recently, NFSC subsumed its Investigator Academy within a broader Abolitionist Academy program that now also includes a Supply-Chain Academy, an Educators Academy, and an Entrepreneurs Academy, among others. The NFSC “Academy” programs have been expanded, exported to other cities, and emulated by other MANGOs. The San Francisco Abolitionist Academy now offers a variety of courses, such as “Supply-Chain: Understanding and Confronting Consumer Connections” and “Innovative Aftercare: Models of Treatment that Work,” as well as “Investigation: Understanding and Eradicating Human Trafficking in Your Community” (Not For Sale Campaign [NSFC], 2011). A typical course often includes attendees from across North America, as well as from Latin America, Europe, Asia, and Africa. Prospective students submit a written application, applications are vetted prior to acceptance into the courses, and acceptance is competitive. Most of those accepted are either university students or graduates, and the students’ average age is over 30 (personal communication with a NFSC leader, 2010).

The NFSC promotes “smart and open-source activism,” urging academy students to locate potential trafficking victims in ways that will not endanger themselves or victims, while at the same time striving to help them avoid any tactics that could compromise (unknowingly) an ongoing

law enforcement investigation. Although there is no way for the NFSC to guarantee compliance by attendees of their Abolitionist Academy, the NFSC leadership stresses the importance of attendees taking time to initiate and establish positive relationships with local law enforcement, as well as gaining a realistic understanding of their local agency’s own understanding of trafficking and their willingness and ability to respond. The NFSC has drawn on the expertise of the FBI and the San Jose Police Department Human Trafficking Task Force in the Investigation Course, having representatives paint a real-world picture for the students. Some NFSC graduates have taken their 40 hours of training home and implemented successful investigations leading to the identification of victims and the arrest of traffickers. For instance, in 2009, a graduate of the initial NFSC Investigator Academy returned to her home in Canada and located a brothel using open-source investigative techniques. After sending the information to local law enforcement, several women were identified as trafficking victims. In this case, local law enforcement was already aware of the brothel but gave credit to the academy graduate for providing additional information helpful to the investigation. The NFSC had a similar success in South Africa where another 2009 Academy graduate helped identify women trafficked into South Africa for commercial sexual exploitation during the 2010 FIFA Soccer World Cup and successfully reported the information to law enforcement in Cape Town, where their collaboration continues (Bacino, 2011).

The NFSC model, and others like it, will become more visible to law enforcement as the number of graduates grows, graduates’ attempts to provide useful information to law enforcement increase in frequency, and their efforts—when successful—are recognized. Individual reporters of potential human trafficking cases have included some highly experienced individuals such as retired law enforcement officers or current officers who are working on their own or are loosely affiliated with an anti-trafficking organization. At the other end of the experience spectrum are individual reporters who may be passionate abolitionists but have little if any

training on how to properly identify potential trafficking situations, and who have little understanding of their local law enforcement agency's ability to respond to their information.

Among the most successful national initiatives to channel suspicious activity reports concerning human trafficking are the National Human Trafficking Resource Center and the National Human Trafficking Hotline, operated by the NGO Polaris Project in Washington, DC. Operated, in part, through funding from the U.S. Department of Health and Human Services, the Hotline helps connect local and federal law enforcement agencies, and victim service NGOs. The Hotline operates 24/7 and supports over 150 languages. Callers often are looking for additional information on trafficking or how to get involved locally, but the core purpose of the Hotline is connecting reporters of trafficking with knowledgeable and responsive law enforcement agencies, and connecting victims with local service providers. In 2010, the Hotline received 11,874 calls of which 15%, over 1,700, were tips or intelligence on potential trafficking situations (Polaris Project, 2011). As of December 1, 2011, the Hotline had received over 18,000 calls for the year with 18% classified as tips, intelligence, or crisis calls—that is, victims in immediate need of assistance.²

The following case exemplifies how timely and coherent information provided by a citizen via the Hotline can be beneficial to law enforcement and, therefore, why it is in local law enforcement's interest to promote the Hotline to MANGOs in their community. In July 2011, police in Albuquerque, New Mexico, arrested a 32-year-old male for pimping a 17-year-old girl for \$180 an hour. Police initiated an undercover investigation after receiving information from the Hotline, which had received a call from a concerned citizen. The citizen had observed the duo in an Albuquerque business and witnessed what the citizen believed were signs of potential trafficking. The citizen was able to provide enough information via the Hotline that police were able to locate the woman in a prostitution ad on the website Backpage.com (Schwartz, 2011).

The Hotline originally leveraged the connections among various federally funded task forces and now filters relevant information and intelligence to any law enforcement agency willing to accept information. In light of the proven successes of the Hotline, we encourage all law enforcement executives to participate in the anti-trafficking network it facilitates by registering their units with the Hotline. The registration process is simple: Call the Hotline at 1-888-3737-888 (this is how the phone number is officially presented on the website and in promotional materials) and provide the Hotline with the contact information for your unit tasked with addressing human trafficking.

As an example of the mutual frustration that can develop between law enforcement and less-experienced but passionate anti-trafficking activists, consider the case of "James," a college student and dedicated proponent of citizen investigations. In 2009, James and some of his similarly concerned friends were routinely spending 10 to 20 hours performing surveillance of massage parlors in the hopes of developing intelligence deemed valuable by his local police department in southern California. On Christmas Eve, James was visiting relatives in northern California. Making use of some free time, he scanned Craigslist.com's Adult Services section looking for signs of potential trafficking.

James maintained a list of names and related phone numbers from his routine scanning of Craigslist ads, and he was surprised and excited to find an ad placed by "Yvonne" stating that she was available for out-call service in the San Francisco Bay Area. James was familiar with Yvonne's postings and had tracked her ads from Los Angeles to Las Vegas and the Midwest. Yvonne had placed similar ads in three different cities with the same photographs, using the same cellular phone number as her contact number. To James, this movement between cities was a clear sign of Yvonne being trafficked (or at least controlled) by another person or pimp.

James immediately phoned the office of the San Jose Police Department's Human Trafficking Task Force believing they could quickly launch an operation to make a "date" with Yvonne and, hopefully, rescue

her from her traffickers. The office was closed for Christmas Eve and Day. Not knowing where else to turn, James phoned the San Francisco office of the FBI. The Duty Agent politely explained to James the realities of trying to respond to this type of information on a holiday with minimum staffing. James eventually made contact with San Jose's Task Force the day after Christmas at which point his information was analyzed. The ad was no longer posted, and the phone number provided by James was not being answered.

It is apparent to us that James' lack of training on the tactics used by those involved in the commercial sex trade (whether voluntarily or not) and his lack of understanding of the roles played by both local and federal law enforcement agencies (including how special units are not always staffed during holidays) gave him an unrealistic expectation for response under the circumstances. We suggest that a constructive response by law enforcement to unaffiliated activists like James would be to point them to an established MANGO in the community and to encourage them to get involved with its efforts. However, our advice assumes law enforcement officers are acquainted with MANGOs and know which one(s) could help channel the enthusiasm of individuals like James in beneficial ways. In the next section, we discuss briefly some ways for law enforcement to develop that capacity.

MANGO Requests for Participation by Law Enforcement in Local Events and Multisector Community Networks

In addition to attempting to bring suspicious activity reports to law enforcement, it is increasingly common for MANGOs to invite law enforcement officers to participate in awareness-raising events in local communities. For instance, some local MANGOs extend invitations to law enforcement to speak to community groups or religious congregations, or simply to groups of concerned citizens gathered together by the MANGO, about the kinds of human trafficking that have been investigated in the community. Some MANGOs ask law enforcement to lead training classes on the indicators of labor

trafficking that might be evident locally. Other MANGOs organize fundraising events such as a pledge walk/run, golf tournament, or screening of a trafficking documentary to be followed by a question-and-answer session with a panel of local trafficking experts—and they invite law enforcement to participate on the panel. To the extent possible, it behooves law enforcement units to accept such invitations from credible MANGOs for two reasons: (1) participation fosters goodwill toward and accessibility on the part of law enforcement for the MANGO members and event attendees and (2) participation enables law enforcement to help educate their local community about both the problem of human trafficking and appropriate ways for citizens to be involved in combating it. However, these types of invitations raise questions on the part of law enforcement about how to screen and whether to endorse MANGOs as organizations and/or the projects or campaigns they develop or in which they participate—we will address these in the next section. First, though, we discuss the merits of law enforcement moving beyond occasional participation in MANGO-initiated community events to regular participation via ongoing interaction in multisector collaboratives.

Across the United States, many organized anti-trafficking efforts are taking shape via a task force or coalition which typically includes representatives from law enforcement (local and/or federal), victim services provider NGOs, immigration assistance agencies, trafficking-focused MANGOs, and often faith- and community-based organizations looking to support anti-trafficking efforts. Participation in such collaboratives provides law enforcement with excellent and increasingly important opportunities to engage with the public and other service agencies in a positive manner, to develop mutual understanding and trust with anti-trafficking actors from other sectors, and to help shape the efforts of MANGOs as they develop. For these reasons, we urge law enforcement executives to examine anti-trafficking efforts in their community and deputize members of their agencies who have an interest in anti-trafficking efforts and can represent the agency well to participate regularly in the gatherings of local coalitions/task forces.

MANGO Requests for Endorsement by Law Enforcement

We return now to the questions that have arisen for some law enforcement units about how to screen MANGOs that want to involve them in community events, and whether to endorse MANGOs as organizations and/or their projects or campaigns. Several law enforcement officers have expressed concerns to one or the other of us over the last couple of years about how to assess the MANGOs that are emerging and/or operating in their region. The main reasons for their concern are that some NGOs, including but not just MANGOs, have claimed on their websites and elsewhere to be raising funds to engage in particular anti-trafficking efforts, such as undercover investigative operations, rescuing trafficking victims, and sheltering trafficking survivors, but have not provided any substantiation of these activities. Due diligence is called for in checking out the legal status, financial transparency, and activity reports of all NGOs, including MANGOs, before accepting invitations from them. An online resource that can be helpful in the screening process is the U.S. Freedom Registry (<http://freedomregistry.org>), an online directory of organizations with anti-trafficking programs with which any organization can register, developed by NGOs but with input from law enforcement.³ The web form for the registry requests not only contact and program information about each organization, but it also requests disclosures about a range of good practices, including legal status, financial transparency, coalition membership, and whether they have any official relationship with a law enforcement unit. It also requires documentation for every claim. Going forward, law enforcement agencies could require that any MANGO which seeks interaction with them first register with the Freedom Registry.

In addition to requests for participation in community events, law enforcement units are increasingly receiving requests from MANGOs for endorsement of MANGOs' anti-trafficking projects and campaigns. For instance, a MANGO in a metropolitan area recently developed a multilanguage poster addressed to trafficking victims and witnesses, which provides a

brief, simple summary of state and federal law, and the national hotline number. The MANGO sought and received endorsement from the city's police department, which gave the poster greater legitimacy than it may have had otherwise. In an interview about the poster, law enforcement officers said they felt comfortable endorsing the poster because it was a basic summary of law.

In contrast, a few months later another MANGO in the same city requested approval and endorsement of a draft code of conduct intended to encourage businesses to eradicate forced labor and sexual exploitation in their business practices, worksites, and supply chains. The draft code invited businesses in the city to commit to "comply with relevant laws and regulations" as well as to six other good practices for eradicating forced labor and sexual exploitation in and through business activity such as monitoring supply chains and training employees to report suspected exploitation. Although each of the elements of the draft code were defensible as useful means for combating business-based trafficking, law enforcement's initial response—articulated during an open forum in a meeting attended by law enforcement and MANGOs along with other types of organizations—was hesitation about making any explicit statement of approval or endorsement of the draft code. One reason provided was that the code asks businesses to state their willingness to obey laws, but legal compliance is mandatory without a voluntary code. Another reason stated was that the practices listed in the code went beyond compliance with the law. The volunteers from the MANGO who were requesting approval and/or endorsement from law enforcement were puzzled and taken aback by what they perceived as a lack of support for an initiative they had expected would be welcomed by law enforcement.

Another notable case involves the MANGO Stop Child Trafficking Now (SCTNow), which is organized around a three-part strategy of awareness, advocacy, and action (Stop Child Trafficking Now, 2011). One area of action that it promotes is assisting law enforcement through two functions: (1) conducting on-the-ground assessments of potential trafficking operations

(primarily brothels) and (2) offering law enforcement access to its database of potential trafficking locations, and of individuals who have engaged in sexually focused “chat” with its investigators who are posing online as minors—essentially conducting online investigations akin to those conducted by the U.S. Internet Crimes Against Children task forces. These particular functions are performed by Global Trident (<http://global-trident.com/partners.htm>), a recipient of SCTNow funding. A novel example of a public-private partnership, accessing the services offered by Global Trident can be a force multiplier for local law enforcement agencies. The San Jose Police Department entered into a memo of understanding with Global Trident in May 2011; Global Trident also works with other local agencies within the U.S. SCTNow and Global Trident have drawn criticism from some who cite a lack of results commensurate to the amount of money SCTNow has raised. Our intent here is not to endorse or condemn the mission or performance of SCTNow or Global Trident but to raise the law enforcement executives’ awareness that well-funded MANGOs with new strategies for combating human trafficking are emerging with increasing frequency in the anti-trafficking movement, and each of these must be examined carefully for potential benefits as well as risks.

We recommend that law enforcement leadership, when approached by MANGOs offering new ideas or capabilities, make an effort to not reject these opportunities out of hand. In our observations, many MANGOs are approaching law enforcement with good intentions, creative strategies, and potentially valuable human and material resources that can be useful within the complex fight against slavery. Over the last few years, we have both seen MANGOs enter the anti-trafficking space with a seemingly problematic strategy or project initially, and then witnessed these organizations make a real contribution after that strategy was tweaked through honest feedback by law enforcement and other NGOs. Clearly, any law enforcement agency, before they engage in any formal agreement or endorsement of a MANGO’s activity or product, should consult with their City Attorney, State Attorney General’s office, or other legal counsel.

Of course, law enforcement is not the only entity which can benefit by practicing the values of patience and empathy; we have also counseled MANGOs to take the time and make the effort needed to learn the dynamics of their local law enforcement representatives before proceeding with significant anti-trafficking initiatives. We routinely encourage MANGOs to commit to establishing strong professional ties with law enforcement, to demonstrate their credibility, and, perhaps most importantly, to realize that most law enforcement agencies are only now beginning to understand the intricacies of the multidisciplinary anti-trafficking response—and doing so while they continue to perform all of their other responsibilities. As MANGOs’ understanding of how law enforcement operates in combating human trafficking grows, they will be better able to develop creative and effective ways to assist law enforcement (Foot, 2011).

Discussion

The range of interactions between law enforcement and MANGOs that we have presented above evidence some of the differing objectives that are typical of each of these sectors, and some of the tensions that underlie interactions between these sectors. People in each sector hold distinct perspectives and concerns about people in the other sector. In order to move toward more constructive interaction, we urge people in each sector to consider the other’s viewpoints.

For law enforcement officers, awareness of trafficking-oriented MANGOs in general may be slim, and detailed information about any particular MANGO may be hard to find. From their perspective, MANGOs’ invitations to participate in community events on human trafficking may seem like unproductive time sinks. Requests for endorsements or approval statements on MANGO-initiated projects may evoke concerns about overreaching the legal bounds on law enforcement units and incurring liability. Reports of suspicious activity related to potential human trafficking, especially reports that are more impressionistic than factual, or not fully coherent, may be received by law enforcement as useless, at best, and annoying

or resource-draining. Law enforcement may be concerned about the potential for MANGO-initiated, citizen-conducted “investigations” of potential trafficking situations disrupting law enforcement’s own investigations, potentially endangering trafficking victims or the citizen investigators themselves.

It is also frustrating to some law enforcement officers, particularly those who have invested significant amounts of time in investigating human trafficking cases, that some MANGO-involved citizens are unaware of (or unimpressed by) law enforcement investigative efforts and successful arrests of traffickers. For instance, in talking about a national MANGO’s online slavery incident report platform, which includes data fields for citizens to report whether law enforcement was involved and to what effect, a law enforcement investigator confided to one of us the angst he felt over the fact that because much of what he and his colleagues do cannot be disclosed to the public until charges are filed, and because local news media do not always (nor accurately) report trafficking charges, law enforcement’s response to trafficking cases is often overlooked or misrepresented. He was frustrated that citizens documenting incident reports on MANGO platforms too often base their reports on partial and sometimes inaccurate information, making law enforcement seem passive or, worse, ineffective.

On the other hand, from the perspective of trafficking-oriented MANGOs, some individual law enforcement officers and units seem to be less informed and/or concerned about human trafficking than the MANGOs think they should be. Furthermore, most citizens involved in MANGOs are aware that in the current economic situation in the U.S., all public services are hard-pressed, and law enforcement agencies are underfunded and overstretched. For both of these reasons, and potentially other reasons, many trafficking-concerned citizens want to assist law enforcement in identifying potential cases of human trafficking. As we have described above, MANGOs explicitly encourage citizens to provide reports on suspicious activities to

law enforcement, and some offer trainings on how to do that clearly and systematically.

Some MANGOs perceive law enforcement as largely reactive—unwilling or unable to engage in or even support proactive efforts to prevent human trafficking. In the words of a MANGO-affiliated citizen who expressed a strong commitment to trying to work in partnership with law enforcement but relayed some difficulties in doing so, “While I hope that [law enforcement] would see a good reason to help with prevention, I feel like I get blank stares when I talk about efforts related to systemic prevention. I wonder if this is because [law enforcement personnel] are not trained to think about prevention or because they are not incentivized to help prevention efforts. As horrible as this sounds, at a subconscious level they are paid to catch criminals, so it’s in their interest to catch crime rather than prevent it from happening” (personal correspondence with an anonymous MANGO volunteer). We suggest that the fact that law enforcement units are indeed structured around responding to legal violations does not have to preclude individual officers or units from supporting MANGOs and other types of organizations in implementing prevention strategies. Prevention has been one of the U.S. government’s core principles for combating human trafficking since federal efforts commenced in 1999. Although the State Department’s *2010 Trafficking in Persons* report acknowledged that the U.S. Trafficking Victim Protection Act does not “give much guidance in setting forth prevention activities,” it reiterated its commitment to a broad and robust view of prevention, observing that around the world, “governments are expanding their understanding of prevention to include policies and practices that cut off modern slavery at the source” and that “governments, corporations, and consumers can come together” to implement prevention strategies (U.S. Department of State, 2010).

Finally, some MANGOs view law enforcement as slow or unwilling to act on potential human trafficking cases. Sometimes this perception is based on a lack of understanding of what it takes to conduct an investigation and why that process

can require a significant amount of time. However, some MANGO-involved citizens have developed that perception after initiating overtures to local law enforcement and not receiving what they feel are timely and substantive responses. Both of these (mis)perceptions can be largely remedied by more frequent and robust interactions between law enforcement and MANGOs; however, that will require greater responsiveness and time investments on the part of law enforcement.

Conclusion

In summary, we have presented evidence herein that there are significant potential benefits to be reaped in the fight against human trafficking from more robust collaboration between law enforcement and MANGOs. We have also demonstrated that there are potential risks from a lack of collaboration, or antagonism, between these sectors. If law enforcement units perceive overtures from citizens as increasingly frequent, annoying interruptions or distractions by individuals, they may miss the underlying organizing dynamics of MANGOs in the growing social movement against human trafficking as well as the opportunity to achieve greater success in identifying victims of trafficking or preventing trafficking in the first place.

In a nutshell, we have argued that because MANGOs focused on human trafficking are growing in number, geographical distribution, and size, local law enforcement units need to get acquainted with the leading MANGOs in their area and develop avenues for constructive dialogue. We have suggested encouraging high-quality reports of suspicious activity by MANGO-affiliated citizens and helping them learn how best to communicate their tips, responding positively when feasible to MANGOs' invitations to participate in community awareness-raising events and being as supportive as possible to MANGO-initiated strategies for not only halting human trafficking but preventing it.

Some law enforcement executives may not be aware that a federally organized multisector response to human trafficking has been developing since 2000, and that many states have

multisector response networks as well. The overview of the U.S. Bureau of Justice Assistance's (2011) multisector task force initiative is a good place to start developing knowledge and finding contacts. Since 2010, partnership within and across sectors has become one of the U.S. government's explicitly stated core principles for combating human trafficking. However, the State Department (2010) itself acknowledges that "While there is broad agreement on the purpose and benefits of a partnership approach to human trafficking, there is less agreement on and documentation of proven, successful strategies—something all should endeavor to create and share in the years ahead." An e-guide on multisector task force strategy and operations produced in 2010 by the U.S. Office for Victims of Crime and the Bureau of Justice Assistance provides excellent recommendations for initiating and sustaining collaborations to combat human trafficking (U.S. Bureau of Justice Assistance, 2011).

Under the mandate of the Trafficking Victims Protection Act, every credible report of suspicious activity pertaining to human trafficking received by a law enforcement unit should be investigated or referred. Ideally, every local law enforcement body will ensure their staff is trained and networked via state and federal training and response networks and that they have a designated liaison for MANGOs and as-yet-unaffiliated citizens who want to report suspicious activities. Law enforcement agencies that have built capacity around human trafficking can serve as referral nodes for geographically proximate agencies. At minimum, every local law enforcement body should designate a staffperson to contact the National Human Trafficking Hotline with any human trafficking-related tips or potential cases brought to them by MANGOs or others.

In conclusion, the presence of human trafficking in every region of the U.S. is undeniable in light of the cases prosecuted over the last decade. In light of this unfortunate reality, local law enforcement units must engage with this complex crime as mandated by the Trafficking Victims Protection Act and laws in most states. As public awareness of human trafficking increases, MANGOs will

continue to increase in number, and in the scope and level of their activities. Moving forward, law enforcement executives have an opportunity that should be considered carefully. Actively engage with, assist, and thereby influence the MANGOs in their communities, working together to foster positive relations with citizens who want to prevent this crime and report suspicious activity they observe, or dismiss these citizens as “just activists” who do not understand law enforcement and are focused on a crime that some law enforcement officers view as “not occurring in our city.” We hope the information provided herein inclines law enforcement executives toward active engagement with MANGOs for the benefit of both sectors and especially for the victims of human trafficking.

Endnotes

- ¹ Examples include the service provider NGOs that constitute the Colorado Network to End Human Trafficking (see www.coloradocrimevictims.org/human_trafficking.html), which coordinates with the Colorado Law Enforcement Anti-Trafficking Task Force, and the member organizations of the Washington Anti-Trafficking Response Network (see <http://warn-trafficking.org>), which coordinates with law enforcement via the Washington Advisory Committee on Trafficking.
- ² Year-to-date data for 2011 was provided by Nicole Moler, Hotline Operations Coordinator, Polaris Project, via personal communication on December 2, 2011.
- ³ At the time of this writing, we both are members of the national steering committee for the U.S. Freedom Registry because we think it is a necessary and potentially valuable resource across sectors.

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Human Trafficking: An Overview for Law Enforcement

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Human Trafficking Defined

Human trafficking has received increased attention over the past 10 to 15 years both in political and public arenas. *Human trafficking* or *trafficking in persons* are terms used to refer to a variety of crimes associated with modern slavery. Technically, people are trafficked into a slavery situation; however, that distinction is not often made in reference to these terms. Despite the common use of the word *modern*, slavery today is not dissimilar from slavery as it has existed throughout history. The primary characteristics have remained the same over time and include one person exercising fear and sometimes violence-based control over another for economic gain. What is typically different with slavery in the 21st century is that it is far less expensive to purchase a person today than it has been previously. Costs as low as 10 U.S. dollars (USD) have been reported in places like Southeast Asia, with the average cost for a slave being 90 USD (Free the Slaves, 2010). A second difference is that today the relationship between the enslaved and the slave holder is shorter in duration. This is primarily a consequence of the large number of individuals vulnerable to trafficking and the care and healthcare costs associated with a lifelong or longer-term relationship (i.e., it's easy to find a healthy replacement). A slaver would rather purchase another person for 90 USD, than invest hundreds or thousands of dollars into maintaining the health and profitability of a slave. Globalization has also had an enormous impact on the slave trade, widening the gap between rich and poor and making it easier for traffickers to recruit and move victims.

In the United Nations' *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the*

Convention on Transnational Organized Crime (also known as the Palermo or Trafficking Protocol) (United Nations [UN], 2000), the following definition of human trafficking is provided:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or deception to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery or the removal of organs.

This statement is now seen as the definitive legal framework for dealing with human trafficking issues and has been the foundation for laws developed by many countries around the world. The definition comprises three essential parts: (1) recruitment, (2) movement, and (3) exploitation. It is important to note that it is not necessary for *movement* to include crossing from one country into another; an individual can be trafficked within the borders of her or his own country. For example, it is not uncommon for a girl or woman to be trafficked from the rural areas of Costa Rica to the coastal regions where the commercial sex industry is thriving.

Misconceptions and Myths About Human Trafficking

- The victim knew what she or he was getting into.
- The victim has broken the law.
- The victim had freedom of movement.
- The victim missed opportunities to escape.
- The crossing of an international border must take place in order for trafficking to occur.

- All victims are illegal immigrants.
- U.S. citizens are not victims of human trafficking.

Forms of Human Trafficking

Individuals are primarily trafficked into situations in which they are exploited for labor or commercial sex acts. While the type of labor performed is varied (both with regard to labor and sex trafficking), the most common *forms* of slavery are noted below.

Bonded labor or *debt bondage* is a form of slavery in which a person takes or is tricked into taking a loan. The person must then work to repay the loan; however, the nature of the work and the amount of time necessary to repay the loan are undefined and often remain that way. Individuals in debt bondage may receive food and shelter as “payment” for work; and in some cases, victims will not be paid monetarily at all and their debt may increase to account for costs associated with food and shelter. A debt can be passed down for generations, which means that the child or grandchild of the person originally taking the loan is left to pay off the debt. It is important to note that not all instances of work-based debt are human trafficking as someone may willingly enter into this type of arrangement and actually be fairly compensated for her or his labor.

Chattel slavery is characterized by ownership of one person by another, and individuals in this form of slavery are bought and sold as commodities. This is the form of slavery that was most prevalent in the United States until the passage of the Thirteenth Amendment to the U.S. Constitution in 1865; it is the least prevalent form of slavery today.

Early and forced marriage primarily affects girls and women who are married to men without any choice. They then live as servants to the men and often experience physical and/or sexual violence in the home environment.

Forced labor is yet another form of slavery and is characterized by an individual being forced

to work against her or his will, without compensation, with restrictions on freedom and under violence or its threat. This term is also used in reference to all forms of slavery.

Involuntary domestic servitude is a form of forced labor in which an individual performs work within a residence such as cooking, cleaning, childcare, and other household tasks. This becomes trafficking when the employer uses force, fraud, and/or coercion to maintain control over the individual and to cause the worker to believe that she or he has no other options but to continue in the position. This type of environment puts the individual at increased risk because she or he is isolated and authorities are not able to easily gain access to inspect the workplace.

Sex trafficking is an extremely traumatic form of slavery in which a commercial sex act is induced by force, fraud, or coercion; or a sex act in which the person induced to perform is under 18 years of age. Victims of sex trafficking can be girls, boys, women, or men—although the majority are girls and women. It is not uncommon for traffickers to employ debt bondage as an attempt to legitimize their confiscation of the victims’ earnings. Sex traffickers use a variety of methods to control and “break in” victims, including confinement, physical abuse, rape, threats of violence to the victim’s family, forced drug use, and more. Victims of this form of trafficking face numerous psychological and physical health risks which are covered in depth in later chapters.

Slavery by descent occurs when individuals are born into a socially constructed class or ethnic group that is relegated to slave status.

Child trafficking is slavery that involves displacing a child for the purpose of economic exploitation. In the case of children, force, fraud, and coercion do not need to be demonstrated. It is estimated that 1.2 million children are trafficked each year (UNICEF, 2011). Like adults, children are trafficked for the purpose of labor and sexual exploitation.

Worst forms of child labor is a term that refers to child work that is seen as harmful to the physical and psychological health and welfare of the child. The International Labour Conference in 1999 adopted Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The sale and trafficking of children is noted in this Convention as one of the “unconditional” worst forms of child labor.

Other unconditional worst forms noted in the Convention include “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances” and “the use, procuring or offering of a child for illicit activities.”

Child soldiering is a form of human trafficking that involves the use of children as combatants; it may also involve children forced into labor or sexual exploitation by armed forces. In this case, traffickers may be government military forces, paramilitary organizations, or rebel groups. In addition to being used directly in armed conflict, children may be used for sexual purposes or forced to work as servants, cooks, guards, messengers, or spies.

Prevalence and Profits

According to the United Nations Office on Drugs and Crime (2006, 2008) and the U.S. Department of State (2010), human trafficking is the fastest growing criminal industry in the world and is second only to drug trafficking as the most profitable (Haken, 2011; Interpol, 2002). However, despite its magnitude, there are a variety of reasons why this crime and its included human rights violations is so difficult to quantify. Some reasons include variation in the operational definitions used by researchers, methodological flaws such as those related to sampling techniques, and the difficulty and potential risks involved for researchers wishing to engage in primary versus secondary research. Also, and perhaps most challenging in the quest to obtain accurate statistics on the prevalence and geography of human trafficking, is that traffickers work to keep their crime

undetected. Victims are difficult to identify since they often work in businesses or homes, or behind the locked doors of a factory. They are closely monitored by the traffickers and often not permitted in close proximity to those who may be of assistance. These and other similar factors make human trafficking particularly difficult to accurately quantify and describe. What follows are popular estimates in the field today:

- According to the International Labor Organization (ILO) (2005, 2009), there are at least 12.3 million people in forced labor (including sexual exploitation) worldwide.
- Data suggest that women and girls comprise 80% of the individuals trafficked across international borders (U.S. Department of State, 2010).
- Approximately 70% of victims are trafficked for commercial sexual exploitation (U.S. Department of State, 2010).
- UNICEF (2011) estimates that 158 million children between the ages of 5 and 14 are engaged in child labor. This is equal to one in six children worldwide.
- In countries with the fewest resources, 29% of all children are engaged in child labor that often interferes with their education, robs them of childhood pleasures, and has a negative impact on their physical and psychological health (UNICEF, 2011).
- ILO (2009) estimates that 246 million children and youth between the ages of 5 and 17 are presently involved in some type of debt bondage or forced labor.
- Research by Dr. Kevin Bales (1999) indicates that 27 million people are enslaved worldwide at any given time.
- Dr. Kathryn Farr’s (2005) research shows that four million people are enslaved worldwide.

It is as difficult to assess profits as it is to assess forced labor and human trafficking. Globally, it is estimated that annual profits from forced labor are equal to 31.6 billion USD of which 15.5 and 9% are generated in industrialized countries and countries in economic transition, respectively. It is further estimated that of the 31.6 billion USD, 30.6% is generated in

Asia and the Pacific, 4.1% is generated in Latin America and the Caribbean, 5% is generated in sub-Saharan Africa, and 4.7% is generated in the Middle East and North Africa (Besler, 2005).

The Trafficking Process

The business of human trafficking is carried out by individuals, small loosely organized criminal networks, or by traditionally organized crime groups. It includes both small “mom-and-pop” type operations as well as larger well-organized businesses that operate in a competitive international arena. Some involved in trafficking may assist with a single border crossing, while others may work in an ongoing manner with a larger trafficking organization. These larger trafficking organizations often function on a more permanent basis and are involved in the entire trafficking enterprise from the recruitment of victims to the selling and reselling of victims to employers. *Organized crime groups* or *criminal organizations* are local, national, or transnational groupings of centralized enterprises with the purpose of engaging in illegal activity for financial gain. *Transnational organized crime* refers to the planning and execution of unlawful business ventures by groups or networks of individuals working in more than one country (Reuter & Petrie, 1995). Those involved in both national and transnational organized crime systematically use violence and corruption to achieve their goals (Albanese, 2004). Transnational organized crime undermines democracy and impedes the social, political, economic, and cultural development of societies around the world (Voronin, 2000). It is multifaceted and can involve a variety of different illegal activities, including drug trafficking, trafficking in firearms, migrant smuggling, and human trafficking. In addition to human trafficking being carried out by organized crime groups, it is also carried out by more loosely organized criminal networks. These criminal networks are decentralized and less hierarchical, and, according to international securities expert Phil Williams (2001), they can be as effective as and more difficult to detect than traditional organized crime groups. Traffickers engage in numerous

individual and small group transactions, the characteristics of which are situation-dependent. Common roles traffickers assume in the process are described below.

Trafficker Roles

Recruiter – The recruiter identifies, makes contact with, and brings the victim into the first phase of the trafficking process. Depending on the situation, the recruiter sells the victim either directly to the employer (e.g., brothel owner) or to the broker. The recruiter does not always know that the person she or he recruited is going to be enslaved. Some common recruitment methods include the following:

- Advertisements for employment opportunities, study abroad, or marriage
- In-person recruitment in public places such as bars, restaurants, and clubs
- In-person recruitment through community and neighborhood contacts, including families and friends
- Purchase of children from their parents or legal guardians

Broker (Agent) – The broker is the middle person between the recruiter and the employer.

Contractor – The contractor oversees all of the exchanges involved in the trafficking of the victim.

Employment Agent – The employment agent takes care of securing “employment” for the victim; this sometimes includes making arrangements for identification paperwork such as visas and passports.

Travel Agent – The travel agent arranges for the transport of the victim from her or his point of origin to the destination. This can mean arranging for travel within one country or across country borders.

Document Forger/Thief – The document forger/thief secures identification documents

for cross-border travel. In some instances, this may include creating false documents and in others it may mean illegally modifying actual government documents.

Transporter (“Jockey,” “Coyote,” or Escort)

– The transporter actually accompanies the victim on the journey from point of origin to destination. Transportation may be via boat, bus, car, taxi, train, plane, or on foot. Delivery of the victim is made either to the broker or directly to the employer.

Employer (Procurer) – The employer purchases and then sells or otherwise exploits the human trafficking victim.

Enforcer (“Roof” or Guard) – The enforcer is responsible for ensuring victim compliance, protecting the business, and, at times, for ensuring that outstanding debt is paid by the customer (e.g., payment by a john in a sex trafficking situation).

Traffickers who actively recruit victims and whose intent is to cross the border of a country sometimes use traditional immigration as a way to conceal their criminal intentions. With the false promise of compensated work in another country, traffickers are more easily able to get people to cooperate with illegal border crossings. For example, a woman may knowingly agree to be smuggled into a country to work as a nanny or in the restaurant industry. Her expectation is that her relationship with the smuggler (or “coyote”) will end once the border is crossed. She becomes a trafficking victim when she reaches the country of destination and her identification documents are taken, her movement is restricted, and she is forced to work for extremely low or no compensation. In other instances, an individual may migrate on her or his own, legally or illegally, identify a work opportunity upon arriving in the destination country, and become a victim of trafficking due to the illegal practices of an employer.

In order for human trafficking and slavery to work, the traffickers either have to force

or somehow convince victims to leave their homes and to accompany the trafficker to the destination point. Common means of ensuring victim compliance with departing from her or his point of origin include the following:

- Abduction or kidnapping
- Purchasing of a child from her or his parents or legal guardians
- Deception through the promise of legitimate employment and/or entry into a country
- Deception about working conditions
- Deception about compensation and other benefits (e.g., school attendance for children)

Traffickers will use a combination of methods to control victims both en route to a destination and once the person is enslaved. Methods used depend on a variety of factors, including the personality of the trafficker, the culture of the group in which they are working, and on the behaviors of the victim. Examples of control methods follow:

- Violence (including rape and murder) and the threat of violence against the victim and her or his family
- Deprivation of agency or the sense of control over self
- Isolation
- Confiscation of identification and/or travel documents
- Religious beliefs and practices (e.g., threat to use voodoo to harm the family member of a victim whose religious beliefs include voodoo)

The Trafficking Victim

The disproportionate availability of resources worldwide puts large segments of the population at risk for labor exploitation and slavery. Those most at risk often come from vulnerable populations, including undocumented migrants, members of oppressed or marginalized groups, runaways and at-risk youth, and the poor. Traffickers target individuals in these populations because they have few resources and work options. This makes them easier to recruit through deception

or force, and they tend to be easier to control. A combination of factors make undocumented immigrants extremely vulnerable to being trafficked; some of these factors include lack of legal status and related protections, poverty, few employment options, immigration-related debt, limited language skills, and social isolation. It is not uncommon for undocumented immigrants to be trafficked and enslaved by those from a similar ethnic or national background. At-risk youth and runaways are targeted by traffickers and by pimps for labor exploitation, begging, and very often for commercial sex. Pimps and sex traffickers manipulate child victims and are known to make use of a combination of violence and affection in an effort to cultivate loyalty in the victim, which can result in Stockholm syndrome. *Stockholm syndrome*, a psychological phenomenon wherein hostages experience and express empathy and positive feelings for their captors, is more likely to develop with children than with adults. This psychological manipulation reduces the victim's likelihood of acting out, thereby making it easier for the trafficker to exercise control.

The Victim and Trauma

Trauma is defined as an experience that threatens an individual's sense of safety and security and may or may not involve physical harm. Generally, trauma is experienced as either a single or a repeating event that overwhelms an individual's coping mechanisms and interferes with an individual's ability to integrate and make sense of emotions and thoughts related to the experience. According to the *Diagnostic and Statistical Manual of Mental Disorders DSM-IV-TR* (American Psychiatric Association [APA], 2000), a traumatic event is one that involves "actual or threatened death or serious injury, or a threat to the physical integrity of self or others" and one in which "the person's response involved intense fear, helplessness, or horror" (pp. 218-219). A wide variety of events can be characterized as traumatic—for example, naturally occurring or human-made catastrophic events, such as dangerous storms and war, or interpersonal violence such as intimate partner violence, rape, and emotional or physical abuse. Human

trafficking, in particular certain forms of human trafficking, can be categorized as traumatic.

Post Traumatic Stress Disorder (PTSD) is the name given by the American Psychiatric Association (APA) (2000) to the symptom clusters that sometimes develops in those who have experienced a trauma. The three symptom clusters are characterized by a reliving of the event in ways that are disruptive to daily functioning. The symptom clusters include *intrusive recollections* (e.g., flashbacks, recurrent distressing memories), *avoidant/numbing symptoms* (e.g., feelings of numbing or detachment; avoidance of places, people, etc. that remind the victim about the event), and *hyperarousal symptoms* (e.g., difficulty concentrating, hypervigilance, exaggerated startle response). Responses to trauma may be acute and/or chronic, and it is important to keep in mind that different people respond to trauma in different ways, and not all develop PTSD. There are some indicators, however, as to who may be more likely to develop PTSD following a traumatic event (Halligan & Yehuda, 2000). When working with survivors of trafficking, it is important to be aware that the experience of PTSD is a distinct possible outcome of victimization, and professional help, such as from a psychologist or counselor, is advisable.

The United States: Law Enforcement and Investigation

Like most countries with well-developed market economies, the United States plays a role in fueling the international slave trade. Also, as is the case with most, if not all, countries affected by human trafficking, the United States is faced with the trafficking of its own citizens within country borders. Sex trafficking of children, in particular of girls, is the most significant form of domestic trafficking. Traffickers in these situations, commonly referred to as *pimps*, focus on recruiting young children, most of whom are runaways or homeless youth.

At the federal level, the U.S. Congress passed the Victims of Trafficking and Violence

Protection Act (TVPA) of 2000 (PL 106-386), the Trafficking Victims Protection Reauthorization Act of 2003 (HR 2620), the Trafficking Victims Protection Reauthorization Act of 2005 (HR 972), and the Trafficking Victims Protection Reauthorization Act of 2008 (HR 7311). The 2008 Reauthorization expanded the definition of human trafficking in the U.S. to include those under the age of 18 involved in commercial sex acts. Prior to the passing of the TVPA in 2000, no comprehensive federal law existed to address slavery in the U.S. Much like the United Nations Protocol, the TVPA focuses on the “three Ps” of trafficking to guide anti-slavery efforts: prevention of the crime, prosecution of the trafficker, and protection for victims. Recently, a fourth “P” standing for “Partnership” was added to the framework. Partnership is intended to take place across all levels of society—local, regional, national, and international—and is to involve both government and civil society organizations.

In addition to providing a comprehensive definition of human trafficking, this legislation also gave law enforcement tools to enhance the extent to which traffickers are prosecuted and punished. The TVPA also called for the establishment of the *Global Trafficking in Persons (TIP) Report* (U.S. Department of State, 2010) and the President’s Interagency Task Force to Monitor and Combat Trafficking in Persons.

The *TIP Report* (U.S. Department of State, 2010) documents and evaluates the anti-trafficking efforts of foreign governments. Countries are ranked in tiers depending on the extent to which they are compliant with minimum standards established by the TVPA. Countries on the lowest tier may be subject to economic sanctions enacted by the U.S. While the *TIP Report* is thought to be a useful tool, it has been criticized for presenting incomplete information, for not including evaluation of the U.S., and for being biased and “politicized.” Of primary concern seems to be how the minimum standards are applied, what methods are used to justify tier placements, and how information for the report is collected and analyzed.

Recently, efforts have been made to address these concerns, the most visible of which is the inclusion of an analysis of U.S. efforts in the 2010 publication of the report.

Under the TVPA, the U.S. Department of Health and Human Services can “certify” international human trafficking victims as trafficked persons. After being certified, victims are then qualified for physical and psychological health services, housing, food stamps, educational and vocational programs, as well as support for legal services. Victims of international trafficking may also be granted a T-visa, which allows them to live and work in the U.S. for up to three years after which application for permanent resident status may be made. Criticisms of the TVPA have included that eligibility requirements are too rigid and that enforcement is deficient, leaving many deserving victims unprotected. Others have noted that there are unnecessary barriers to obtaining the benefits afforded through the TVPA. These include victim identification, difficulty qualifying as a “severe trafficking” victim, the time it takes to certify a victim, and the requirement of cooperating with the prosecution for victims of sex trafficking. Victims are often left for long periods of time waiting for assistance to meet the most basic of needs such as shelter, food, and clothing. Communities in which grassroots anti-trafficking coalitions are established often step in to provide support at this critical time. It is important to note that at this point, the majority of states have laws that address this crime.

Indicators of Human Trafficking

Common Work and Living Conditions

The individual(s) in question

- lives on or near work premises.
- is frequently moved by the traffickers.
- is not free to leave work or living space or to come and go as she or he wishes.
- is under 18 years of age and is engaged in commercial sex acts.
- is in the commercial sex industry and has a pimp/manager.

- is unpaid, paid very little, or paid only through tips.
- works excessively long and/or unusual hours.
- is not allowed breaks or suffers under unusual restrictions at work.
- was recruited to work through false promises regarding the nature and conditions of the work.
- owes a large debt and is unable to pay it off.

Also, high security measures exist in the work and/or living locations (e.g., boarded-up windows, bars on windows, opaque windows, barbed wire, security cameras, etc.).

Mental and Physical Health and/or Odd Behavior

The individual(s) in question

- is depressed, fearful, anxious, tense, submissive, or nervous/paranoid.
- exhibits unusually fearful or anxious behavior after bringing up the subject of law enforcement.
- avoids eye contact.
- appears malnourished or otherwise unhealthy.
- shows signs of physical and/or sexual abuse, physical restraint, confinement, or torture.
- may have brands, scars, or tattoos indicating someone else's ownership.
- lacks access to health care.

Other

The individual(s) in question

- has limited or no personal possessions.
- is not in control of her or his identification documents (ID or passport).
- is not in control of her or his money and has no financial records or bank account.
- is not allowed or able to speak for her- or himself (a third party may insist on being present and/or translating).
- claims she or he is just visiting and has an inability to clarify where she or he is staying/address.
- has a lack of knowledge of whereabouts and/or do not know what city she or he is in.

Indicators Specific to Sex Trafficking

- Large amounts of cash and condoms at the location
- Customer logbook or receipt book (also known as a "trick book")
- Rooms sparsely furnished
- Mattresses in the rooms (rather than massage tables)
- Hidden passages/areas and trap doors
- Video security systems
- Men come and go frequently

Law Enforcement Response to Human Trafficking

Collaboration among law enforcement agencies (e.g., local, state, federal) is critical in any effective responses to human trafficking. Collaboration allows for the sharing of intelligence as well as the sharing of more practical resources. In addition, as mentioned previously, social service agencies and community-based anti-trafficking coalitions can enhance law enforcement efforts both with regard to victim identification and victim support following identification and during the investigation and prosecutorial processes.

Human trafficking victims may present unique challenges to law enforcement such as the following:

- They may have language barriers. (**Note:** Always secure translators who are impartial third parties. Avoid the use of on-site translators as they may be tied in some way to the trafficker.)
- Victims may be experiencing Stockholm syndrome or feelings of sympathy or loyalty toward the trafficker.
- Victims may fear the trafficker.
- Victims may fear for their families based on threats made by the trafficker.
- They may distrust strangers, in particular law enforcement. This can be based on misinformation intentionally given to them by the trafficker or based on experiences with law enforcement outside of the U.S.

- Victims may fear deportation for a variety of reasons, including safety issues in their country of origin.
- Many victims are unaware of their rights and may not consider themselves victims.
- Life now may be better than it was previously.
- They are not in possession of their legal documents.
- They are financially indebted to the traffickers.

Suggestions for Law Enforcement Readiness

- Arrange for training of all personnel on the crime of human trafficking.
- Ensure that officers involved in responding to the issue of prostitution are well-trained in identifying sex trafficking victims.
- Identify neighborhoods in which
 - the sex industry is thriving.
 - domestic servants may be engaged.
 - low-paying industrial/service/agricultural work is being done.
- Develop collaborative relationships among key players in the community (U.S. Attorney's Office, local FBI, social service agencies, and NGOs) in support of increasing victim identification and providing for victim needs following identification.
- Educate the community about the crime of human trafficking.
- Be aware of well-trained foreign language interpreters in the community.

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Best Practices in Domestic Human Trafficking Policy

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The emerging literature on human trafficking has developed along two paths, which emphasize either the inherent abuses of human rights that occur in the human trafficking trade (Brysk, 2011; Goodey, 2004; Obokata, 2006a, 2006b; Pearson, 2002; Quirk, 2007) or the relative efficacy of governmental attempts to combat human trafficking (Davidson, 2006; Dinan, 2008; Scarpa, 2008; Smith, 2011; Smith & Miller-de la Cuesta, 2011; Smith & Smith, 2011; Smith & Smith-Cannoy, 2012). By human trafficking, we mean the entirety of processes that includes recruiting, transporting, controlling, and exploiting a victim for the purposes of profiting from that person's labor in a destination country. Although human trafficking leads to a wide variety of labor exploitation, including the exploitation of people as sex workers, domestic or bonded laborers or servants, and a host of manual labor workers, here we are particularly interested in those trafficked to work in the sex trade. The victims, often not even yet adults, are taken from their home countries and illegally moved across borders and forced into life as a sex worker. When caught, the victim of trafficking has often been subjected to criminal prosecution for prostitution or deported to their home country, where they often return as outcasts due to the stigma affiliated with the sex trade (Tverdova, 2011). In the United States, trafficked persons were formerly treated worse than the traffickers were in the eyes of the law. While their victims went through prosecution and deportation, the traffickers simply went back to business, bringing in more people to make up for those who were arrested.

In the past decade, the U.S. developed a legal regime that provides for the criminalization of human trafficking at both the state and the

federal levels. In 2000, Congress passed the Victims of Trafficking and Violence Protection Act (colloquially, TVPA), the first federal law aimed at preventing modern-day human trafficking and at prosecuting traffickers. Additionally, the TVPA laid the foundation for providing victims of human trafficking with benefits and assistance. In 2003, Texas and Washington became the first states to criminalize human trafficking, the act of trading in human beings for the provision of labor, including in the sex worker field, and are the leaders in a widespread process of nationwide criminalization that continues today. The 2005 disappearance of Alabama teenager Natalee Holloway in Aruba caused a spike in public interest in human trafficking, driven perhaps by misplaced speculation that she was a human trafficking victim (Fox News, 2008; Grace, 2008; Smith & Smith-Cannoy, 2012) as measured by Google search results.¹ In 2005 and 2006, substantial progress was made in the U.S. in terms of human trafficking laws and the provision of assistance to the victims of human trafficking. Eight states—Arizona, Arkansas, California, Illinois, Kansas, Louisiana, Minnesota, and New Jersey—passed human trafficking laws in 2005. Thirteen more states, from every region of the country, passed similar laws in 2006, bringing the total number of states with anti-trafficking statutes to 25. By 2010, with the passage of anti-trafficking laws in Alabama and Ohio, 43 states had introduced similar clauses into their criminal statutes. After Massachusetts passed their first human trafficking bill in November 2011, the number of states with criminalization statutes was up to 48, with just West Virginia and Wyoming standing silent on the issue. Because this remarkable diffusion of policy has been rapid, concern by policymakers for a conversion over a best practices model has

only recently come into focus. In the past ten years, the policy structure of the human trafficking legal regime in the U.S. has changed dramatically, from no state having such laws to a complex state and federal structure. This expansion of the legal regime has improved the lot of the victims of trafficking by providing them with affirmative defenses to criminal prosecution as well as, in some instances, resources for assistance to help them escape from the criminal enterprise.

The movement to a regime of criminalization of human trafficking has been a decentralized phenomenon which has led to great diversity in how states approach trafficking and trafficking victims. Here we outline the spectrum of policy options by analyzing how two states on each end of that spectrum criminalize human trafficking and provide relief to trafficked persons. Historically, states did not grant “victim” status to trafficking victims but, instead, prosecuted them as prostitutes; and often, when the arrested individual was not a citizen, simply deported those detained to their home countries. In short, only recently have law enforcement stakeholders embraced a more nuanced view of the policy issues surrounding sex workers ensnared in human trafficking. The recent changes in federal policy and in the states trend away from this approach of assuming all prostitution presents the same rosters of problems and, instead, recognized that trafficked persons are victims even if they engage in criminal conduct. Among these emerging policies, the new spectrum is between states that provide much aid for victims of trafficking and those that simply avoid treating the victims as mere criminals. By providing an affirmative defense for people who are coerced into prostitution, states can acknowledge that trafficked persons are not criminally culpable without the provision of affirmative assistance to them. Providing trafficking victims with the affirmative legal defense against prostitution charges is a substantial step toward recognizing the coercion that underpins human trafficking and embracing the status of those caught up in human trafficking as victims. Full recognition

by the state of the trafficked person’s status as a victim instead of a noncriminal is realized when the state provides access to social services reserved for victims of crime.

By a consideration of federal policy and the policy of two states that utilize different approaches—New York and Alabama—we demonstrate the wide range of alternative regimes available. Through this consideration, we develop a roster of best practices that, if adopted, would maximize the benefits of the policy goals at stake. Specifically, the best approach to address societal concerns for the reduction of criminal conduct may not be obvious when the approaches to different facets of criminality conflict. A reduction in prostitution may be possible through a more strict punitive regime, while long-term and systemic reduction of prostitution may be tied to a reconsideration of the sex workers as victims instead of criminals.

The TVPA and Federal Anti-Trafficking Laws

In 2000, Congress passed HR 3244, the Victims of Trafficking and Violence Protection Act of 2000, which addressed issues of human trafficking and also included the Violence Against Women Act. This was the first major law, state or federal, in the U.S. aimed at combating modern-day human trafficking. Congress determined that existing laws “fail to protect victims of trafficking” and systematically punish victims more harshly than the traffickers (TVPA, 2000, at 1468). The harsh treatment of the sex worker primarily comes about because the victims of trafficking are usually brought into the U.S. illegally and are then forced into prostitution. When caught, these sex workers are subject to criminal charges and deportation. The TVPA attempts to reverse these circumstances by making human trafficking a federal crime while providing protection, assistance, and temporary residency to victims. This represents an attempted change in the outcome for victims of human trafficking. By moving to criminalize trafficking in 2000, the federal government was well ahead of the

states, the first of which would not criminalize it until 2003. The federal TVPA paved the way for state laws that followed, many of which would borrow from its language and seek to promote its policy approach.

The TVPA amended the extant federal criminal statutes against various forms of slavery and added six new sections explicitly about human trafficking. The extant criminal statutes governing peonage, enticement into slavery, and sale into involuntary servitude were all amended to increase the maximum punishment from 10 years to 20 years (at 1486). Further, it added a new clause to each of the extant statutes:

If death results from the violation . . . or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both. (at 1486)

The serious punishments introduced by the TVPA, especially in cases where death, kidnapping, and sexual abuse are part of the crime, are designed to ensure that victims do not receive worse treatment under the law than the traffickers while imposing harsher punishments on methods usually used by traffickers to keep victims in submission. Since the crimes of peonage, slavery, or sale into involuntary servitude frequently include threats of some sort (often even death), the new federal statute sought to criminalize the means through which traffickers and modern-day slaveholders would entrap victims. This attempt to restrict and criminalize the actions taken by traffickers to maintain the servitude of the trafficked persons is something that most states also have implemented in their human trafficking laws.

These six new sections that the TVPA added to Title 18 of the *U.S. Code* include statutes against forced labor, trafficking (for the purposes of peonage, slavery, involuntary servitude, or

forced labor), sex trafficking of children, and unlawful conduct with respect to documents in the furthering of trafficking activities (at 1486-1488). The sixth section regards the payment of mandatory restitution to victims. The first of the new sections created by the TVPA, 18 USC §1589, criminalizes forced labor, articulated as knowingly providing or obtaining labor through three avenues: first, the use of threats of harm; second, causing someone to believe that serious harm would result from the non-performance of labor or services; and third, the use of abuse or threatened abuse of the legal process (at 1486-1487). Similar to the punishments for the aforementioned crimes of peonage and sale into involuntary servitude, the punishment for this is a fine or imprisonment for no more than 20 years, with the maximum punishment escalating to life imprisonment if death results or if it included kidnapping, sexual abuse, or the attempt to kill.

The first section added by the TVPA which explicitly mentions trafficking is 18 U.S.C. §1590. It states that whoever “knowingly recruits, harbors, transports, provides, or obtains” any person for labor or services in violation of laws regarding peonage, slavery, and trafficking in persons shall be fined or imprisoned for up to 20 years, or both. Similar to the above statutes and those that will follow, the maximum punishment increases to life imprisonment if the violation involves death, kidnapping, aggravated sexual abuse, or the attempt to kill. Section 1591 regards the sex trafficking of children and divides them into two groups on the basis of age. If the trafficked child is under the age of 14, then the maximum punishment for the offense is life imprisonment.² However, if the child is over 14 but not yet 18, then the maximum punishment is 20 years.³ Similar to federal policy on drug trafficking, the federal laws regarding human trafficking tend toward severe punishments on the supply side, seeking serious punishment for those involved directly in the trafficking of persons. The argument is that severe punishments, especially that of life imprisonment for the trafficking of children, are necessary deterrents that discourage

people from engaging in such behavior. By decreasing the willingness of people to get involved in the trafficking part of the sex trafficking business, these laws seek to reduce the supply. However, the demand side of the federal legal framework for sex trafficking is inadequate; a more comprehensive criminalization of all aspects of human sex trafficking, one that accounts for both the supply and demand sides, would aim to increase punishments for sex tourism and patronizing prostitutes as was done in New York and is discussed below.

One dimension of the TVPA frequently borrowed by the states has to do with the improper holding, tampering with, or destruction of government-issued identification documents by traffickers. This is a prime example of government policy aimed at criminalizing the means through which traffickers keep their victims in servitude, here through control of the documents necessary for legal travel across borders. Traffickers are well-aware of the fact that documentation and papers are vital for immigrants and visitors; thus, threats to destroy or withhold those documents are credible and can coerce the victims of human trafficking to comply with the behavioral demands of the traffickers in order to secure a return of these critical documents. Legal immigrants need their papers to stay or to move freely across borders; illegal immigrants are motivated to comply in response to promises of the delivery of these critical papers. The TVPA criminalizes the destruction, concealment, removal, confiscation, or possession of any actual or purported passport or immigration documents if said destruction was done in the course or furtherance of a violation of human trafficking laws or with the intent to violate those laws.⁴ The removal or threat of removal of papers, including the destruction of vital documents, is a strong motivation to continue working for someone who has possession of an individual's papers, especially if that individual is in the U.S. illegally. By destroying or withholding these types of documents, traffickers can restrict or prevent a victim's capacity to move freely domestically as well as to travel

across borders. The TVPA's criminalization of behavior intended to restrict the movement of the victims of human trafficking has appropriately been borrowed across the states' legal regimes.

Many of the victims of human trafficking are not legally in the country in which they are utilized as sex workers. Although the U.S. is only one of many destination countries, our analysis here is limited to the U.S. Rather than coming through legal border checkpoints and channels, trafficked victims are often brought into the country through illegal means, including undocumented border crossings, entry with counterfeit documents, and entry using tourist or student visas. Before the TVPA, trafficked persons faced more substantial criminal penalties than the traffickers who were responsible for the criminal enterprise. The victims of human trafficking were subject to deportation, often to countries where they were treated as outcasts and disgraces because of the prostitution stigma (Tverdova, 2011). A critical and transformative aspect of the TVPA is the protection of victims. This includes resources provided by the government to help exit the sex worker industry as well as the extension of temporary U.S. residency to victims of trafficking. Under the TVPA, victims of human trafficking are treated as refugees by state and federal aid guidelines (at 1475). Whereas the pre-TVPA regime treated victims as criminals and illegal immigrants, the system now introduces avenues for victims of trafficking to receive assistance and benefits comparable to almost any other category of refugee. Included among the specific benefits is the T-Visas process, through which victims of trafficking can become temporary residents of the U.S., and through which they can apply for permanent residence after three years. This approach provides victims of human trafficking with a second chance at life in America, regardless of how they initially arrived here.

With the revisions to the TVPA that came in the Trafficking Victims' Protection Reauthorization Act (TVPRA) in 2003, 2005, and 2008, the federal government has moved to provide

even more services and protections to victims of human trafficking. The 2003 TVPRA provided victims with standing for a private federal civil cause of action, enabling them to sue their traffickers in federal court (Polaris Project, 2008). Providing individual access to civil damages as recourse for being trafficked is among the more popular and most imported victim-relief practices at the state level. According to the Polaris Project (2011a), 15 states had provided access to civil damages. Additionally, the 2003 TVPRA extended the benefits previously enjoyed only by the victims of trafficking to their families as well. The 2005 TVPRA began a program to help shelter minors who are the victims of human trafficking. Many states adopted similar policies to this one. The TVPRAs of 2003, 2005, and 2008 were refinements to the major policy contained in the TVPA of 2000 rather than some wholesale reconfiguration in the federal policy.

The 2000 TVPA represented a first attempt by the U.S. to comprehensively address modern-day human trafficking and its externalities. These new policies led the way for drastic changes across the states over the next decade, and they altered the prospects for trafficked persons who are brought to the U.S. against their will and forced into labor or sexual servitude. Many aspects of the federal policy were adopted by numerous states. The federal TVPA was the first major step in the fight against human trafficking in the U.S., and it shaped the way in which the protective regimes developed in states across the nation. We begin with a consideration of the approach adopted by the State of New York.

Criminalization of Human Trafficking in New York

As a massive metropolis and tourist destination for millions each year, New York City is also a prime destination for human trafficking victims. The increase of human trafficking to meet demands for prostitution and labor caught the attention of the New York State Legislature in 2007. Below, we provide

a detailed examination of the progression of human trafficking laws in New York as illustrative of the types of anti-trafficking criminal laws that operate in nearly every state today. Following that is an examination of the actions that New York is taking to better the lives of trafficking victims, whether through legal defenses or the provision of resources and benefits.

The New York State Legislature enacted its first anti-trafficking bill, Senate Bill (SB) 5902, in 2007, joining 32 other states in the fight against human trafficking. SB 5902 was comprehensive and ambitious, adding the crimes of labor trafficking and sex trafficking to the *New York Penal Code* and expanding the extant Social Services Law to provide services to victims of human trafficking. In this way, New York mirrored the developments of the federal policy in the 2000 TVPA. In 2009, New York took another step in treating victims of human trafficking by passing House Bill (HB) 7670, which provided victims of human trafficking with the ability to vacate convictions of prostitution or obtain an order for a new trial. These two bills, SB 5902 and HB 7670, make up the legislative actions taken by New York both to curtail the problem of human trafficking and to deal with the effects of its continuation. After discussing the specifics of their punitive laws on human trafficking, which are similar throughout the states and modeled on the federal criminalization statutes, we shift focus and consider how New York deals with victims of human trafficking. We present this as the *New York Model* for providing relief to trafficking victims.

The criminalization of human trafficking is the first step in a state's attempt to combat human trafficking and mitigate its negative externalities. SB 5902, written in June 2007, added new sections to the *New York Penal Code* which dealt with different aspects of human trafficking. The crime of labor trafficking is explicated as compelling, inducing, recruiting, or enticing another to engage in labor.⁵ Further, there are four individually sufficient requirements of intentionality behind this engagement, any

one of which would be sufficient to meet the criterion of the code. The first is using controlled substances on the victim, such as narcotics, with the intention of impairing his or her judgment.⁶ This would cover illegitimate tactics used to convince or coerce victims into agreeing to work. Second is mandating labor in exchange for retirement, repayment, or servicing some sort of debt, whether real or purported.⁷ This would cover forced labor as a repayment for a debt, incurred perhaps by safe illegal passage to the U.S. The third is the actual or threatened withholding or destruction of government identification documents with the intention to “impair said person’s freedom of movement.”⁸ The destruction of documents is borrowed directly from the federal TVPA, which contains a nearly identical clause. This criminalizes the trafficker’s practice of holding onto government documents and threatening to destroy them if services or labor are not performed. Fourth is the use of force or threat to compel the victim to continue engaging in labor activities.⁹ This includes the threat of physical injury, damage to property, blackmail, and forms of extortion which would be used to compel the victim to continue working. In New York, labor trafficking is a Class D felony, with a maximum of seven years’ imprisonment and/or a fine of \$5,000 or double the defendant’s gain from the crime (New York Anti-Trafficking Network, 2007; *New York Penal Code* §80.00).

SB 5902 also added Section 230.34 to the *New York Penal Code*, which dealt with the crime of sex trafficking. This crime involves the intentional advancement or profiting through prostitution by a number of unlawful mechanisms. Similar to the labor trafficking code, this code includes providing illegal narcotics, drugs, or other illicit substances for the purposes of impairing the victim’s judgment.¹⁰ However, here the code is explicit in its inclusion of concentrated cannabis, methadone, gamma-hydroxybutyrate (GHB), and flunitrazepan (also known as Rohypnol) in the list of substances which could be used in the commission of sex trafficking. Additionally, the withholding or destruction of actual or

purported government documents is unlawful.¹¹ The verbiage here is taken directly out of the labor trafficking code, which is derived from the federal statute. Also included are requirements that prostitution be performed to retire, repay, or service a debt and the use or threat of force to compel the victim to continue engaging in prostitution.¹² SB 5902 makes sex trafficking a Class B felony, subject to a maximum sentence of 25 years’ imprisonment in addition to a fine of \$5,000 or double the defendant’s gain from the commission of the crime (New York Anti-Trafficking Network, 2007; *New York Penal Code* §80.00). The punishment for sex trafficking as outlined in SB 5902 is relatively strict compared to other states and especially compared to ten years ago; currently in California, for instance, trafficking is punishable by imprisonment in state prison for between three and five years; for trafficking of minors in California, the punishment is between four and eight years.¹³ The federal government, on the other hand, has a maximum sentence of 20 years for trafficking adults but a maximum of life imprisonment for trafficking children under age 14.

A vital part of SB 5902, which should be emulated elsewhere and incorporated into state penal codes across the nation, is the non-accomplice clause. In the *New York Penal Code*, this clause is attached, nearly verbatim, to the sections on labor trafficking and sex trafficking. These sections unequivocally state that the victim of trafficking is not to be deemed as an accomplice to the charges of sex trafficking or labor trafficking.¹⁴ This sort of protection from prosecution, whether from prostitution charges or charges of being an accomplice to trafficking, is offered in different ways across the states. For instance, in Texas, being a victim of sex trafficking provides an affirmative defense to charges of prostitution.¹⁵ Such laws are important because they mitigate worries of trafficking victims that might make them avoid authorities out of a fear of prosecution. If victims are not willing to seek out authorities, the crime of human trafficking will continue, and the traffickers will be less likely to be caught. By shielding victims from

prosecution, as New York and a number of other states have done, victims are more likely to come forward with information about their traffickers.

In SB 5902, the State of New York also increased the penalties for patronizing prostitutes and expanded laws on sex tourism in an attempt to provide disincentives for patrons and reduce the demand side of the human trafficking problem. SB 5902 repealed Section 230.03 of the *New York Penal Code*, which limited the punishment of “Patronizing a Prostitute in the 4th Degree” to a Class B misdemeanor. After the repeal of §230.03, the punishment for patronizing a prostitute became a Class A misdemeanor, which formerly was reserved for patronizing a prostitute under the age of 17.¹⁶ This increase in punishment essentially doubles the maximum fine for patronizing a prostitute, from \$500 to \$1,000.¹⁷ The New York bill further tightened prostitution laws by amending the prostitution code to include behavior qualifying as promoting prostitution, selling travel services that are intended to include or facilitate access to prostitution, or sex tourism.¹⁸ This attempt to curb sex tourism and decrease the demand for prostitutes in New York is designed to decrease the number of people being trafficked in and out of the state to service that type of tourism.

The New York Model

The criminalization of human trafficking and the attempts to tighten prostitution laws are by no means isolated to New York. In fact, today, 48 of the 50 states have laws criminalizing human trafficking. The specifics of the laws in New York were provided as an example of the foundation of anti-trafficking laws which are quite similar throughout the states, most based closely on the federal model. Where the states significantly differ is the treatment of trafficked persons, the victims of human trafficking. In this regard, we will be looking at New York as a model for how to provide services and care to the victims of human trafficking. There are three policy dimensions in particular that make New York a good model

for treatment of victims of human trafficking. The first is the expansion of essential government services, such as health care, welfare assistance, and temporary housing. SB 5902 added Article 10-D to the New York State Social Services Law, outlining the extent to which the State of New York will provide services to victims of human trafficking. The second service that New York provides is “safe harbor” for underage victims of sex trafficking, providing them with protective services and excluding them from prosecution. The third and most novel aspect of the New York Model is the vacating of prostitution convictions for victims of human trafficking. These three, explained at length below, make up the New York Model for providing relief to the victims of human trafficking.

Article 10-D, entitled “Services for Victims of Human Trafficking,” was added to the New York Social Services Law in 2007. So long as the person at issue meets certain criterion and is confirmed¹⁹ to be a victim of human trafficking, a trafficked person can be provided with services. In New York, these services include temporary housing, health care, mental health counseling, drug addiction screening, job training and placement assistance, and services to assist with the establishment of permanent residence in New York State or the U.S.²⁰ In this way, New York is very close to the federal model established by the TVPA, which treats trafficked persons in the same way as refugees. By providing programs to help victims of human trafficking, New York met the minimum threshold of providing “victim assistance” according to the Polaris Project (2011b), a leading NGO that focuses on ending modern-day slavery and human trafficking. The provision of health services, especially health care, mental health counseling, and drug screening, is important in the rehabilitation and normalization of the lives of human trafficking victims. Also, by providing job training and avenues for the establishment of permanent residence, New York avoids deporting or displacing people who were brought to the U.S. through avenues perhaps out of their own control. According

to the Polaris Project report (2011a), 20 states had laws providing victim assistance, making it among the most common ameliorative action that states take in regard to human trafficking. States that provide victim assistance are found across regions, sizes, and political orientations, including California, Oklahoma, Texas, Vermont, and Washington.

The second aspect of the New York Model is the “safe harbor” provided to victims of human trafficking, especially minors. Aspects of safe harbor include protection from prosecution and diversion to social services or victim assistance programs (Polaris Project, 2011b). In the case of New York, safe harbor is provided as part of the services included in Article 10-D of the New York State Social Services Law. This includes the provision of temporary and disability assistance to victims of human trafficking and the notification of local departments of social services for victims who are minors.²¹ By turning victims of human trafficking over to assistance programs rather than delivering them to state custody as criminals, these states are not only saving money by avoiding the costs of incarceration, they also provide victims of human trafficking with a chance to rebuild and start over. Further, to make sure that victims of human trafficking are not prosecuted as accomplices to human trafficking, protection is extended to the victims under Sections 135.36 and 230.36 of the *New York Penal Code*. According to the Polaris Project report (2011a), safe harbor is provided in seven states. Although safe harbor is much less common than the provision of general victim assistance, states that do not currently provide a safe harbor dimension should consider the policy as perhaps a beneficial and cost-efficient approach to limiting the societal cost of human trafficking.

A novelty of the New York Model is vacating prostitution convictions from the criminal records of trafficking victims. The vacating of prostitution convictions was introduced in New York by the 2009 bill HB 7670, two years after the state passed landmark laws criminalizing human trafficking and extending

services to victims. With HB 7670, New York provided a defense for victims of human trafficking and removed prostitution convictions for people who had engaged in prostitution or loitering for the purpose of prostitution which resulted from having been a victim of sex trafficking. Under this new law, victims of human trafficking are safer from prosecution for prostitution, something that formerly threatened their future lawful employment and, in some cases, would inhibit emigration options. Further, by freeing current victims of human trafficking of the worry that they will be charged as prostitutes, this law may also encourage current victims of human trafficking to come forward with information about their traffickers. It also reduces the power of threats made by traffickers to their victims that they will simply turn the victims over to authorities as prostitutes and illegal immigrants. New York and three other states—Illinois, Maryland, and Nevada—are the only four states in the nation as of August 2011 which provide victims of human trafficking with a way to remove prostitution charges from their record (Polaris Project, 2011a). This is a central innovation of the New York Model and something that would benefit victims of human trafficking even after they go off of social services programs. States should revisit whether the provision of a mechanism to expunge the criminal records of those ensnared in human trafficking would help undermine the existing human trafficking rings.

Through the expansion of government services, the provision of safe harbor for underage victims, and the vacating of prostitution convictions, New York is a prime example of a state that is not just punishing the traffickers, but is also cognizant of the emotional and personal cost of human trafficking on the victims. By providing opportunities for permanent residency, people who were displaced from their home countries are given a second chance at life in the U.S., free from the yoke of modern-day enslavement by the traffickers. By vacating prostitution convictions, New York is not just acting as a leader in the expansion of victim protection and rehabilitation; it is

also providing people who were forced into prostitution with the opportunity to have that stigmatizing mark removed from their record, increasing the likelihood of lawful employment.

Criminalization of Trafficking in Alabama

In 2010, Alabama became the 44th state to criminalize human trafficking. The bill, HB 432, established human trafficking as a Class A felony and made modest steps toward providing victims of trafficking with resources and benefits. The bill set up the framework in Alabama for dealing with human traffickers as well as victims. Unlike states such as Alaska or Montana, which have criminalized trafficking but provide no remedies for victims, Alabama makes some effort toward providing victims with avenues for relief. These include asset forfeiture for the purposes of funding restitution as well as providing victims with access to civil damages. Neither of these are part of the extant law in New York, making New York and Alabama prime candidates for comparison. After a brief discussion of the criminalization process in Alabama, the particularities of the low-cost Alabama method of providing relief for trafficked persons will be addressed.

The bill in Alabama that criminalizes human trafficking is built upon two important definitions that it shares with both the federal TVPA and the New York criminal code. In Alabama, labor servitude is defined as “Work or service of economic or financial value which is performed or provided by another person and is induced or obtained by coercion or deception.”²² Similarly, sexual servitude is defined as “any sexual conduct . . . for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person.”²³ Both of these definitions hinge upon the concepts of coercion and deception, standard terms in the legal framework of human trafficking statutes. *Coercion* is

defined by a number of factors. These include the cause or threat of harm, physical restraint, destruction of real or purported government documents or personal property, the threat or actual exposure of information that would subject the victim to criminal prosecution or social stigma, threatening to report victims to immigration officials, controlling access to illegal substances, or the threat of or actual rape.²⁴ This definition is vast and expansive and builds off of definitions that were articulated in other statutes, notably the federal TVPA. It also contains a clause about the destruction of government identification documents and the threat of reporting to immigration authorities, both of which would be used to keep a victim of human trafficking working and also inhibit them from going to the authorities. The second definition is that of *deception*. This includes making the victim believe that labor or sexual servitude is required to pay off some debt, receive some promised benefit, or to make the victim believe that if acts of servitude were not carried out, that the person or another would suffer physical or mental injury.²⁵

Alabama classifies human trafficking as either a Class A or a Class B felony, depending on the extent to which the person was involved in the criminal behavior. Human trafficking in the first degree involves the knowing subjection to labor or sexual servitude through the use of coercion or deception.²⁶ Thus, people who are trafficking as well as those acting as “pimps” of trafficked victims would often be guilty of first degree sex trafficking under Alabama law, given that there is the use of coercion or deception in keeping the victims working. The definition further includes knowingly obtaining, recruiting, harboring, or transporting any minor for the purpose of engaging in sexual servitude.²⁷ For this purpose, the state seeks to severely punish those involved in the trafficking of minors for sexual exploitation. To this end, reasonable mistake of age is not a defense to liability; nor is it required that the defendant have knowledge of the victims’ age or minor-status to be subject to trafficking in the first degree.²⁸ Human trafficking in the first degree is classified as a Class A felony, warranting

either life imprisonment or imprisonment for between 10 and 99 years.²⁹

Human trafficking in the second degree is defined as knowingly benefiting from participation in a venture or engagement for the purpose of sexual or labor servitude.³⁰ This includes partners who share in the benefits without actually engaging in the crime. Similar to the way trafficking in the first degree deals with minors, trafficking in the second degree covers direct involvement in the trafficking of adults, without the use of coercion or deception. The definition of trafficking in the second degree includes knowingly obtaining, recruiting, enticing, inducing, threatening, isolating, harboring, restraining, transporting, providing, or maintaining any person for the purpose of engaging in sexual servitude.³¹ Trafficking in the second degree is a Class B felony, warranting between two and 20 years of imprisonment.³² The differentiation of treatment between the trafficking of minors and the trafficking of adults as witnessed in the Alabama case is relatively common throughout the U.S.

The Alabama Model

Most of the states are very similar in their criminalization of human trafficking. The variation and the topic of greatest comparative interest is the manner in which states respond to the notion of those who are engaged in sex work as victims of human trafficking. That is, the legal regimes are not uniform in how they respond to people who have been taken by force or deception out of their homeland and brought illegally across borders to be subjected to the terrible conditions of the modern-day slavery of human trafficking. Before this upswing in criminalization statutes—and still in some states today—trafficked persons were treated not as victims but merely as criminals. They were prosecuted as prostitutes and deported as illegal immigrants. There is a continuum on which all states lie that ranges from defining trafficked persons as criminals to defining them as victims. Since 2000, the U.S. has made great progress in moving toward recognizing

them as victims by providing them with the same benefits enjoyed by refugees and even extending temporary residence. Such has been done in New York as well. Elsewhere, trafficked persons are still charged as prostitutes and are subject to deportation. Though Alabama still has a long way to go by some standards, it has moved toward recognizing trafficked persons as victims. In Alabama, this includes providing victims of trafficking with an affirmative defense in prostitution cases, the forfeiture of traffickers' assets to fund programs for victims of trafficking, and providing victims with access to civil damages. These three make up the current low-cost system in Alabama to provide relief to victims of trafficking.

The first remedy is the provision of an affirmative defense to victims of human trafficking. Similar actions have been taken in other states like Texas. In Alabama, this provides victims of human trafficking with an affirmative defense in cases of prostitution or sexually explicit performances so long as those were performed as a result of labor or sexual servitude.³³ This approach simply acknowledges the fact that victims of human trafficking are coerced or compelled, often by threat of force or death, into involvement in these criminal behaviors. Even worse, harsh punishments and the threat of prosecution may keep victims of human trafficking away from the authorities, reducing the likelihood that the traffickers will be caught. This is especially problematic because the traffickers are the source of the supply of sex workers and are thus a bigger contributor to the problem than the individual prostitute. The Alabama approach, like the federal and New York approaches, operates under an understanding that a higher priority should be placed on stopping the traffickers than inhibiting the activities of any given sex worker. Any action which further reduces the chances that the traffickers would be caught should be reconsidered. A further consideration, one which is an issue across the U.S. as states deal with overcrowded prison systems and massive budget pressures, is that of incarcerating people who have been victims

of criminal behavior. State resources would be better spent combating traffickers than on the imprisonment of the victims of trafficking.

While New York has an expansive program for victims of trafficking, it does not provide any visible means for funding that program other than through the state's coffers. Alabama's approach is more cost-effective in that it makes an attempt to pay for a portion of the program with funds raised by liquidating the seized assets of traffickers. Alabama does not provide the same level of state-provided benefits as New York, making it more likely that their program could be revenue-neutral. Unlike New York, Alabama provides victims of trafficking with explicit access to civil damages. Alabama and 14 other states provide such access (Polaris Project, 2011a), in addition to the federal cause of civil action provided by the TVPA. Victims of human trafficking may bring a civil action against traffickers, and the court may award actual, compensatory, and punitive damages, as well as other forms of relief and attorney's fees.³⁴ By providing victims with a means for civil relief, victims have an avenue to start over, provided that they are able to secure representation. This approach comes at a relatively small cost for the State of Alabama when compared with the extensive, state-funded services of New York.

A second aspect of the Alabama Model which is not used in New York is the forfeiture of profits, proceeds, and property of those who are found guilty of human trafficking. Under this law, profits, proceeds, and interest in property that have been acquired through human trafficking can be seized by the State of Alabama.³⁵ This is a possible deterrent for those who consider getting into trafficking for the purposes of making a quick profit. Whether this deterrence actually manifests is another question entirely. The assets seized under this section would be used to pay restitution to trafficking victims, including damages awarded via civil actions.³⁶ Thus, the cost of providing a transitional services regime for the victims is born largely by the traffickers themselves rather than the state coffers. Remaining funds

derived from the seized assets go toward paying the cost of the investigation and prosecution, with what remains after that remitted to funding the general Alabama Crime Victims Compensation Fund.³⁷ In this way, Alabama is making efforts to make their anti-trafficking program more cost-effective while also providing trafficked victims with some form of monetary relief.

Conclusion: Best Practices

New York and Alabama provide examples of most of the things that are being done to counter trafficking in persons and to deal with the human costs associated with trafficking. These two states go about providing remedies and resources to the victims in entirely different ways. Following the federal model, New York provides victims of human trafficking with expansive government services that include health care, temporary housing, and cash assistance. Alabama, on the other hand, provides much less in terms of resources and derives the funding for the resources it does provide from the traffickers. States should consider adopting the best of both of these models. Specifically, some aspects from each of these regimes should be incorporated by all states seeking to address the issue of trafficking in persons. The best practices include an enhancement of the punishment for sex tourists and patrons of prostitutes, vacating prostitution convictions for victims of human trafficking, expansion of the state's power to seize assets belonging to traffickers, and providing victims with access to civil damages. These four are vital to fighting human trafficking and providing justice to the victims of trafficking.

By increasing the punishment for sex tourists and patrons of prostitutes, states can try to change behavior and discourage people from visiting prostitutes. This seeks to change the demand side of the trafficking and prostitution problem rather than the supply side. If increasing the punishment for consorting with prostitutes is successful in reducing the number of patrons, then the demand for prostitutes will

lessen, and the profitability of trafficking will be reduced. In contrast, a policy that focuses solely on reducing the number of sex workers may actually increase the demand for those who remain, thereby providing strong incentives for traffickers to bring in prostitutes from elsewhere. Thus, efforts to reduce prostitution may actually increase trafficking. Further, this increase in trafficking to compensate for the lack of supply relative to extant demand may result in the formation of criminal trafficking networks, which could then be used for the trafficking of narcotics or firearms (Smith & Miller-de la Cuesta, 2011; Smith & Smith, 2011). These considerations make a demand-side approach to the human trafficking and prostitution problem more viable than a policy simply oriented toward issues of supply.

Secondly, as discussed above, New York and three other states provide an avenue for vacating prostitution convictions for those who were forced into prostitution as a result of their circumstances as a victim of human trafficking. This has a number of benefits, both moral and economic. On the moral side, it is simply the right thing to do. Victims of human trafficking are forced into sexual servitude by traffickers who have little regard for their life or liberty; the crimes that the victims perform are done out of fear for their safety and often their lives, not out of criminal intent or disregard for the law. To treat these victims as criminals is to disregard their circumstances and victimize them anew. Moreover, harsh punishments for prostitution and an absence of remedies and resources for the victims of trafficking may deter victims from seeking out authorities or turning in their traffickers. By providing a means for vacating convictions, the states can help to get former trafficking victims lawful employment rather than forcing them back into the underground economy.

Two aspects of the Alabama Model should be adopted across the states to deal with the problem of human trafficking. The first is that of asset seizure. The threat of losing assets as a result of involvement in trafficking would perhaps deter some from partaking in it. For

those who are not so deterred, assets would be able to pay restitution to victims as well as fund victim aid programs and offset the larger societal and systemic costs of the enforcement regime. This could help to ameliorate the budgetary burden created by the incarceration of traffickers and the provision of extensive resources and aid to victims of trafficking. The second aspect from Alabama that should be integrated elsewhere is providing victims with standing to pursue civil damages. Similar to asset forfeiture, this could help to ease the budgetary burden while providing victims with a monetary compensation for the wrongs that they suffered.

In this paper, we sought to explain some of the approaches that are being taken to limit human trafficking and to better the lives of victims. Additional research should be conducted to assess the efficacy of these different approaches in reducing prostitution and trafficking. A problem with human trafficking research is the difficulty of estimating the numbers of trafficked persons since they are part of the underground economy and not subject to direct and visible government scrutiny. Further research should also be directed toward investigating the probable disparity in prosecution rates between the 48 states that have now criminalized human trafficking. We have offered at least a first step toward realizing a best practices legal regime for combating human trafficking. As the states continue to address this problem, the most efficacious approaches should be adopted as widely as possible.

Endnotes

- ¹ See www.google.com/trends?q=%22human+trafficking%22&ctab=0&geo=us&date=all&sort=0.
- ² 18 USC §1591(b)(1).
- ³ 18 USC §1591(b)(2).
- ⁴ 18 USC 1592(a).
- ⁵ *New York Penal Code* §135.35.
- ⁶ *New York Penal Code* §135.35(1).
- ⁷ *New York Penal Code* §135.35(2).
- ⁸ *New York Penal Code* §135.35(3).

- ⁹ *New York Penal Code* §135.35(4).
- ¹⁰ *New York Penal Code* §230.34(1).
- ¹¹ *New York Penal Code* §230.34(3).
- ¹² *New York Penal Code* §230.34(4), §230.34(5).
- ¹³ *California Penal Code* §236.1(a-c).
- ¹⁴ *New York Penal Code* §135.36, §230.36.
- ¹⁵ *Texas Penal Code* §43.02(d).
- ¹⁶ *New York Penal Code* §230.04.
- ¹⁷ *New York Penal Code* §80.00.
- ¹⁸ *New York Penal Code* §230.25(1).
- ¹⁹ See *New York Social Services Law*, Article 10-D §483-AA and §483-CC for the process called “confirmation” through which the state determines if a person was the victim of human trafficking.
- ²⁰ *New York Social Services Law*, Article 10-D, §483-BB.
- ²¹ *New York Social Services Law*, Article 10-D, §483-CC.
- ²² *Alabama HB 432* (1)(4).
- ²³ *Alabama HB 432* (1)(5).
- ²⁴ *Alabama Code* §13A-6-151(1).
- ²⁵ *Alabama Code* §13A-6-151(2).
- ²⁶ *Alabama Code* §13A-6-152(a)(1).
- ²⁷ *Alabama Code* §13A-6-152(a)(2).
- ²⁸ *Alabama Code* §13A-6-152(a)(3).
- ²⁹ *Alabama Code* §13A-5-6(a)(1).
- ³⁰ *Alabama Code* §13A-6-153(a)(1).
- ³¹ *Alabama Code* §13A-6-153(a)(2).
- ³² *Alabama Code* §13A-5-6(a)(2).
- ³³ *Alabama Code* §13A-6-159.
- ³⁴ *Alabama Code* §13A-6-157.
- ³⁵ *Alabama Code* §13A-6-156.
- ³⁶ *Alabama Code* §13A-6-156.
- ³⁷ *Alabama Code* §13A-6-156.

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NGOs' Role in Ending Human Trafficking

Julie Slagter, Grand Rapids, Michigan

Iasonos Street in the lively city of Athens, Greece, hints at an intriguing past with its beautiful, ornate facades on the old, crumbling buildings. While it is true Iasonos Street holds a place in Greek architectural history, the present state of Iasonos Street is far less beautiful than the original architects envisioned.

Today, Iasonos is in a state of disarray, confusion, and darkness. Approximately 50 brothels line either side of the street. It bustles with men, of all ages, roaming from door to door checking out the "merchandise" on display. The customers walk the streets with a casual attitude after they have finished shopping or purchasing their item; others race away on their motorcycles going home to loved ones without a trace of guilt.

I spent a year not far from Iasonos Street, working with New Life (Nea Zoi), a nongovernmental organization (NGO) seeking the restoration of women and men in prostitution. Most of the women New Life comes in contact with are trafficked into the sex industry from Eastern European countries and Nigeria. New Life also meets male transvestites working in prostitution. The NGO does three outreaches per week to the brothels and streets. Outreach teams bring coffee or tea to the women and men. This act of service opens doors for conversation. The goal of outreach is to build a relationship of trust that may ultimately help the women and men leave prostitution. In addition, literature, legal referrals, health service referrals, and counseling services are offered to people working in prostitution.

The Human Side of Human Trafficking

"Mary" is a woman looking for hope and freedom. She's in her mid-20s and grew up just

north of Greece in the country of Albania. One day she met a man and quickly fell in love. The man claimed to feel the same for her, and he promised their life together would be prosperous. Believing him, Mary moved with him to Athens and settled into a home, anxious to begin their life together. Instead, her boyfriend forced her into the world of prostitution where her body was sold repeatedly each night. She was raped more times than she can remember, and she gave all her earnings to the man she once thought loved her.

Mary was trapped in a prison that consisted of a relationship built on a lie and threats on her life if she did not do as this man instructed her. After one year of continuous fear and torment, Mary met New Life team members one evening while working in a brothel on Iasonos Street. They developed a relationship over several months. Eighteen months after their first meeting, Mary felt she could trust New Life and began meeting with them regularly. Her boyfriend recently moved back to Albania to be with his wife and children. You see her "boyfriend" had been using the money Mary earned selling her body to support his family.

Mary is on her own in Athens now. New Life continues to mentor her, and she is looking into the possibility of furthering her education. It is normal to have relapses throughout the healing process, and Mary is no different. However, she is progressing and seeking counsel. Hope is now outweighing the fear in Mary's eyes.

The women, children, and men around the world who suffer from the horror of human trafficking need to have organizations like New Life intervene and show them light in the midst of darkness. They need long-term counseling and people guiding them through

aftercare. A friendly voice and a gentle advocate is a valuable tool in starting over.

Realities of Human Trafficking Today

Human trafficking is a global phenomenon with estimates ranging from 12.3 to 27 million victims being forced into labor or sexual servitude at any given time (U.S. Department of State, 2008). The total market value of illicit human trafficking is estimated to be in excess of \$32 billion (United Nations Office on Drugs and Crime [UNODC], 2012). Wasn't slavery abolished in the 1800s? Yes, but making something illegal does not mean it no longer exists.

The fact of the matter is that slavery has not gone away; it has simply vanished from view (Bales, 2007, p. 2). It is our responsibility, as citizens and human beings, to bring it into focus and help bring trafficking to an end. According to the U.S. Department of State (2009), human trafficking is defined as

Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. A victim need not be physically transported from one location to another in order for the crime to fall within these definitions.

NGOs can play a role in this fight against human trafficking that is unlike the roles of law enforcement or government officials. NGOs can be the eyes and ears on the ground while maintaining a low profile. They are equipped to come alongside law enforcement, not as a hindrance, but as a tool and resource. Take, for example, New Life in Athens. They are not informants or detectives. Instead, they

are average people seeking to help women and men who are abused daily and are disposable to their captors. On top of their mission, they have a deep respect for local and governmental agencies that also play a role in ending this atrocity in their city. Without mutual respect, little would be accomplished. Likewise, in the United States, NGOs seek to come alongside law enforcement in order to fill in the gaps. NGOs can provide aftercare facilities and services. Often, they are able to offer something as simple as transportation or providing toiletries when victims are rescued. In order to end this \$32 billion industry, all parties need to be working together.

Prevention

Slavery is not autonomous. There are root causes that need to be addressed concurrently. Poverty, greed, violence, and corruption are intertwined with selling people as a commodity. Reaching out to victims through outreach and advocacy is important; people are being freed because of these efforts. However, if we dismiss the root causes and only push back on the problem, those who are freed will simply be replaced by someone else. We need to look at the whole picture: Why does a person become a slave in the first place? What will stop someone from purchasing a fellow human being and abusing her or him? To get these answers, we need to look at the root causes.

Citizens have a responsibility to bring awareness to our communities; to advocate for the voiceless; and to talk about these realities in our local businesses, agencies, and churches. Look around and you will see the extent of what perpetuates slavery in our world today—pornography, greed, abuse, addictions. These hidden secrets must be brought into the light.

NGOs can be, and have been, the force behind grassroots initiatives focused on prevention. Community prevention and outreach to those already oppressed go hand in hand. As important as outreach and aftercare are, the true victory would be never having needed them at all. Digging out root causes is key. Poverty,

sexual abuse, domestic violence, and addictions are all root causes. We need to educate people at all points of life. Prevention starts at a young age—teachers can develop an awareness campaign in order to educate children on human trafficking. Parents should be talking openly with their children about issues in the world. Church communities need to ensure their church offers help to those struggling with sexual addictions, pornography, abuse, or broken relationships. NGOs can also educate our communities to show law enforcement this issue needs to be one of their priorities. Ending slavery means digging out the root causes and planting new, life giving trees in our communities (Michigan Abolitionist Project [MAP], 2011-2012).

Many community members want to have a role, and NGOs are able to assist them in discovering their place. An organization I founded, the Michigan Abolitionist Project (MAP), is a good example of this. MAP helps everyday citizens use their gifts and talents to prevent and end human trafficking in Michigan. We focus on prevention and education, as well as partner with other like-minded NGOs in an effort to not reinvent the wheel but instead fill in the gaps. In addition, MAP seeks to partner with law enforcement and government entities in the same way.

MAP began with a communitywide event that focused on raising awareness of human trafficking and provided action steps for participants to respond that day. Over eight months, MAP's volunteer base grew from ten individuals to over 50 and growing. Once people hear about the injustices happening in their own communities, they are more often than not driven to respond. We help people respond no matter their career, availability, age, or gender. We're multiplying educators to teach the community how to be the eyes and ears on the ground—to respond, report, and prevent.

It is really quite simple, NGOs and law enforcement working together means more power in the fight. Criminals who traffic human beings

are very organized. We need to be even more organized to stop them. NGOs have the ability to do this by organizing concerned citizens:

Modern slavery—be it bonded labor, involuntary servitude, or sexual slavery—is a crime and cannot be tolerated in any culture, community, or country. . . . [It] is an affront to our values and our commitment to human rights. (Hillary Rodham Clinton, Secretary of State, as cited in U.S. Department of State, 2011)

Restoring human rights to all individuals is something worth fighting for. NGOs are positioned well to play a significant role in ending this atrocity in the U.S. and around the world.

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How the Internet Is Used to Facilitate the Trafficking of Humans as Sex Slaves

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Sex trafficking is so widespread, that “no country, no race, no religion, no class and no child is immune. (Nathan Wilson, Founder, Project Meridian Foundation, as cited in Neubauer, 2011)¹

Introduction

Human trafficking is, sadly, a part of the fabric of the 21st century global community, but it has different goals than those of sex trafficking. One expert defines human trafficking as “‘an opportunistic response’ to the tension between the economic necessity to migrate . . . and the politically motivated restrictions on migration” (Chuang, 2006, pp. 137, 140).

To give an idea of how widespread sex trafficking is, understand that it is now more profitable for criminals to sell women for sex than it is to sell drugs. Drugs are disposable and finite. Women can be resold over and over and over again. These “commodities” are not as expendable as drugs.

Sex trafficking is multifaceted but can be viewed from the basics of how the crime is defined. The definition of the *severe* form of sex trafficking is defined as being “severe” if force, fraud, or coercion is involved. The other definition is noted as not being “severe” if no such force, fraud, or coercion is present or if the victims cannot prove such (“Protocol to Prevent,” 2000). This paper uses the two-tiered definition’s portion that does not require a showing of force, fraud, or coercion because that definition examines the exploitive nature of this entire criminal activity. By distinguishing between victims of this heinous industry who are able to show force, fraud, or coercion and those who are not, we are essentially

giving the traffickers an “out” in being able to argue that the victim somehow cooperated or agreed to be trafficked.²

When one contemplates the sheer volume of victims—from rural areas of Asia to bustling cities such as Brazil—it is astounding to realize we are considering the devastation of the lives of millions of innocent women and children (Corrigan, 2001; Parker, 2007).³ One must recognize that America is a major importer of sex slaves, with conservative estimates fluctuating between 18,000 and 20,000 (*Opposing and Preventing*, 2012). Of those, nearly 80% are women and half are minors (Parker, 2007). Cases of human trafficking have been reported in all 50 states in the United States (Polaris Project, 2012).

In the document *Opposing and Preventing Global Sexual Trafficking* (2012), posted by the Salvation Army,

Over the last 10 years, the numbers of women and children [who] have been trafficked have multiplied so that they are now on par with estimates of the numbers of Africans who were enslaved in the 16th and 17th centuries.⁴

Given the expansive growth of this industry and how it is a fluid, ever-changing business, the ways in which this is able to occur must be examined.

Analysis: The Use of the Internet and How It Facilitates Sex Trafficking

There are multiple ways in which “sexual exploitation, such as prostitution, sex tours,

bride trafficking, pornography, live sex shows and rape videos for sexual entertainment” are encouraged and advertised (Hughes & Coalition Against Trafficking in Women [CATW], 1988). There once was a time in the not too distant past when individuals who wanted to have illegal sexual relations with a minor or with a stranger had to get up, get dressed, leave their home, and travel to a specific location. These predators would have to travel domestically or internationally to fulfill their perverted desires of molesting these victims. Those days are long gone. Men who desire to have sexual relationships with children and unconsenting women can do so at the push of a button. Finding victims is as easy as turning on a computer and searching online for unwilling individuals who are being used as sex slaves. The Internet has created a booming industry for sex slaves. Even though the majority of sex slaves are women, boys are targeted by predators as well.

One of the many avenues in which victims are taken advantage of and exploited is through the use of electronic media. Hughes and the Coalition Against Trafficking in Women (CATW) (1988) have called the Internet “the most unregulated communications network in the world.” The Internet has increased in commercial activity exponentially with the onset of the commercial sex industry. Historically, pornography was available predominantly in “photographs, magazines and videos” (U.S. General Accounting Office [GAO], 2003). Today, pornographic websites, online classified services, and the Internet are large facilitators of sex trafficking (Kloer, 2009). The profits made from offline pornography is estimated to be approximately \$8 billion in the United States alone (Regan, 2002). Other estimates show that figure to be even higher at \$10 to \$14 billion a year (Geisler, 2009). An indication of the vast amounts of money to be made in the porn industry is a court case that pitted a battle over the domain name *www.sex.com*. The ruling in this case found the domain name to be valued at \$65 million (Samson, 2003).⁵

There can be no discounting the power of pornography online as the estimates are that Internet pornography is now believed to net more than \$12 billion a year (The Third Way Culture Project, 2006). This is approximately the equivalent of ABC, NBC, and CBS’s combined yearly revenue.

Individuals can stay seated in the comfort of their home and “bid” on potential victims for sex and even pay for them via the Internet (“Teen Sold as Sex Slave,” 2010). This kind of transaction done in obscurity and anonymity has created an underworld that is fueling the sex trafficking industry. Men are able to hide behind screen names and firewalls and make identification much more difficult than when an officer could apprehend them on the streets.

Craigslist, which is used all over the country to sell anything from clothes to cars and everything in between, has also been used in offering for sale the sexual services of women and children. It has been estimated that Craigslist’s profits in 2010 were \$122 million with \$436.3 million from adult ads alone (Stone, 2010).

Craigslist has been referred to as an “online pimp” due to the extensive volume of sexual services offered on their site. The site officials have responded to negative media attention on this issue by saying that they are policing their website and “looking for signs of exploitation”; however, as of February 2010, there had been more than 3.5 million adult services ads posted by Craigslist the previous calendar year (Kloer, 2010).

Craigslist insists they are changing their process of screening ads, but it must be noted that even if Craigslist had 100 employees whose sole job was to screen these ads, each of these 100 employees would have to review approximately 1,000 ads a day (Kloer, 2010). That is the sheer volume of the quantity of ads posted on this site.

On May 19, 2010, an ad was printed in the *San Francisco Chronicle* as well as listed on the popular website *Huffington Post*. The ad was authored by two young girls who were “sold”

repeatedly on Craigslist by the men who exploited them. The girls, one as young as 11, were forced to have sex with strangers for “10 hours with 10 different men.” The pimp, of course, pocketed the money and forced these girls to do this over and over and over again. The ad is basically imploring Craigslist to take down and discontinue the “Adult Services” section of Craigslist. The young ladies were being forced to post their own ads on Craigslist and respond personally to the calls generated from their ad. They were transported from city to city and were in fear of beatings or ice water baths.⁶

Cook County Sheriff Thomas J. Dart took a stand against Craigslist and filed a federal lawsuit against the online service for creating a public nuisance via the “erotic services” section of their page. The Sheriff called Craigslist “the single largest source of prostitution” in the U.S. Sheriff Dart’s claim was based upon the volume of “human trafficking and juvenile prostitution arrests his vice officers” had made (*Sheriff Thomas J. Dart*, 2012).⁷

The Internet, as a conduit for sex trafficking, allows for sites like the Yellow Pages Online, mail-order bride sites, fraudulent employment opportunities, as well as numerous e-mail solicitations to be used as ways to trick, coerce, and entice unsuspecting victims into the web that is sex trafficking (“The Internet and Human Trafficking,” 2009).

Another form of exploitation via technology is online photo sharing. This process allows for large-scale production and dissemination of pornographic images of children, without the intrusive photo developer or postal worker uncovering the images (Kloer, 2009). Online photo galleries allow for the sexual deviant to choose victims to be sexually exploited from the comfort and privacy of his home. This also allows for the traffickers to have an even greater amount of flexibility to be mobile, all while sharing their pornographic images to their “clients.” These men are now able to choose escorts, companions, or even wives, after viewing this online photo album.

This technology has revolutionized the way traffickers and pimps exploit their victims, remain “hidden” from the public eye, avoid detection by authorities, and maximize profitability (Kloer, 2009).

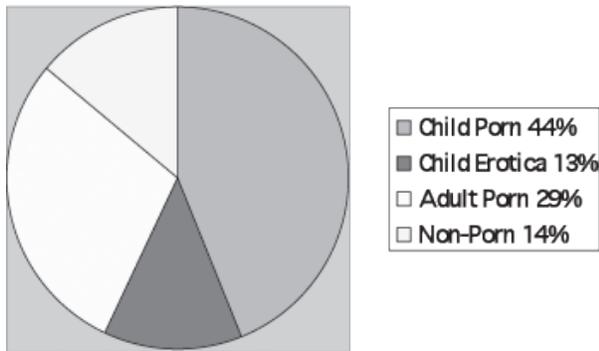
One such case of how pornography has moved from printed material to the World Wide Web arose in New Brunswick, Canada. Douglas Stewart, 51, was apprehended for being in possession of “millions of images of child sexual abuse” (CBC News, 2011). The judge in the case admitted that he needed time to access a proper sentence in the case because there had never been such a large amount of child pornography in a single case with a single defendant. This defendant possessed almost six million images of children being abused or in sexual positions.⁸ His stash of pornography “completely overwhelmed” law enforcement (The Royal Canadian Mounted Police) who had to employ additional servers to accommodate the evidence.⁹

In a similar case in Vancouver, the authorities arrested Warren Allen for being in possession of pornographic images of children (Fraser, 2011). This man was a part of a global community of sexual predators who participate in online trading of images involving children being sexually abused. This global sharing of graphic images of children being abused and abused included children as young as 4 years old. To indicate the global reach of this practice, law enforcement arrested 12 individuals in Canada, ten in the U.S., and three in Europe. Thankfully, 25 children were rescued.

There are numerous cases where men employ discretionary tactics in order to go undetected while sharing these illegal images. One such way is peer-to-peer file sharing programs (*Man Arrested*, 2011). These programs allow users to upload and/or download files to and from other users or groups of users. This is done in order to be surreptitious and to go undetected as they work directly with each other’s files. These programs do not allow the content to be viewable to the general public, and the content is not shared on a global, open network (*P2P & File-Sharing Software*, 2012).

The U.S. General Accounting Office (2003) (hereinafter referred to as GAO) has done research on how readily accessible pornographic images of children are on peer-to-peer networks. GAO was able to determine when using specific terms associated with child porn online that 42% of the results netted child porn images, 34% was adult porn, and 24% was non-pornographic.¹⁰ This same group also noted that juveniles are at greater risk of being unintentionally exposed to pornographic images if they use peer-to-peer networks. Predators have realized that if they embed these pornographic images in links that include search terms used by juveniles, these young people will “stumble” upon the images and land on these pornographic sites.¹¹ Figure 1 contains a classification of downloaded images as gathered through the Customs CyberSmuggling Center.¹²

Figure 1. Classification of Images Downloaded Through Peer-to-Peer File-Sharing Programs



With the advent of social media sites such as MySpace and Facebook, young people are bombarded with “friend” requests from individuals who could potentially be hundreds of thousands of miles away. These people, who are strangers, could have nefarious motives.

Real Stories of Sex Trafficking Victims

The general public may wonder how and why these victims are able to be sold and trafficked. These women and children are victimized, brutalized, and treated in inhumane

ways that create a genuine fear for their lives. Traffickers take control of their victims by isolation, confinement, and holding them captive. These perpetrators use and threaten to use violence against the victims and/or their families. Many victims have been traumatized to the point that they believe that the abuse is their fault and that they deserved it. Another tactic by pimps is to make victims become dependent upon them. Some force drugs on these woman and children thereby creating an addiction. Some victims in this process actually “bond” with the trafficker. These victims are taught to distrust law enforcement and have been told that they will be deported if they attempt to contact the authorities. Many are not even aware that they have a right to go to the police and are duped into believing that they owe exorbitant amounts for fabricated debts (“Ways Traffickers Control Their Victims,” 2011).

There are countless stories of victims being exploited for sexual purposes via the Internet. One such story is of Katya,¹³ a foreign exchange student, who came to America with a friend to work as a waitress in Virginia Beach, Virginia. Once she and the friend arrived at Dulles Airport, they were greeted by two men (Alex Maksimenko and Michael Aronov) holding signs with their names on them. These men told the young ladies that they had been re-assigned to jobs in Detroit where they would work but also would have time to work on their English skills. They then were given bus tickets to Detroit and had no reason to suspect any illicit motives. When they arrived in Detroit, their identification was confiscated, and they were given “stripping” clothes and told that they would have to dance for men in a nightclub for 12-hour days. As is employed in many trafficking cases, the victims are told that they owe the traffickers an exorbitant amount of money for varying fees. These fees are often five to six times more than the actual travel expenses. These women were severely beaten and sexually abused by their captors. They, and other women and children caught up in this sex trafficking industry, are intimidated through the use of physical

violence, mental torture, as well as food and sleep deprivation. Katya and her friend were fortunate enough to confide in a trustworthy customer who, after months of planning, was able to help the ladies escape from captivity. Maksimenko and Aronov were charged, convicted, and sentenced to time in federal prison for these offenses (Kahng, 2007).

As disturbing as this may seem, there is a website, www.slavefarm.com, that openly advertises for sale women who appear to have been beaten, abused, and tortured who are photographed bound, chained, and tied.¹⁴ This site openly claims to be “the world’s largest amateur BDSM site since 1998.” Beneath a photograph of a woman, hands tied behind her back, lying on her stomach, with her anus appearing to be bruised and bleeding, is a caption that says, “securely cuffed, hogtied and waiting for her punishment. This new slave is learning fast.” The photos are horrendous and brutal. They do not appear to be fabricated or staged. Another caption beneath a photograph of a naked lady with her nipples pierced by a chain that is attached, has a whip draped around her neck and has tape on her mouth as well as her eyes covered reads, “Can’t see, can’t talk . . . just waiting for pain and lust.”¹⁵ Other captions read, “our favorite slave Cathy tied hard and tormented,” “beautiful slave babe tied in the pillory,” “pet girl with rubber hood forced to drink like a dog,” and “blonde bitch gagged and hanging by her feet” (Franzblau, 2007). One photograph shows a naked woman lying on a table on her stomach, her arms are tied to the legs at one side of the table and her legs are tied right below the knees to the other two legs on the table.¹⁶ A member on the site leaves a post that reads, “Man does that look like fun. I would whip that ass til is (*sic*) was red and then fuck that right in the ass. Love her tied down like that.”¹⁷

In addition to having access to graphic, violent, and brutal pornography, membership has its “privileges.” Members have the ability to use the site to participate in auctions and rentals of victims, mainly women.¹⁸ The author notes that these sections of the website

are “essentially host sites for sex traffickers.” When an NGO brought this website’s actions and activities to the government’s attention, no action was taken against the site, and it still is in operation up to the date of this publication.¹⁹

An obvious example of this Internet site being used as a means for sex trafficking was a posting that was shown last year in which there was an offer to sell women who were from Thailand and Ghana to men in Sweden, Norway, Denmark, Italy, France, Germany, the Netherlands, and the U.S.²⁰ These poor and desperate women were being sold at a set rate and were described as “willing to become a ‘perverted man’s slave, toy and housekeeper.’”²¹ After the preference particulars were worked out, the buyer would be sent pictures of the slave and she would then be signed to a contractual slave agreement. The seller agreed to ensure that all entry documents for the slave would be provided as to her entry to the destination country.

One member, in response to an ad that stated, “I am very much interested in being auctioned off and am open to location,” gave a warning to all those viewing the post:

Bear in mind that slavery is illegal in North America, and most parts of the world, so a slave auction would not result in any legally enforceable ownership. While this is a relatively common fantasy, the reality differs a great deal. In my limited experience actual slave auctions can be split into two drastically different categories. First there are auctions held within a community where the buyers and “merchandise” are all well known. These tend to be of relatively short duration and clearly defined terms for how the slave can be used. Since communities engaging in this form of “play,” because it is play, tend to police themselves these seem to be generally positive experiences for all involved. People who are not suitable and trusted are not likely to be invited

to participate in an event like this. The other sort of slave auction is associated with human trafficking. Nobody in their right mind would want to be subjected to this sort of sale. To these buyers kink or fetish is irrelevant; the return on investment is the only thing that matters. The property might be put to work in a brothel but just as likely put to work making counterfeit Nikes or harvesting crops. If you disobey these people you're not going to be spanked or caned, but rather beaten within an inch of your life or killed. There is nothing wrong with having this fantasy but you should be EXTREMELY careful about making it real. Think really hard about what you are trying to accomplish and make sure you have considered all of potential consequences, not just the fun ones.²²

The person who posted this is well aware of the fact that trafficking in humans is illegal and is not advising potential buyers to not pursue the course of action but, rather, to "consider all potential consequences." Many of these members appear to see this all as a "fantasy" life and as a sort of parallel universe. But this is very real to these women who are being dehumanized, humiliated, and tortured for anyone with a computer to see.

This website is in violation of numerous laws, including the federal mandate known as the Mann Act, the Trafficking Victims Protection Act, as well as "most states' laws concerning conspiracy, facilitation, promoting prostitution, rape, assault, battery, and unlawful imprisonment."²³ This website is clearly being used as a vehicle for those intending to traffick in humans and promote the crime of prostitution. This information proliferated on this website should no more be considered free speech than a man walking down the street offering his sister up for sale to be used in pornography or as a prostitute.²⁴ The government's response to this website has been abysmal.

The World Wide Web is just that: WORLD WIDE. A person could be in Tokyo, Japan, writing another individual in Houston, Texas, and their communications are instantaneous. No delay in call and response. This ability to communicate to individuals all over the world at such a fast pace and with virtual ease has allowed websites like www.Dexterhorn.com to flourish and grow.²⁵ This is a website that, in no uncertain terms, promotes sex in Asia with underage individuals and has the banner of "Where to Find Sex and Adventure WORLDWIDE."²⁶

In order to access the information regarding the "naked photo galleries," reading books online and video clips of "Hot Latina" and "Hot Asian" chicks, one would have to sign up to become a member and pay \$7.95 per month.²⁷ The site sells pornographic videos as well as offers some pornographic videos for free in an effort to promote the sex tourism business.

Some of the videos that are for sale on the site include *Thai Teens in Heat, Vol. 1, Thai Teens in Heat, Vol. 2, Thai Teens in Heat, Vol. 3, Thai Teens in Heat, Vol. 4*, as well as *Thai Teens in Heat, Vol. 5*. The store also sells *How to Get Laid in Thailand, Oriental Baby Dolls, and Sex Odyssey in Thailand* (Franzblau, 2007).

The site sells books and includes titles such as *A Gentleman's Guide: The Erotic Women of Southeast Asia*. The book encourages men with low self-esteem to not be discouraged by their looks by saying,

Southeast Asia: there's more pussy out there than you ever dreamed possible. Best of all, it's readily available to anyone. If you don't believe me ask my old friend, "Wheelchair Tom," as we called him. He was the ugliest 55 year old son-of-a-bitch I've ever known. If that guy could score three underage girls a day, without even blinking, I have a feeling you'll do just fine. (as quoted in Franzblau, 2007, pp. 2-3)

This website not only promotes sex tourism but encourages travelers to videotape their sexual encounters with the children and women with whom they will be having sex (Franzblau, 2007).²⁸ The books note that the traveler is free to have any photographs developed in Thailand and mailed back to the U.S. but ONLY if the victim is over 18 years of age. The site offers materials that speak of not only renting the victims but of buying them as well. One of the many factors that contribute to the proliferation of sex trafficking is the lack of financial and educational opportunities offered to so many poor people in this world. Traffickers take advantage of that fact and capitalize on their victims' vulnerabilities. The books speak of that fact by signifying to the traveler that they are free to negotiate with the families of these young people as their desperation may get the traveler a good deal. The Internet is currently being used to promote and facilitate "johns" travelling to foreign countries to have sex with children and being offered opportunities to buy them from parents. Many times, these families are in desperate straits, impoverished, or have been tricked or coerced into selling their children. The Internet is being used to allow this to happen seamlessly and with little to no effort on the part of the buyer.

Conclusion

Likewise, for those of us who are in position to do something to combat human slavery, however small our contribution, neutrality is a sin. (Inspector General Joseph E. Schmitz, Department of Defense, 2011)

The Internet has the power to allow people to communicate in ways once never imagined. The amount of information accessible to people just by way of their fingers is amazing. We can talk to one another, see one another, and exchange ideas with one another from hundreds of thousands of miles apart. This incredible way of communicating with one another has the potential for good and the potential for evil. This same Internet can be

used to facilitate harmful and devastating pain in the lives of many. The Internet has allowed our world to become a global village where borders are no longer limiting where individuals may travel. This can be a positive; but in the context of sex trafficking, this is a negative.

The Internet is currently being used to facilitate sex trafficking via websites that advertise women and children for sex, websites that host auctions for people for rental and sale, and websites that advertise and promote sex tourism as well as pornography. The Internet is an avenue that traffickers, pimps, and johns have figured out can promote their business to levels never seen prior to the Internet's wide expansion and use.

Traffickers have created a fantasy world for the demand that is evident for these victims. They feed into the basest desires of johns, supplying these predators with women and children who are helpless to defend themselves. This fantasy world is all too real for these victims as the laws and the governing authorities have yet to adequately respond to this situation.

Trafficking includes a link in the chain of components that allow the industry to operate. The hidden link in the chain that must be addressed is the demand link (George, in press). We must tackle the demand issue in order to make a dent in the problem.

The CATW offered some laudable goals in its recommendation to the United Nations Working Group on Contemporary Forms of Slavery:

[It is recommended] that governments, as a matter of priority, review, amend, and enforce existing laws, to prevent the misuse of the internet for trafficking, prostitution, and the sexual exploitation of women and children; that governments and nongovernmental organizations undertake further investigation of the misuse of the internet for the purpose of promoting and/or carrying out

trafficking, prostitution, and the sexual exploitation of women and children; urges governments to act more forcefully to eliminate the trafficking in persons, the exploitation of the prostitution of others, and sexual exploitation on the internet; urges governments, in cooperation with interested nongovernmental organizations, to develop educational programs and policies and laws addressing the use of the internet by prostitution customers for the purpose of engaging in sexual exploitation; recommends that governments investigate and use as evidence of crimes and acts of discrimination advertising, correspondence, and other communications over the internet to promote sex trafficking, prostitution, and sex tourism . . . calls for new levels of cooperation among governments and national and regional law enforcement bodies in order to combat the escalating trafficking and prostitution of women and children, the globalization of this industry, and the misuse of the internet to promote and carry out acts of sex trafficking, sex tourism, sexual violence, and sexual exploitation. (Hughes & CATW, 1998)

The World Wide Web is being used in such a way that many victims are being caught in its web of violence, sexual deviation, and fetishes. We, as a global community, must rise to the challenge and seek to find ways to punish the perpetrators and free the victims from this life of slavery.

Endnotes

- ¹ Nathan Wilson is the founder of the Project Meridian Foundation in Arlington, Virginia, which helps police identify traffickers and their victims.
- ² We are in essence providing a ready-made defense for these perpetrators who will argue that a victim was not forced or induced via fraud or coercion and as such she understood and/or agreed to be trafficked. There are cases where a victim may not be able to prove force,

fraud, or coercion but nevertheless that is how she was tricked into this industry.

- ³ Parker (2007) references the movies *Sold* and *Trade*, which both chronicle the stories of victims of the sex trade and how their lives have been impacted.
- ⁴ Quoting Dr. Laura Lederer, a senior state department advisor on trafficking. She has studied sexual trafficking for 20 years at Harvard University.
- ⁵ The District Court further awarded plaintiffs \$40 million compensatory and \$25 million in punitive damages against Defendant Cohen.
- ⁶ See www.stopenslavement.org/archives/stop-traff806.pdf (as quoted from Saada Saar [2010]).
- ⁷ Quoting from the article: "Sheriff Dart demanded [Craigslist] either better monitor [the] postings or remove the category altogether. Just two months later, amid growing national pressure, Craigslist's administrators relented and made the very changes Dart demanded. Continuing that fight, Dart established a first-of-its-kind prostitution intervention team, which has drawn nationwide interest. Made up of former prostitutes and licensed supervisors, sheriff's staffers accompany vice officers on prostitution stings and perform on-site intervention after an arrest, encouraging women to immediately go to a recovery house and proceed with life-changing choices.
- ⁸ Stewart had been collecting pornographic images since the 1980s and had in his possession 4.7 million pornographic images and 1.2 million depictions of children nude or in bathtubs.
- ⁹ It took approximately 700 hours to categorize the images.
- ¹⁰ Of the 1,286 titles, 543 were child porn, which equaled 42%. In another search (using three specific words), the analyst downloaded 341 images, 44% of which were pornographic images of children.
- ¹¹ These "search terms" included names of cartoon characters and celebrities.
- ¹² The GAO noted that because pornographic images of children cannot be accessed legally by people or institutions outside of law enforcement for legal purposes, GAO worked with the Customs CyberSmuggling Center to perform the requisite searches. Customs "downloaded

and analyzed the files; GAO performed analyses based on keywords and file names only.”

¹³ Katya is not her actual name. Her identity is being concealed for her protection and privacy.

¹⁴ See www.slavefarm.com. Please note that this site is very graphic and disturbing (last visited November 9, 2011).

¹⁵ *Id.*

¹⁶ See www.slavefarm.com. Please note that this site is very graphic and disturbing (last visited November 9, 2011).

¹⁷ *Id.* Member’s identity is not revealed.

¹⁸ *Id.* The site is being used as a vehicle to sell, purchase, and rent human beings.

¹⁹ *Id.* Equality Now went to the FBI and to the Department of Justice with “auctions” that were being held on www.slavefarm.com, and the governmental agencies indicated that if the women were not participating against their will, then they would not launch an investigation into the matter. I last visited the site on November 11, 2011.

²⁰ *Id.*

²¹ *Id.* The seller was required to give an e-mail address, state whether he wanted a woman from Ghana or Thailand, her age, and what kind of sex she would be performing for him.

²² *Id.*

²³ *Id.*

²⁴ There really is no difference in these.

²⁵ This site is based out of California; <http://dexterhorn.com> (last visited November 11, 2011).

²⁶ *Id.* The opening page of the website shows approximately 11 Asian girls all naked, some in sexually suggestive poses with one another. The females appear to be very young, but the website has a disclaimer at the bottom of the web page that reads, “All images contained on the website of a sexual nature are of persons 18 years of age or older.”

²⁷ *Id.* The site offers differing plans at differing prices. The basic “Silver Plan” costs \$7.95 per month with some limited access to certain features. It costs \$35.69 for 180 days for the “Gold Plan,” which allows greater access, or \$59.69 for a year with full access to the site’s features.

²⁸ *Id.* At p. 268. The book encourages the traveler by saying, “there’s nothing more exciting than making your own private collection of nudity

photos and XXX rated home videos. When you see yourself on TV doing it with 2 or 3 young girls at the same time, well-hey! You’re a star! Yeah you’re fat, toothless and stupid, but sure, you’re a star.”

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The Third Wave: Human Trafficking in the Western Balkans

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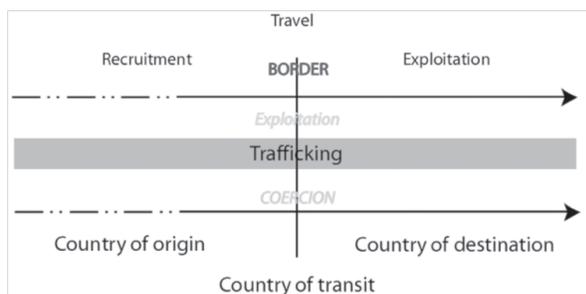
Introduction

In “new democracies,” we have been facing a so-called “Third Wave” (Huntington, 1991) of democratization since 1974, encompassing the states of Southern Europe, Southeast Asia, Latin America, and Eastern Europe, and it brings movements of people to the European Union (EU), most of them through human trafficking. Post-modern society is characterized by unpredictable and explicitly contradictory economic, political, and social developments (Dobovšek, Sotlar, & Flander, 2009). Capitalist society today is characterized by the following: (1) economic and political globalization, which is becoming increasingly similar to economic and cultural imperialism. Among other things, it aggravates the polarization between the so-called developed and undeveloped world; widens the gap between different cultures and civilizations; encourages religious fundamentalism and (consequently) terrorism; increases poverty (in the developed and undeveloped world), neglect, and exclusion of vulnerable social groups (such as minorities, youth, the elderly, etc.); and diminishes the possibility of individual countries working out a strategy of their own economic and general development and, thus, facing their own problems; (2) a neo-liberal capitalist economy, which is forcing its functional, market, and profit logic upon different areas of social relations (including those where it has nothing to offer); (3) political and economic integration efforts, in particular in European regions, which appeal to common goals and values, multi-ethnic cooperation, coexistence, tolerance, etc., yet at the same time bring about a worrying increase in isolationism, xenophobia, populism, and ideological and political (neo)conservatism; (4) digitalization and informatisation of social processes

which are changing the foundations of the modern world as we are entering an era alternately referred to as the “information,” “digital,” “postindustrial,” “post-modern,” “hyper-modern,” “hyper-technological,” and “cyber” age; (5) a critical and skeptical approach in the field of social studies, which has undermined the authority of (social) studies and puts the emphasis on the relativity and limits of its (cognitive) potentials in search of the truth about man; (6) the appearance of critical post-modern approaches in philosophy which stress the position that ratio should not be defined only as the central progressive force of historical development but also as the means and a tool that has been used throughout history in different, more or less subtle ways, by protagonists of different ideological and political backgrounds to dominate and to preserve the achieved social position (such trends have undermined the foundations of modern enlightenment’s “big story” about the exclusive role of science and rationalism in the emancipation of mankind); (7) transformation of social values and lifestyles, which has led to experimenting with life practices and their increasingly flexible, plural, and atomistic nature. It has also strengthened ideological, religious, and moral traditionalism; (8) a number of dramatic discoveries in astronomy, physics, genetics, and medicine, which have sharpened the contrast between largely liberal ideas about the world and man on the one hand, and more or less dogmatic (conservative) ideas on the other; and, last but not least, (9) the appearance of new, complex forms of extremely intensive and far-reaching threats to individual and collective security. These all lead to a massive movement of migrants, some of them in the form of human trafficking, where organized crime uses opportunity to earn money.

In the fundamental view, *human trafficking* refers to the recruitment, sale, or transfer of vulnerable individuals or groups between countries with the purpose of exploiting individuals through prostitution, forced labour, slavery, or the transfer of organs for profit. Victims may be constrained through payment, physical force, deception, and/or fraud (Čurin, 2006, p. 11). Here, some caution must be advised as trafficking with people as a form of transnational crime is often confused with people smuggling. Even though there can be clear connections (both done by the same organised group per se), to distinguish them is also important as trafficking can be done within the same countries¹ (Nikolić-Ristanović, 2011b, p. 72). However, we can still say that human trafficking is a highly complex phenomenon that in the majority of cases is going on in multiple countries (as seen in Figure 1 below) and that is why cooperation between different countries is needed. International cooperation must include investigators (Dobovšek & Kranjc, 2006, p. 53), NGOs, and all institutions that deal with this subject.

Figure 1. The Trafficking Process in Views of IOM



Source: International Organization for Migration (2009)

Because of its specifics and extent, a more detailed view on human trafficking can only be done through a specific prism (either law—researching the legal foundation for prosecution of human trafficking; victimisation—researching the psycho-social effects on victims, NGO networks, etc.; criminological; penological; psychological; and so on). The following uses primarily criminological notations (providing

basic data and comparative review of the state of human trafficking in the Balkan region).

However, there is a worldwide shortage of proper information on trafficking, usually due to

- the underground and illegal nature of trafficking.
- the lack of anti-trafficking legislation in many countries.
- the reluctance of victims to report their experiences to the authorities.
- the lack of government priority given to data collection and research. (International Organization for Migration [IOM], 2011, p. 1)

Yet lately, there were some noteworthy exceptions in regard of empirical studies. Works of Englund et al. (2008) or Jokinen, Ollus, and Aromaa (2011) for the Baltic region and Nikolić-Ristanović (2011a) for the Balkan region empirically corroborate presumptions that accompany human trafficking and also investigate the means and methods of traffickers (e.g., the usage of travel agencies, role of violence, other means of tying the victims to themselves, etc.).

The impact of human trafficking acts upon the dynamics of supply and demand which are manifested in different combinations of push (e.g., economic problems, political instability, conflicts, violence against women) and pull (e.g., employment opportunities, including sex industry, myths about Western countries, presence of military and international organisation and businesses) factors (Nikolić-Ristanović, 2011b, p. 80)

Discovering the criminal act of human trafficking is very hard because the perpetrators are extraordinarily well-organized internationally. They all have very precise roles, from those who recruit victims, those who transport them, and in the end, to those who execute restraint. It is a closed circle of people, which makes the work harder for the investigators.

Capacity-building projects within the judicial system are as much a part of the process of dealing with organised crime as legislation (Dobovšek,

Žibert, & Pirnat, 2008). Participating informants and undercover policing operations remain a critical component in combating organised crime. International assistance and conditionality must be coordinated to avoid overburdening local administrations. “Required” standards for the police and judiciary in cases of human trafficking, at least for Europe, are now more clearly demanded as of January 7, 2010, because of the European Court of Human Rights’ judgment in the case of *Rantsev v. Cyprus and Russia* (2010, Application No. 25965/04), in which Cyprus and Russia were found guilty of improper managing of proceedings and investigation of a case of human trade.

What matters most in combating human trafficking is accurate, precise, and punctual information and cooperation. But, can we say that human trafficking is increasing and that there are differences between the East and West? We can answer that question with comparisons of accessible and reliable data, but even so, we cannot give reliable answers. Here, countries of the Western Balkans are no different as they often have problems such as the lack of adequately protected property rights, the lack of local employment opportunities, and the fragility of states.

Human Trafficking in the Western Balkans

Human trafficking is a form and activity of organized crime, which accumulates big earnings for the traffickers. Western Balkan states are not in any way different. Slovenia and other countries in the region are countries of origin, transport countries, and countries of final destination.

The Western Balkans, with its chaotic past, has all of the previously mentioned push factors and even some pull factors (Maljević, 2011; Nikolić-Ristanović, 2011b). All this has caused a severe flow of persons in search of a better life out of the region. Balkan countries are also a destination because of the chaotic conditions (i.e., lack of rule of law and nonworking repressive institutions, meaning less chance of apprehension,

and the presence of a good deal of peacekeeping foreigners, meaning high demand) (Friman & Reich, 2007; Maljević, 2011; Nikolić-Ristanović, 2011b). There is a severe gap between numbers of international agencies or NGO numbers (here numbers go in hundreds of thousands) (Friman & Reich, 2007), however, and the number of official statistics as we shall see in the following subchapters. On the other hand, several studies confirmed the usual beliefs that accompany human trafficking and those characteristics are seen as distinctive worldwide. For instance, low-level Western Balkan traffickers are often not well-educated and are unemployed without a criminal record, reflecting the attractiveness of “organised crime” as a labour market (Nikolić-Ristanović, 2011a).

Regarding human trafficking in the Western Balkans, we can freely say that there are two main *modus operandi* systems (Dobovšek, 2006), which track the length of the journey (geographical distance from the country of destination), conditions for entry into targeted countries (i.e., transit country), money invested, and law violations. The first *modus operandi* typically consists of one or more individuals (groups of three to five persons).² In many cases, the *operandi* are not organized in advance and decisions can be made *ad hoc*. The level of sophistication necessary for an operation may depend on the distance from the targeted country; therefore, it is possible to successfully finish the journey without any special help and/or high levels of organization. Most often, nationals of Serbia and Montenegro, Macedonia, Romania, Moldavia, and Albania decide on the type of migration. Breaking the law on these occasions is rare or may lead to a misdemeanour, and human trafficking is typically arranged using public transport, with the help of local inhabitants.

The second *modus operandi* involves advanced planning and organized efforts, involving a large group (10 or more persons), a complex journey that may include local assistance and funds allocated for transportation. The second *modus operandi* will typically be organized through the centre and operated by specialized

criminal organizations. It is especially a problem in distant countries such as Iran, Iraq, Pakistan, Bangladesh, China, Turkey, and the African nations. New forms of *modus operandi* have become an issue in tourist countries which are open to foreign investments (Dobovšek, 2006). Englund et al. (2008) in their empirical study of human trafficking in Sweden, Finland, and Estonia have confirmed the involvement of travel agencies. It is safe to assume that this involvement of travel agencies in human trafficking extends far beyond the Baltic region.

For more corroboration on the state of human trafficking, we gathered some official data regarding the extent and basic forms of human trafficking in four selected countries. The data were mainly from police statistics and NGOs and were acquired from web pages of either the National Coordinator for Curbing Human Trafficking or web pages of the Ministries of Internal Affairs. Commendation goes to the fact that data for several years can be accessed through one website for the whole country. However, it is only available in the native language (except for Slovenia's) and so makes international research more difficult for those who are not fluent in the regional language. These basic data were chosen for easier and more valid comparison as, for example, when examining court statistics and such, more distinctions must be considered.

Slovenia and Human Trafficking

Because of its geostrategic position, in most human trafficking cases, Slovenia is a transitional European country; however, it does appear as a country of origin and a country of final destination as seen from annual reports of the Slovenian Interdepartmental Working Group for the Fight Against Trafficking in Persons (Government of Republic of Slovenia, 2010) (see Table 1). As a final destination, Slovenia is especially connected to the sexual exploitation of women. In Slovenia, reports on criminal acts linked with prostitution are very rare and require police initiative to bring offenders to justice. Because this kind of activity is normally linked with organised crime, it is even harder to uncover it.

In 2003, a governmental Interdepartmental Working Group for Curbing Human Trafficking was established (Government of Republic of Slovenia, 2010), yet the majority of the problems remained as the government is still reluctant to cooperate with nongovernment and international organisations. The police are also not educated enough in the field of human trafficking. This phenomenon is often mixed with illegal migration and prostitution, through which phases of human trafficking are actually hidden. For the abolition of these shortcomings, a qualifying program for criminal investigators and regular police officers was formed (Peršolja, 2006, p. 51). Another issue is that the general population has a high tolerance for violence that presumes the stereotypical image of "morally disputable women from the East" that enter this kind of trade willingly. This kind of stereotypical understanding prevents them from seeing the real situation, which is that citizens of Slovenia are also involved in this trade. The result of this is weaker networks of help.

In 2007, there was an increase in a new form of exploitation—a so-called forced begging (*Report on the Work of Slovenian Intergovernmental Working Group on the Fight Against Trafficking in Human Beings for 2007*, 2007)—where minorities or women and children are forced to beg on the street, giving all money received to organised groups.

Although we do have a proper legislative foundation,³ we lack preventive programs and activities to combat organised crime or human trafficking; thus, preventive activity against human trafficking is left to individual efforts of state or nongovernment and intergovernment organisations (Peršolja, 2006, p. 51). On top of that, there is a lack of cooperation between NGOs⁴ and government services that are obliged to take measures in these cases (Leskošek, 2006, p. 135). The absence of research in this area is also one of the problems in Slovenia. There are no real experts in this field (Dobovšek et al., 2008, p. 653). The same goes for the work of the NGOs.

Table 1. Police and NGO Statistics on Human Trafficking in Slovenia

	No. of	Year								
		2002	2003	2004**	2005	2006***	2007	2008	2009	2010
Intervention in prostitution	offences	21	14	2						
	suspects	25	25	3						
	victims	13	13	6						
Procurement	offences		3	3						
	suspects		1	1						
	victims			5(-5)						
Bringing into slavery relationship	offences	10	4	2	4	2	7	3	1	
	suspects	30	8	1	6		6	5		
	victims	15	15	5	2		5	6		
Exploitation through prostitution ⁵ ****	offences			6	14	22 (8)	4	5	29	18
	suspects			6	13	65	7	7	12	16
	victims			13(-6)	8	28	3	40	25	17
Human trafficking*****	offences			1	5	6 (1)	5	10	2	3
	suspects			1	6	11	2	24	1	5
	victims			1	8	16	1	22	3	10
Offered help****		8	7	14	16	40		93*	68*	27*

* Includes safe houses + PATS counselling⁶ plus other form of help.

**There were a total of 25 injured parties, but only 19 of those were identified as victims of trafficking. There were also six citizens of Slovenia, victims of abuse of prostitution, and there weren't any characteristics of trafficking. Among the foreigners, there were the same people—five victims under two different articles—which means that there were only five actual persons victimised.

*** Number in brackets represent the number of cases in connection with organised crime.

**** Help offered by NGO "Key" and Karitas. Numbers vary as the Karitas wasn't active the whole period. Numbers also include those victims who were cited in police statistics, and sometimes both NGOs handled the same case. This is *not* reflected in this table!

***** Modified articles under new *Criminal Code*.

Data gathered from annual reports of Interdepartmental Working Group for Curbing Human Trafficking of Government of Republic of Slovenia. All data are accessible on web pages of the Government of Republic of Slovenia (2010).

Human Trafficking in Croatia

Croatia is a destination, source, and transit country for men, women, and children subjected to conditions of sex trafficking and forced labour. Croatian women and girls fall victim to sex trafficking within the country, and women and girls from Serbia, Bosnia and Herzegovina, and other parts of Eastern Europe are subjected to sex trafficking in Croatia. Some Croatian women and girls are subjected to sex trafficking in Western European countries. Children, including Roma, are subjected to forced begging, theft, labour, and sexual exploitation. (U.S. Department of State, 2011a, p. 136)

In 2008 and 2009, there was an increase of labour exploitation of young men who worked on

agricultural farms (Republic of Croatia Ministry of the Interior, 2011). (For some statistics regarding human trafficking in Croatia, see Table 2.)

Croatia has ratified and published the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children and the Protocol Against Transportation of Migrants Through Land, Sea, and Air (Kregar & Turković, 2006, p. 52). If one commits the act of human trafficking, the sentence is from one to 10 years in prison. If human trafficking is committed by a group or criminal organisation, if it is committed by a larger number of people, or if it is the cause for death of one or more persons, the perpetrator will be punished with the minimum of five years in prison or a long-lasting prison sentence (20 to 40 years). Even if the victim

Table 2. Human Trafficking in Croatia

Year	No. of cases	Suspects or defendants	No. of victims	
2002	51		8	Includes the following criminal offences: establishment of slavery and transport of slaves, international prostitution, and procurement.
2003	51		8	Includes the following criminal offences: establishment of slavery and transport of slaves, international prostitution, and procurement.
2004			19	
2005		9	6	Trafficking and slavery (Article 175 of <i>Croatian Criminal Code</i> [CC])
2006	10	17	13	Trafficking and slavery (Article 175 of CCJ)
2007	9	20	15	Trafficking and slavery (Article 175 of CCJ)
2008	9	15	*7 (+2)	Trafficking and slavery (Article 175 of CCJ)
2009	5	11	8	Trafficking and slavery (Article 175 of CCJ)
2010	5	10	7	Trafficking and slavery (Article 175 of CCJ)

* Same people were exploited in several different criminal acts.

Data were gathered from Web pages of Government of the Republic of Croatia (2011) and Republic of Croatia Ministry of the Interior (2011).

willingly did this, it has no effect on the verdict (Kregar & Turković, 2006, p. 52). There is a lack of research on the whole organised crime phenomenon. The cooperation in the international area is still not intense enough as there is limited cooperation with EURPOL, EUROJUST, and EJN. Institutions for discovering organised crime and human trafficking are not efficient enough (p. 52). The majority of victims are of Croatian, Serbian, Bosnian, and Ukrainian nationalities (Republic of Croatia Ministry of the Interior, 2011).

Human Trafficking in Serbia

Serbia is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labour. Foreign victims found in Serbia originate primarily from neighbouring countries and elsewhere in Eastern Europe. Children, including ethnic Roma,⁷ continue to be exploited in the commercial sex trade, subjected to involuntary servitude while in forced marriage, or forced to engage in street begging. Based on recent anecdotal evidence, Serbian citizens remain vulnerable to forced labour in third countries, and foreign victims also may be subjected to forced labour in Serbia. (U.S. Department of State, 2011b, p. 315)

One of the most noticeable things is the shift of nationalities of victims of trafficking. Until 2004, the predominant percentage of victims originated from the Eastern Bloc (Russia, Ukraine, Rumania, and Moldova), but since 2004, there has been a severe increase of victims of human trafficking of Serbian nationalities. Men of Serbian nationalities are more and more frequently exploited for forced labour (Ministry of Internal Affairs of the Republic of Serbia, 2011b). According to the U.S. Department of State (2011b), "Authorities also reported an increase in the number of Serbian victims identified in the southwestern region of the country and an increase in the number of male children identified for forced begging" (p. 315).

For years, there has been minimal research on the existence of organised crime. For a long time, it was not desirable to talk about the existence of organised crime, which gave it time and power to develop even more. This was also the cause for poor results from investigations. There is also a lack of cooperation between different subjects. Measures that were already taken against human trafficking were not enough, and some additional measures should have been taken (Bošković, 2006). Human trafficking was introduced as a criminal offence in 2003 and has been amended through time (Nikolić-Ristanović, 2011a).

According to Serbian statistics obtained by Nikolić-Ristanović (2011a), from 2004 until

2009, there were 367 people reported for the offence of human trafficking. Three of them were minors and 96 were accused. Of those, only 84 were convicted. Among them were males, females, and minors. (See Table 3 for statistics on human trafficking in Serbia.)

Human Trafficking in Bosnia and Herzegovina

In 2003, once a national coordinator for the fight against human trafficking was established (Ministry of Security of Bosnia and Herzegovina, 2003), there were noticeable improvements. Unfortunately, the progress—remarkable at it—was limited as Bosnia and Herzegovina is still trying to set up functional institutions of government and to establish a rule of law (Maljević, 2011, p. 135).

One of the problems was a nonexistent unified police force.⁸ With the signing of the Dayton Peace Agreement in 1995, it was determined that the police force should be formed in the framework from entities of Bosnia and Serbia (Petrović & Muratbegović, 2006b, p. 154). Due to the fact that Bosnia and Herzegovina is divided into two equally strong entities, the state has weak control (Maljević, 2011). Also, proper centralised data are lacking, and the

most centralised data can be gathered from the Court of Bosnia and Herzegovina, which was formed in 2003. Reasons for optimism are present, however, because some official institutions for data collection are being formed. This global approach through criminological studies is opening a new era of exploration and research (Petrović & Muratbegović, 2006a, pp. 107-109).

Bosnia has signed the UN Convention for the Fight Against Transnational Organised Crime; the Protocol Against Transportation of Migrants Across Land, Sea, and Air; and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Petrović & Muratbegović, 2006a, p. 89). Some implementation problems for these agreements remain as there are 180 ministries responsible for governing Bosnia and Herzegovina, thus providing fertile ground for all types of corruption, including corruption of the police and judiciary (Maljević, 2011, p. 136). In various services, there are incompetent individuals who are far from being experts (Petrović & Muratbegović, 2006a, p. 120). One of the problems is therefore also the absence of a legal framework for coordinated activity of the representatives of all state organizations that are working together in the battle against human trafficking and illegal migration. Because of this, the Council of the Minister of

Table 3. Statistics on Human Trafficking in Serbia

Year	Filed criminal charges	Number of suspects	Number of victims	Number of criminal offences
2000	41	57	--	52
2001	72	49	--	75
2002	31	47	--	62
2003	14	46	30	18
2004	24	51	35	24
2005	20	43	26	20
2006	37	84	56	37
2007	34	74	96	34
2008	32	81	55	35
2009	51*	54	127**	--
2010	47	99	76 (+89)***	--

* Criminal charges under Article 388 of *Criminal Code of Republic of Serbia (RS)*.

** The number that was identified by Workers of Coordinating Body for Victims of Human Trafficking. Meanwhile, the Ministry of Internal Affairs of the Republic of Serbia identified 85 victims in the 51 cases (there exists the possibility that several victims are included in both data sets).

*** Number in parentheses represent the number of victims of trafficking recognised by Workers of Coordinating Body for Victims of Human Trafficking. Of this, the number of confirmed victims of trafficking was 61, and the number of potential victims was 28.

Data were gathered from official statistics of the Ministry of Internal Affairs of the Republic of Serbia (2011a).

Bosnia has formed a Fight Group against human trafficking, which consists of the Bosnian prosecutor's office, the Bosnian federal prosecutor's office, the Serbian Republic public prosecutor's office, the Bosnian public prosecutor's office, the Bosnian state border service, the State Agency for Investigation and Protection, Brčko Police Interpol, the Finance Police, the Bosnian Tax Administration, the Serbian Tax Administration, and the Attorney General (p. 90).

In Bosnia and Herzegovina, migrations present a phenomenon which is linked with foreigners visiting Bosnia (Dobovšek et al., 2008; Maljević, 2011):

Bosnia and Herzegovina is a source, destination and transit country for men, women and children who are subjected to sex trafficking and forced labour. Bosnian victims are subjected to sex trafficking and forced labour in Azerbaijan, Slovenia, Croatia and other countries in Europe. Women from Albania, Serbia, Kosovo, and Bosnian women and young girls were subjected to sex trafficking within the country. Local girls, particularly Roma, were trafficked, using forced marriage, for the purpose of domestic servitude. Roma boys and girls, some as young as 4 years old, were subjected to forced begging by organized crime groups. (U.S. Department of State, 2011a, p. 49)

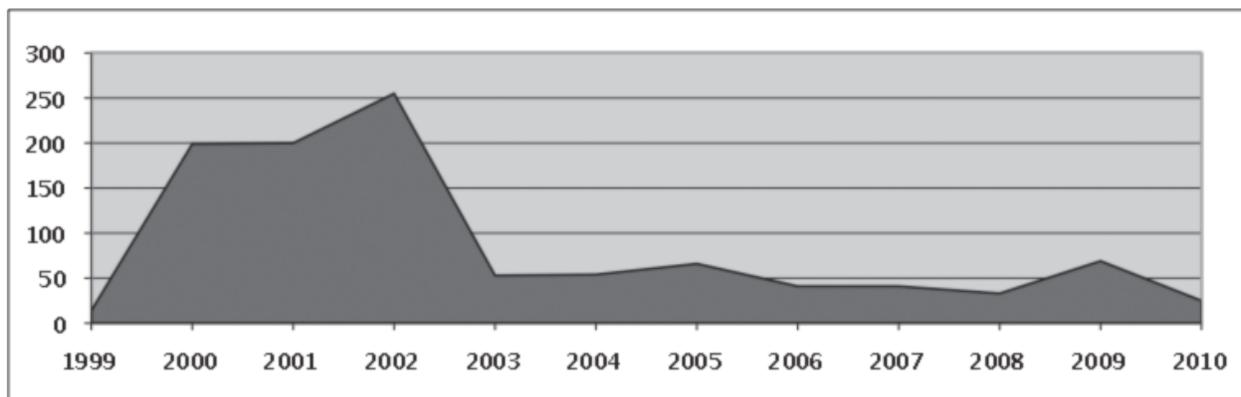
In the Ministry of Security of Bosnia and Herzegovina (2010b), there was noted that the majority of cases did relate only to small-scale organised groups (without strong interpersonal connections, broad organisation, or a vertical hierarchy).

Regarding the victims of human trafficking, Figure 2 shows an enormous decline of the numbers of identified victims of human trafficking.

International cooperation has become more efficient in the past few years. In the complex of European integration processes, Bosnia is developing projects from the domain of international cooperation with every relevant authority which touches the country's interest and leads Bosnia toward the EU (Petrović & Muratbegović, 2006a, p. 115). (See Table 4 for some statistical oversight.)

If we look at all of the countries discussed here, we can see that they have some similarities regarding data collection and its problems. It is very hard to measure the whole concept of organised crime, not just human trafficking. Institutions that have this job of gathering statistical data are too often not in contact with each other and do not cooperate among themselves. There is still a large grey area regarding investigated and discovered criminal acts connected to organised crime. Also, in all these countries, reporting such crimes is a big problem. People often do not report such crimes because they

Figure 2. Numbers of Identified Victims of Human Trafficking, 1999-2010



Source: Ministry of Security of Bosnia and Herzegovina (2010b)

Table 4. Number of Criminal Offences Regarding Trafficking in Bosnia and Herzegovina

Year	Reported	Investigations	Reports	Offences	No. of suspects
2001	95				158
2002	70				90
2003			38	39	66
2003			38	39	66
*2004			40	48	91
**2005		68 (31 from p.y. ¹⁰)	36	36	59
2006		90 (48 from p.y.)	63	34	77
2007		~ 34 (from graph 23)	34		65
2008					53
2009	23	44 (24 from p.y.)			
2010	22	(29 from p.y.)			

* Includes Article 189 *Criminal Code of Bosnia and Herzegovina* (CC of BiH) (smuggling migrants), Article 188 CC of BiH (unlawful deprivation of identity documents), Article 187 CC of BiH (for prostitution), Article 186 CC of BiH (human trafficking), Article 210 CC of Federation BiH (mediation in prostitution), Article 203 CC of FBiH (rape), Article 251 CC of RS (mediation in prostitution), Article 373 CC of FBiH (illegal transfer of persons across the state border), Article 380 CC of RS, and Article 249 CC of FBiH (Ministry of Security of Bosnia and Herzegovina, 2004).

** Include similar articles as for 2005. For more, see the Ministry of Security of Bosnia and Herzegovina (2005).

Source: Annual reports of State Coordinator for Combating Trafficking in Human Beings and Illegal Immigration in Bosnia and Herzegovina available from the Ministry of Security of Bosnia and Herzegovina.

are too afraid. Things are moving in the right direction, and a great deal has already been done to ensure that data are more accurate and also on the investigation and prosecution fronts. However, there is still a long road ahead. Some of these countries still feel the consequences of transition and the consequences of war, and it is only logical that improvements cannot be accomplished overnight.

Discussion

Through various statistical and other reports, we have established that illegal human trade is very much present in the area of the Western Balkans. There are similar problems in all of these countries, but in some more than in others. Human trafficking is one of the “branches” of organised crime and, just like the whole phenomenon of organised crime, human trafficking is very hard to investigate. For various reasons, people are unwilling to report such activity, and it is on the criminal investigators and police to find traces of such trade. Media, if willing, can also be a good source for investigating such acts. For dealing with this activity, there needs to be cooperation between a large number of government and nongovernment organizations and that is still lacking in the countries discussed herein.

States have found out that for finding at least the approximate extent of human trafficking in their states, it is necessary to consider some other indirect indicators. For instance, we usually have statistical records of foreign citizens who are working within the state, but no other reliable data are available. It is necessary to give special attention when issuing work permits for the so-called “hazardous professions,” which could potentially lead to human trafficking. Under these professions, we consider bar dancers, entertainers, construction workers, and work permits given to citizens of other countries.

The countries of the region need to take a more balanced approach to gathering and collating criminal intelligence. Operations should be based on accurate threat assessments, not on political or media priorities. There is still no right approach to this problem. There is no incorporation of human trafficking in broader programmes of development nor strategies for reduction of poverty. The problem of human trafficking is mostly treated as an isolated phenomenon, outside of its tight connection to structural problems like poverty, a deeper and deeper gap between rich and poor, unemployment, social exclusion, discrimination, and other forms of violence against women and children. There is also limited efficiency

in existent programmes. A big problem is also the non-existence of formal global mechanisms for the reduction of human trafficking.

Future arrangements regarding human trafficking will also be based on the security policy adopted by the parliaments, taking into consideration national security aims and ambitions, objective-driven circumstances, threat sources, and the level of security culture. One of the main tasks of every security policy is to prevent and successfully confront different sources and types of threats, which makes the role of the state all the more important and responsible. It has to be pointed out that some old, pre-modern paradigms of security provision can introduce new security challenges, risks, and threats. Security policy at the national and global level is too often linked only to collective entities ("international," "national," "state," and "public" security) and not to the provision of international and constitutional fundamental human rights and the ideas implied in their thorough implementation. A repressive war on human trafficking in its present form increases trust in the intimidating and preventive side of the criminal justice process, which, to a large part of the population (with the exception of the economic and political elite), brings not more but less security, together with less democracy, less rule of law, and less respect for human rights and freedoms.

Endnotes

- ¹ When examining the situation in the Western Balkans, the within-country trafficking is most evident for Serbia, where the majority of victims treated were of Serbian nationalities. For references, see the section "Human Trafficking in Serbia."
- ² This was empirically confirmed for Serbia by Nikolić-Ristanović (2011a) in her study in which data she gathered show that in 40% of the analysed cases the trafficker was part of group of three to five accomplices, 22.2% were part of a group of 10 or more, and 15.2% had only one accomplice. There are some other different forms of groups, but in smaller percentages.

- ³ Our criminal code defines human trafficking in Article 387: "Whoever purchases another person, takes possession of them, accommodates them, transports them, sells them, delivers them or disposes with them in any other way, or acts as a broker in such operations, for the purpose of prostitution or other forms of sexual exploitation, forced labour, enslavement, servitude or trafficking in organs, human tissues, or blood, shall be sentenced to imprisonment of between one and ten years."
- ⁴ Financing of NGOs must be directed to various organisations and must stimulate the formation of new ones in the fields (Dobovšek et al., 2008, p. 653).
- ⁵ Previously "Abuse of prostitution."
- ⁶ The PATS programme is a prevention project tailored specifically to raise awareness of trafficking among applicants requesting international protection in the Republic of Slovenia. The project targets newly arrived applicants for international protection, notably unaccompanied minors and single women. The operator provides information consultations which are carried out through an interpreter in a language the applicant understands (*Report on the Work of Slovenian Interdepartmental Working Group for Combating Trafficking in Human Beings 2010*, 2010, p. 14).
- ⁷ Roma people are especially problematic as they seem to make a significant contribution in trafficking of children of both sexes, including sale of their own children (Nikolić-Ristanović, 2011a).
- ⁸ Except the statewide Border Agency.

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The Child Labor Situation: An Analysis Focusing on Iasi and Vaslui, Romania

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International Context

According to the International Labour Organization (ILO), more than 200 million children worldwide are involved in labor (UNICEF, 2011). Child labor not only is damaging to children's mental, physical, and emotional development, it also prevents children from acquiring education for the future, thereby perpetuating poverty through a loss of competitiveness. Children work for several reasons, ranging from family survival to inadequate family income or a lack of educational opportunities.

UNICEF (1999) defines child labor as work that exceeds a minimum number of hours, depending on the age of the child and on the type of work. According to this definition, domestic work, such as household chores and taking care of siblings, becomes child labor when a child between the ages of 10 to 14 spends more than 28 hours per week working domestically. In addition, the UN Minimum Age Convention states that the minimum age to work shall not be less than the age of compulsory education and shall not be less than 14. Further, Article 3 of UN Convention 182 partly defines the worst forms of child labor as "forced or compulsory labor, and work, which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children" (ILO and Understanding Children's Work, 2010).

Of those involved in child labor, 2.5 million children are in developed economies, while 2.4 million are in transition economies (ILO, 2005). Further, 127.3 million are in Asia and the Pacific, 17.4 million are in Latin America and the Caribbean, 48 million are in Sub-Saharan Africa, and 13.4 million are in the Middle East

and North Africa (ILO, 2009). In terms of children per population, Sub-Saharan Africa has the highest incidence in employment, while Asia shows lower participation rates but hosts the largest number of children in employment (ILO, 2010c). Progress to reduce the number of children working remains slowest in Sub-Saharan Africa.

Data collected in Romania in 2001 of a sample of 150 street children working more than eight hours per day showed that 44% begged, most had contracted a disease, 93% dropped out of school, 34% were illiterate, and 49% had been beaten by family members (ILO, 2010c). This translates to significant vulnerability to being exploited and/or trafficked. Trafficking in persons is defined as the recruitment, transportation, transfer, harboring, or receiving with the intention to exploit. The typical trafficked child is between 14 and 17 years of age from a family with socioeconomic problems, low levels of education, and who harbors a false perception of life abroad (ILO, 2010c). Efforts to reduce the numbers of child laborers and child trafficking victims are directly related to successfully placing them in schools.

Official data on child trafficking in Romania (the only information available to document child labor) shows that in the first quarter of 2010 there were 126 minors identified as victims of trafficking, of whom 99 were girls and 27 were boys (World Vision, 2011). Child trafficking increased by 50% compared to the same period in 2009.¹¹ Internal child trafficking involved over 75% of these victims, with 94 of them being trafficked for sexual exploitation and 32 trafficked for labor or forced begging. Further, national statistics show an increase in the percentage of children dropping out of school after the 5th grade. Boys are dropping

out of school at a higher rate than girls. In the 2008-2009 school year, the dropout rate of children in rural areas increased from 2.3 to 2.5% (World Vision, 2011).

Child labor creates numerous problems. Children involved in labor have greater difficulty attending school. A research sample of 60 developing countries indicates that children in employment face an attendance gap of at least 10% in 30 of the countries surveyed, including Romania (McKenzie & Rapoport, 2006). Further, children engaged in labor are more socially vulnerable. As a result of their compromised education, they are more susceptible to economic fluctuations because of their work in the informal economy. Additionally, child laborers are more likely to suffer from health hazards, specifically ergonomic factors associated with heavy lifting as well as lung problems resulting from working in mines and construction. Statistics show that for every 100 working children in the developing world, between 12 and 25% suffer work-related injuries (ILO, 2005).

On a positive note, the incidence of child labor declined between 2004 and 2008, falling worldwide from 14.2 to 13.6%. While labor by children between 5 and 14 years of age declined by 17 million (a 10% change), labor by children between 15 and 17 years of age increased from 52 to 62 million (a 20% change). Boys remained the most active group of child laborers at 54%, while girls worked at a rate of 46%. Overall, 60% were engaged in agriculture, 26% in services, and 7% in industry, respectively. Unpaid child family workers accounted for 68%, while paid employment for children accounted for 21%, and 5% of children were found to be self-employed (ILO, 2005).

Recognizing the global problem of child labor, the International Programme on the Elimination of Child Labour (IPEC) was created in 1992 (ILO and Understanding Children's Work, 2010). IPEC currently operates in 88 countries, including Romania.

Child Labor in Romania

Situated at the crossroads of central and south-eastern Europe, Romania is a source, origin, and transit country for trafficking in persons, including child trafficking. Street children (i.e., runaway children from child protection residential institutions or from dispersed, poor families who spend most of their time on the street) and children leaving residential care facilities are the most vulnerable to trafficking (ILO, 2010b). In 1989, the communist regime collapsed and was replaced by democracy and a market economy. The rapid change caused significant economic, political, and social upheaval. As a result, unemployment increased and living standards were forced ever lower, often below the poverty line. To survive, many Romanians began to migrate to other countries within Europe, sometimes leaving their children in the custody of government institutions, but mostly with extended family or friends. An estimated 1.87% of all Romanian children were living in residential institutions or foster care in 2004 (ILO, 2010b). Until recently, the Romanian government did not consistently collect data on the number of working children or the conditions in which they labored.

Romania has a population of approximately 21.67 million people. Children comprise 18% of the total population, of which 65% live in urban areas. Poverty accounts for 44% of the population and is most likely to affect ethnic minorities such as the Roma (ILO, 2010b). For example, 80% of Roma children live in poverty and 43% live in severe poverty (ILO, 2009). While the national employment rate is 62%, it is 47% for the Roma (ILO, 2003). Overall, the percentage of children engaged in economic activities is between 2.1 and 3.7% of the child population with 90% of these working children living in rural areas (Children's Rights Protection, 2010).

Since 2001, Romania has enacted numerous legal reforms and legislative measures to combat child labor. Chief among these legislative measures is Romania Law No. 272/2004,

which states that “The child has the right to be protected against exploitation and cannot be forced to perform any work with a potential risk and which is likely to compromise the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development” (The Parliament of Romania, 2004).

Further, Romania has ratified various international conventions related to child labor such as the ILO Minimum Age Convention No. 138 in 1975, the United Nations (UN) Convention on the Rights of the Child in 1990, and the ILO Worst Forms of Child Labor Convention No. 182 in 2000 (ILO, 2007).

Romanian Programs to Combat Child Labor

In 2000, the IPEC launched the National Program for the Prevention and Elimination of the Worst Forms of Child Labor to help the Romanian government develop a national policy and plan of action on child labor, rehabilitate a select number of street children, and improve the quality of educational and protective services for street children and their families (ILO, 2003). Unfortunately, child labor laws kept changing, so the necessary financial resources were not properly allocated to this program. Further, there was a lack of support and involvement from the national media. Despite these impediments, the program was able to build alliances among concerned government and civil society institutions, paving the way for the development of a subregional trafficking program.

The Trafficking Phase I program ran from 2003 to 2007 and was funded by the U.S. Department of Labor. This project was initiated to ameliorate some of the factors that lead to child labor and child trafficking such as a paucity of job opportunities for adults, living below the poverty line, a weak-to-nonexistent social safety net, and an alarming trend of parents sending their children to other cities to work in an effort to increase the family income (ILO, 2009). Program goals included advocacy

activities designed to bring legislation and procedures in Romania in line with international commitments, to promote young adult employment, to facilitate long-term reintegration of child victims of trafficking into mainstream society, and to establish a subregional information exchange network. As a direct result of this project, legislative measures for preventing and combating child labor and trafficking were put in place, a national plan of action for the elimination of child labor was approved by the government in 2004, and a law on the promotion and protection of child rights was adopted by Parliament in 2005.

The Trafficking Phase II program ran from 2006 to 2009. Its aim was to promote greater involvement of employers in the prevention, identification, rehabilitation, and tracking of child labor (ILO, 2009). Further, the program sought to increase efforts toward mainstreaming the elimination of the worst forms of child labor into national policies and legislation. As a direct result, significant knowledge sharing and mainstreaming of child labor issues into the agendas of local governments and other agencies was accomplished. Lastly, 400 children were withdrawn from child labor, and 600 were prevented from entering child labor through this program.

The Worst Forms of Child Labor Project ran from 2003 to 2008 and was funded by the German government. Its aim was to assist the Romanian government, NGOs, and workers’ and employers’ organizations to gain the necessary skills required to implement policies and programs to prevent the worst forms of child labor, to protect and withdraw children from child labor or from becoming children at risk, and to rehabilitate and reintegrate children into society (ILO, 2009). Since this program’s inception, over 1,250 children were withdrawn from work or prevented from working through education or training opportunities. Further, the capacity of key institutions to deal with child labor issues was enhanced through training. Finally, national authorities, the media, and NGOs were mobilized to address child labor, and the amount

of local and national resources allocated to the prevention of child labor were increased.

Finally, the National Committee on the Prevention of Child Labor was established in 2002 under the coordination of the National Authority for the Protection of Child Rights to oversee all activities related to children and to provide strategic direction to both international and local initiatives on children's well being. In 2008, they recorded 925 child labor cases (ILO, 2009). Of these 925 cases, 627 children were successfully withdrawn from child labor.

National Policy Options

The ILO (2010a) states,

There is no single policy that by itself will end the worst forms of child labour. However, evidence has shown that targeted action that simultaneously addresses the implementation and enforcement of legislation and the provision and accessibility of public services, such as education, yields high returns in the fight against child labour, including its worst forms.

In order for a change to occur with regard to child labor, countries need to work on improving their national child labor policy frameworks, and policy coordination should be strengthened. The following policy priorities should guide government actions: National legislation and enforcement, education and training, social protection, and labor market policy (ILO, 2010a).

National legislation and enforcement entails developing and implementing national action plans to eliminate the worst forms of child labor. Further, appropriate sanctions against perpetrators must be enforced. The education system needs strengthening and should be highlighted as an example of a viable alternative to working. Therefore, it is necessary to lower barriers to entry such as reducing costs, extending access, and improving the overall quality of education. Countries need to implement a social safety net to protect families

in instances of hardship in order for them to avoid sending their children to work. Offering access to social services and combating discrimination that leads to child labor will further help society as well as assisting victims of child labor to prevent their return to child labor. Finally, improved labor market policies, such as the creation of employment programs designed to promote decent and productive work, are necessary to better facilitate the school-to-work transition.

Romanian Child Labor Analysis: Goals and Objectives

WV Romania commissioned a study on child labor in Romania and its implications on children's access to education and the human trafficking phenomenon. The primary purpose of the research was to document WV Romania's intervention in the education sector, its community development programs, and the advocacy efforts that are still needed to promote children's right to education. Finally, the research addressed the risks and implications of child labor in Romanian communities, helping to identify whether there is a cause and effect relationship between child labor and the predisposition to human trafficking. This research will lead WV Romania to further draft a local strategy that includes more prevention and advocacy initiatives at the community level.

Methodology

The research was conducted over a period of two months from May 23 to July 29, 2011, in the following Romanian counties: Iasi and Vaslui. Iasi County was selected because it is the Area Development Program (ADP) that WV Romania had been active in the longest, and it is planning to transition this fall. WV wanted to contrast Iasi County with Vaslui County, their newest ADP and the poorest county in the European Union (EU). Communities were chosen over others because WV had contacts in those communities and, as such, it was easier to gain interview access.

The following methodology to collect data was implemented: formal and informal interviews and focus groups with children, stakeholders (this group includes community leaders, teachers, leaders of relevant NGOs, etc.), duty-bearers (including those raising children who are not their own, i.e., foster children), and parents; observations of children at school; and background research of current reports on child labor. Two communities with WV programming were identified for each study in Iasi County and Vaslui County. In Iasi County, the identified communities were Ceplenita and Vladeni. In Vaslui, the identified communities were Osesti and Dumesti. Additionally, one community without a WV presence was identified for each study in Iasi County and Vaslui County. In Iasi County, the identified community was Scanteia, and Rebricea was chosen for Vaslui. In addition, two schools in Iasi City were selected for observation/inclusion to compare the situation in rural Iasi from urban Iasi because it is widely thought that children are subject to different types of labor in urban settings versus rural settings. The object was to see if the research supported this hypothesis.

Hypothesis

The research was guided by the hypothesis that *there are local-level mechanisms that can be used to monitor and prevent child labor/child trafficking if there is appropriate knowledge and understanding of the phenomenon in all contexts where WV is operational* (World Vision, 2011).

Interviews

Interviews focused on the qualitative measures of child labor and the mechanisms in place to prevent child labor. In order to obtain a significant sample size, the researchers conducted individual interviews and focus groups in eight communities in Iasi and Vaslui.

In each community, two focus groups of eight to 10 students each were conducted for two age groups of children 10 to 12 years and 13 to 14 years old, respectively. These focus groups

were intended to make the children comfortable while segmenting the population sample according to those predisposed to different types of child labor. In addition, the focus groups had an even gender composition. Further, in each community, the researchers conducted six individual interviews with children between the ages of 15 and 17. Finally, to gain each community's perspective on child labor, the researchers conducted interviews with four parents/duty-bearers; two teachers; and one doctor, mayor, social assistant, priest, and police officer. In total, the researchers interviewed 145 students in 15 focus groups between the ages of 10 and 14. Further, 37 individual interviews with students between the ages of 15 and 17 were conducted as well as interviews with 17 teachers, 25 parents/duty-bearers, five mayors, six social assistants, five nurses/doctors, four police officials, and seven priests.

Lastly, the researchers interviewed representatives from Save the Children, the Social Alternatives Association, the National Agency Against Trafficking in Persons (ANITP), and the General Directorate of Social Assistance and Child Protection (DGASPC) in Iasi and Vaslui. These experts were interviewed to lend credence to the community's view on child labor as well as the national phenomenon.

Interviews and focus groups lasted for less than an hour each and were recorded and transcribed by two WV Romania-appointed translators, allowing for the researchers to concentrate on the interviewees' answers, thereby facilitating the free flow of honest answers and insightful data. The researchers and the translators followed WV Romania guidelines in order to ensure the interviewees' privacy and safety. Prior to asking the questions, the WV Romania-appointed researcher introduced himself and explained the reason for the interview, the confidentiality policy, and ensured that the interviews and focus groups would remain anonymous throughout the research project.

Group-specific interview guides were developed and translated into Romanian prior to starting the interviews. Questions for the children's interviews and focus groups related to schooling, outside activities, home life, work, perception of the future, thoughts on child labor, and community leaders. Questions for the parents/duty bearers' interviews related to schooling, their children's schooling, their children's work situation, perception of child labor, and community leaders. Questions for stakeholders and NGOs dealt with how their organization plays a part in combating child labor, their view of the education system, household chores, child labor, and child protection laws and reporting. The background of the interviewee determined which questions were asked as not all pertained to their situation or experience. The researchers used the questions as guidelines but added additional questions as necessary throughout the interview.

Limitations and Considerations

Several limitations were apparent to the researchers. The first limitation was the language barrier for the lead researcher. The lead researcher did not speak Romanian and was not able to experience the interviewees' answers firsthand. As such, interviews were comprehensively, quickly, and professionally translated post discussion.

The second limitation was the relevance of the sample size. Vaslui is not only the poorest county in Romania, but it is the poorest county in the EU. Further, the vast majority of interviewees came from rural areas. Although two schools in Iasi City were included in the sample, WV has still not reached the most vulnerable children in urban settings. These children include those who might not attend school, child beggars, etc. Additionally, due to the availability of the interviewees and time constraints, the researchers were only able to perform interviews in eight communities. Further, due to the country police reorganization, they were not able to interview police officers in Scanteia and Ceplenita. In addition,

the doctor was not available in Scanteia, and the priest was too new to the community in Rebricea to give a representative interview. Lastly, all of the parent interviewees were women, except for two men in Scanteia.

The researchers conducted three focus groups in Dumesti, Vaslui, one with 14- to 15-year-olds, instead of individual student interviews because the 15- to 17-year-old students were studying in Iasi at the time and were unavailable. In addition, there were not enough students available in Rebricea, Vaslui, for two focus groups. Thus, a mixed focus group with students between the ages of 10 and 14 was conducted. The researchers could not interview parents/duty-bearers in Iasi City because they were unavailable. Finally, the researchers did not interview a doctor, mayor, social assistant, or police officer in Iasi City because it was deemed that they do not deal with the same problems as in the countryside and would not provide significant data.

Lastly, some interviewees were not as open as the researchers would have liked, providing only minimal answers or no answers at all because of their fear of repercussions or shyness. Additionally, some interviewees did not fully understand the reason for the interview or misinterpreted the questions and gave inappropriate answers.

The last limitation includes the biases of the researchers. The researchers strove to be a neutral third-party representative, gathering perspectives of the children relating to child labor. The researchers sought to gain the trust of the interviewees in order to get truthful and insightful answers.

Results

The Meanings and Understanding of Child Labor

Social Alternatives asserts that child labor is a real phenomenon. It is all about mentality and is very well-known in the NGO circles, but people associate it with one of childhood's

normal stages in which the child must learn how to work and deal with life:

There are three categories of people: those who don't notice the phenomenon, those who notice and react, and those who notice and don't care. The last category is the most popular.

Unfortunately, the definition of child labor has many interpretations and is often debated, leading to confusion and lax regulations. One official definition of child labor by the DGASPC-Vaslui states,

Child labor represents the submission of a child to physical labor, which surpasses the level of physical endurance, limiting the bio-psycho-socio-educational development of the child, including the altering of his/her health, the deprivation of education, and the inclusion in groups that do not have a positive educational purpose.

In general, the interviewee consensus further defined child labor as familial exploitation, using children to do hard work without proper payment and often by force or violence. A teacher in Vaslui said that, for him, the difference between child labor and "accepted" child labor is when the children do work only for their parents' benefit and do not see the fruits of their labor. He feels it is a detriment to use children for farming activities when they should spend their time acquiring knowledge. The DGASPC-Iasi further elaborated, commenting that begging children are also included in the definition of exploitation through labor and that when children are exploited through labor, they exhibit certain mental and physical disabilities because they cannot develop normally.

In Vaslui, where WV works, 43% of the parents/duty-bearers interviewed did not know how to define child labor. Lastly, a parent, expressing the majority opinion of the Ceplenita community adult interviewees said that "we have always worked and no one died of too much

work yet." A teacher and priest interviewee agreed and felt that work develops the thinking and is a type of training because it is the only thing that separates people from other creatures:

I wouldn't call it child labor. . . . [W]e have cases, it is true; people exploit children. But poverty affects many people here. (Mayor, Vaslui County-rural area)

A police officer in Vaslui noted that 14 years old is the age of criminal liability in Romania. Thus, those over 14 are no longer considered victims for the purposes of child labor. Further, according to the police officer, there is no legal stipulation regarding child labor as a criminal offense.

The Signs and Effects of Child Labor

All interviewees stated that when a child is too tired to work, their education is interrupted, or they lack spare time, the limit has been reached between normal chores and child labor. They further state that most community members are not aware of this limit. Several parents/duty-bearers agree that when children spend too much time on fieldwork, they are exploited.

A parent in Scanteia, Iasi, summed up the situation by saying, "They are absent; they have walked out from the category of children and entered into another one, the ones who work." The representative from ANITP stated that "If parents don't let their children go to school, but ask them to work instead, child labor could be considered human trafficking." The DGASPC-Iasi commented that in rural areas, exploited children initially are absent from school before fully abandoning it. Teachers paying attention to school abandonment can easily identify these children by the way they look and act:

The symptomatic pattern is clear. There is a delay in their mental development or in their language, poor communication abilities, and [poor] relationship skills.

These would be the first symptoms we see in children who are being exploited through labor. (Doctor, Vaslui County-rural area)

The Community's View on Child Labor

In rural Iasi, interviewees stated that most community members are against child labor and would not engage in it. Despite this feeling, the general consensus among all interviewees is that it is normal for children to work. This calls into question the community's definition of child labor.

However, the doctors commented that community members are not aware they are exploiting their children. For example, two families went to the doctors to try to get a medical exemption so that their children could do fieldwork. Both were denied such an exemption.

The police officer in rural Iasi summed child labor up best by saying,

Maybe they don't accept this phenomenon, but everyone accepts it silently. They say that the child is able to work hard but none of them thinks of the fact that they no longer have a childhood.

Despite the community's perception, the mayor in Ceplenita, Iasi, stated that the Department of Social Services started to have an impact in 1996-1997 through laws protecting the family, the children, and elderly people. The social assistant says that more cases have been reported to her because of this.

Taking into consideration the place where interviewees live, it is considered normal for children to work, especially since their parents had done the same. One must support and care for their families. Yet, sometimes the line is blurred. Not all parents are aware of the limit between normal household chores and child labor, and they do not consider it exploitation. It is usually harder for low-functioning families to understand that by not allowing

a child to go to school they are ruining their child's future and that it is a big long-term loss for the children involved. It means denying the child a part of their lives.

ANITP argues that from a legal point of view, this phenomenon is well-perceived by the people. According to the representative, parents often sell their children because of lack of funds. There are cases in which children from Moldavia were forced by their parents to go to the south of the country to work. The consequences for the parents were the termination of their parental rights.

Child Labor Visibility

All interviewees agree that there are indications of child labor when there is poverty in the community and problems at home. Children who are sent to work outside the home do so because the family lacks proper food and clothing. For children interviewees, children working too hard for their age defined the consensus of the meaning of child labor.

Further, it is evident that there are mixed opinions on the visibility of child labor, even among members of the same community. Some named examples of exploited children within their community, while others felt it did not exist because it was normal for children to help their parents. The vast majority of interviewees recalled the sensational media story of the boy who was sold to work on a pig farm and was electrocuted while climbing an electricity pole.

Student Perspective

In all communities, children interviewees knew children working inside and outside of their communities. In rural Iasi, where WV works, 67% of children in the 10- to 12-year-old focus group knew children working in their community compared with 30% in rural Iasi, where WV does not work; 45% in Vaslui, where WV works; and 60% in Vaslui, where WV does not work. By contrast, 100% of the students in the 13- to 14-year-old focus group

in Vaslui, where WV works, know children within their community who were working. In other areas, only one to two students in this group knew children working in their community. Regarding the 15- to 17-year-old interviewees, one to two students interviewed in rural Iasi knew students who were working. By contrast, 80% of students interviewed in Vaslui knew children working in their community. As anticipated, children in Iasi City did not know any children in their community who were working too hard for their age. However, they all agreed that they had seen such cases in the countryside, as well as with the Roma children begging on city streets.

Some of the students the children interviewees talked about were enrolled in school, while others were not. Those who are enrolled in school frequently miss classes to work. Further, a handful of these cases involve children living with extended family members. Occasionally, the cases described involve payment, all involved poverty, and many involved familial alcoholism and abuse. Typically, these children needed to tend the land, do household chores, watch siblings, work in the village, and take care of animals. When asked about child labor, one 15- to 17-year-old interviewee in Iasi County gave a telling answer:

It sometimes happens with children who are poorer. . . . I don't know. . . . I'm not sure, I can't say. They are not put to work very often here. No . . . there aren't such cases.

Another 15- to 17-year-old interviewee in Iasi County stated that

There are cases of child labor in the village, but maybe the children do it voluntarily.

Parent/Duty-Bearer Perspective

Regarding the question of mentality, the overall opinion within all communities among those interviewed was the belief and knowledge that child labor occurs but not in their own

community. Cases that do occur are generally isolated and not overly severe as opposed to incidents that happen in outside communities. The work children do in their communities was considered normal childhood work.

Among parents interviewed in Vaslui, the majority recognized that many children in Vaslui work very hard, especially within the Roma community.

Scanteia, Iasi, is the exception to the opinion that child labor occurs but elsewhere. Three of the four parents/duty-bearers interviewed said there were cases of child labor in their community. Parents were aware of such cases because their children told them about conversations with peers.

Stakeholder Perspective

Community members feel the work children do is age appropriate and a service to their families. To illustrate, all interviewees in Rebricea, Vaslui, with the exception of the mayor, commented that they did not know any cases of child labor in their community but knew that there were communities where children work too hard for their age and miss school. Professionals from all backgrounds commented that students may miss some classes to help their parents but they had not abandoned school altogether.

Teachers noted that children wake up early to do their chores and arrive at school tired and without the energy to participate. When asked why children decided to work, the teacher responded,

The family environment, the fact that he is forced to do it by his parents, although I don't know whether "forced" is the right word. Maybe they have to appeal to their children to work in order to be able to support themselves. (Vaslui County-rural area)

Teachers in all areas stated they notice signs of working children when they have large

numbers of absences. Despite parental/duty-bearer accounts of child labor in Scanteia, Iasi, the social assistant and the vice mayor said there were no cases of child labor or exploited children in their community. If there were no isolated cases, it would be difficult to identify them.

The priest in Iasi City, representing the entire diocese, noted that the most common form of child labor in Iasi City consists of child beggars, often making hundreds of Lei per day depending on the time of year. Through his work, he had seen and visited these children. The representative stated that they chose this “independent” life because they were beaten and exploited at home.

NGOs and Government Programs Perspective

Social Alternatives says that, for them, child labor is visible because they look for it. When they first investigate a community, they have the image of the child that spends more hours on the field than in school in mind. They go to schools and see very few children in classes. Then they see them in the woods or out in the fields, especially in autumn. The representative further elaborated to say that human trafficking cases are very rare.

Save the Children says that child labor is visible because they work with children that beg on the streets and sell flowers. It is difficult to determine if they do this work on their own or if their parents send them. The children are aware of their family’s financial situation and know they need money.

DGASPC-Iasi noted that children are occasionally injured while working in inappropriate activities for their age. Most of the cases are in agriculture. There have been cases of children falling from trees and getting struck by lightning, as well as hoeing, shoveling, and mowing accidents. The most serious and prevalent injury is the risk of permanent mental and physical delays.

ANITP stated that they have not received reports of child labor cases for either Iasi or Vaslui County. However, if they did see such cases, they would report it to the Directorate for Investigating Organized Crime which would investigate the case and then possibly report it to the Child Protection Service.

Children Going to Other Communities to Work

Most of the parents/ duty-bearers interviewed in all areas were not aware of children going to other communities for work. Every year, there were a few isolated cases of children leaving their community to work as shepherds or in agriculture as noted by parents/ duty-bearers and community leaders. Usually, these children were between the ages of 13 and 17 and had abandoned school.

There have been instances of children from neighboring villages, who were day laborers in other communities. However, this is a rarity because rural areas are more isolated and work is harder to find. One teacher out of four responded that he or she knew six or seven children who were sent to other communities to work. Generally, they were from disorganized or single parent families. The interviewee estimated that the children made 30 Lei per day. These children were registered for school but no longer attended.

According to the vast majority of interviewees in all areas, a nonlocal child coming into their community to work or beg would raise suspicions because people gossip and everyone would know. However, a priest in Vaslui disagreed, stating that a nonlocal child coming to work as a day laborer would not raise suspicions because people are grateful for the help.

Save the Children representatives stated that they had a handful of cases in which children were left in neighboring villages to beg. However, they have not had reports of this situation in the last two years. DGASPC-Vaslui and Iasi occasionally have cases of national internal trafficking with the intention to exploit

through labor in which the employers come to the north of the country from the south to recruit workers. Parents sign contracts with employers for their children in exchange for animals or money. Usually, the contract does not have any legal power but is a way to show the parents' consent. DGASPC is made aware of this type of contract borrowing when a tragic incident occurs. The children receive very small sums of money for their work. In addition, older siblings who have abandoned school often take their younger siblings with them to the south to work in agriculture. Further, according to DGASPC, neighbors in the south do not report these incidents because they are complicit.

Reporting of Child Labor Cases

Overall, interviewees agreed that child labor cases were very rarely reported, but they knew children who were miserable. However, the vast majority of the parents/duty-bearers interviewed stated that they had never reported it. However, most stated that they had witnessed it. One parent/duty-bearer reported a case in which she took in an impoverished family who were not providing for their children and reported it to the social assistant. Unfortunately, she would not intervene because she was concerned that the family would harm her. One parent/duty-bearer in Vaslui commented that she wanted to report her neighbors who drank, smoked, and made their children do their work, yet she had never reported this case. Another parent in Vaslui admitted that she would not report the situation because at one point she was in the same situation.

Further, teachers stated that child labor was not reported because they only have isolated cases. To illustrate, in Iasi City, teachers have never reported cases of their Roma children's seasonal absences. Almost all professionals and community leaders stated that if they observed a case of child labor, they would talk to the parents or family members involved to try to invoke a change. They further stated that they would not report the case

to local authorities before or after talking to the respective families. A priest, representing the Iasi diocese, informed WV that he and his colleagues went to the local police to report incidents of child begging but were told that it was better for them not to get involved for their own safety. The priest in Vaslui summed up the situation perfectly:

As long as the parents have a difficult financial condition, as long as there are the so-called owners who look for day laborers and offer money, these cases will not be reported.

The reasoning behind the lack of reporting in Scanteia, Iasi, resonates with all interviewed communities. Three of the four parents/duty-bearers interviewed said they would not report it because it is not their concern and they cannot meddle in another's family. One parent said she reported a case once, but most cases were not reported because the children were educated to work. Further, teachers have never heard of reported cases but estimate the reporting rate was less than 1%. The social assistant and the vice mayor confirmed that such cases were not reported.

Contrary to the opinions of their colleagues, the social assistant and the mayor in Osesti, Vaslui, believed that when cases were ascertained, they were reported. The social assistant knew two concrete cases of child exploitation and had spoken to the parents and did a visit report. The mayor stated that there were families with problems, and they intervened every time it was necessary. The doctors stated that they did not have any knowledge of reported cases. However, there were one or two isolated cases, and the doctors went to the respective family to make them aware of the problem. The police officer had not had any cases of child labor reported to him but said that they would take legal action if they were reported. From his experience, less than 10% of cases were reported to local authorities:

People don't really take measures here. . . . Although people see them working

hard, they don't think too much about it.
(Teacher, Vaslui County-rural area)

Social Alternatives estimates that approximately 10% of child labor cases are reported to them. Only the very severe cases, cases in which the child was injured, are reported. Social Alternatives further estimated that 50% of cases could be solved if they were reported. They have come across abuse cases in which children were beaten, and when they investigated the case, they realized that the child was also working and missing from school. Further, Social Alternatives does not have a database of child labor cases. Thus, they only know about cases when they are in a community exercising a campaign.

When cases are reported to Save the Children, they call the authorities if they are severe. If they are not severe, they try to talk with the children's parents. Further, they said that citizens do not report such cases, but that it is left up to the NGOs to report cases when they are discovered.

DGASPC-Vaslui said that child labor was not a phenomenon that people disapproved of until a few years ago. They organized informative campaigns, which clearly laid out the legislative framework that punishes child labor and what it actually represents. As a result, reporting has increased over the last few years. However, only some reports are confirmed. DGASPC elaborated to say that many times the local authority sees these cases but does not report them. Thus, the reporting percentage remains low. To illustrate, through the first half of 2011, they have had six complaints of child labor. By the end of the year, they usually have no more than 15 to 20 reported cases.

DGASPC-Iasi noted that most cases are reported as neglect, not child labor. According to DGASPC, this is because pure exploitation through labor does not exist within the legislative framework. Often, when they receive complaints of neglect, they discover that the children are deprived of education, cleanliness, food, medication, and they

exhibit mental delays. When investigations ensue, they discover that these children are also exploited through work. Thus, about 70% of neglect complaints also imply child labor. They have received 103 complaints of child neglect through March.

Local Initiatives for Raising Awareness and Prevention

Social Alternatives has very good relations with the police, building activities that involve them and sponsoring activities initiated by them to discuss child labor. The mayoralty often wants to help but lacks resources. The financial situation of the community is relevant in terms of whether the social assistants are successful. They believe that further partnership is possible. Unfortunately, because of budgetary reasons, there are very few social assistants working in the communities.

Social Alternatives launched initiatives that include a series of projects and partnerships with the ILO concerning child labor. These included projects designed for children who were exploited and centers in which these children were helped to keep up their school performances. Further, these campaigns must be continued in order to change mentalities and for parents to realize the importance of education.

In 2003, Save the Children gathered local NGOs and institutions together in order to launch media campaigns, targeting rural and urban communities. Through these campaigns, citizens became more cognizant of the problem. Unfortunately, activities that existed are no longer put into practice because they do not have the financial resources. Thus, they need help from the state.

The DGASPC-Vaslui had a workshop on the topic of child labor to discuss the problem and find solutions. Local authorities and other institutions from the county were invited. Further, they launched informative campaigns in schools and certain communities and created leaflets to inform the populous about

child labor. DGASPC-Vaslui collaborates with the Territorial Labor Inspectorate, the Public Health Directorate, and other organizations in the position to offer support to exploited children. The Territorial Labor Inspectorate helps DGASPC obtain a restraint against the employer. The Public Health Directorate helps DGASPC in cases that deal with children's health. Further, this team of professionals meets regularly to discuss cases and find alternatives to help exploited children.

The DGASPC-Iasi said they have held numerous programs in collaboration with Save the Children, Social Alternatives, and WV. Further, the county is among the first in Romania to have the local intersectorial team for prevention and combating child labor. In this team, there are representatives from the Territorial Labor Inspectorate and the School Inspection Service, among others.

Lastly, ANITP initiated antitrafficking campaigns with other NGOs from Romania and abroad. These campaigns were designed to reach children and other frequent victims of abuse.

Increasing the Likelihood of Reporting

The likelihood of increasing the reporting of child labor cases within communities is very low. Community members from all backgrounds do not want to get involved in the lives of their neighbors because of repercussions for the family. Further, most community members do not feel as though they have enough information to act. Finally, the consensus is that no matter how bad the children's life is at home, they will be worse off if taken away from their families, a likely result of reporting.

In the rural areas, interviewees noted that the community should get more involved. However, they typically see things and never say anything. Fear of repercussions from the respective family is enough to maintain community silence because they do not trust the

local authorities. Further, they do not feel comfortable going to other parents and explaining to them how they should raise their children. A priest in Vaslui felt the solution is not to report the cases. Instead, the solution is

[f]or parents to face the risks and change their conception in order to support their children without asking them to work.

To propel the community to increase their reporting of child labor cases, each community needs a strongly enforced confidential policy among community leaders. Further, community members need to feel as though they will be listened to and educated to understand how the consequences of child labor will affect the children. DGASPC-Iasi suggested that increased authority vigilance would boost reporting and decrease child labor. Moreover, for children to feel safe self-reporting their child labor case or that of their peers, they need to feel that they can trust their community leaders:

In many cases, the abuse is so intense that the child does not see or conceive a way out of it. They think it is their destiny. (Priest, Iasi City-urban area)

Furthermore, Save the Children suggested creating a reporting campaign through which community members can call a hotline to anonymously report cases of child labor/begging. In addition, they further recommended following up on the hotline campaign with another campaign designed to publicize successfully solved cases to convince community members that authorities are taking action.

Knowledge of Child Protection Laws and Programs

Most children seem to be informed about child protection laws through school, and some even participated in programs to promote them. Though they have a good working knowledge of such laws, many children feel there should be more activities dealing with child protection and that the laws should

be better known to the public. Overall, community leaders are divided on whether or not the laws are helpful for their community. For example, the laws are helpful in combating child labor. However, they do not come to finality because prosecuting such cases takes substantial effort and time. Moreover, several stakeholders feel that their community does not have sufficient resources and financial support to implement such laws. Since the UN adopted the convention on the rights of children, more attention has been given to the subject both in schools and elsewhere and to the process of informing the children about their rights. As a direct result of these projects, teachers have seen the parents' attitudes toward children change, as well as their view on the importance of education:

In my opinion, the laws are not entirely respected. Despite programs focusing on children's rights, the laws have been broken many times. (15- to 17-year-old, Iasi County-rural area)

The majority of parents/duty-bearers interviewed in rural Iasi where WV works stated that they participated in parent education activities run by WV and Save the Children. They felt the activities were helpful for those who attend and respect the law. Outside of television and newspapers, the vast majority of interviewed parents/duty-bearers in Vaslui have not heard about child protection laws or programs about them in their community. Most parents said there were no activities about child protection in their community.

A priest in Vaslui County also does not feel like the laws are well-known in the community; however, he feels that the situation is more about the parent's conscience than the country's legislation. The general feeling among those who know the laws is that they are respected in the community. According to the mayor, they impact the society in which we live: "What we raise today is what we will find tomorrow." A society develops depending on its education and security.

Who Is Responsible for Stopping Child Labor?

Parent/duty-bearer interviewees agreed that they were the ones responsible for stopping child labor because they were the ones who chose whether or not to use their children for inappropriate work. Secondly, they agreed that the social assistants were responsible because they check on the living situation of every child.

Community leaders are responsible for stopping child labor as well. This is achievable by paying more attention to changes in the child's behavior. In addition, officials need to inform parents that they can be held criminally liable for their actions toward their children. Priests mentioned that in their sermons, they talk to parishioners about what labor actually means and how they should teach their children to work. They explain that parents cannot exhaust their children by asking them to work too hard for their age and that they should ask the young to do easy chores.

Moreover, the priest in Iasi City suggested that the police are responsible for stopping child begging because they choose whether or not to act violently toward the offender. When they are violent against the children, community members take notice and are encouraged to support the children through financial contributions without realizing the consequences of supporting the beggar lifestyle. These consequences include addictive behaviors and perpetuating exploitation. Instead, community members feel they are taking a stance against an inappropriate acting police force.

Possible Actions to Stop Child Labor

Many interviewees were in agreement that the root causes of child labor—poverty and symptomatic alcoholism—must be addressed prior to tackling child labor. Combating the root causes will pave the way to addressing the core issue of child labor. Possible actions to deal with child labor include informative campaigns and meetings with parents, children,

and community leaders/authorities; continued and strengthened NGO collaboration; increasing the child allotment; strengthening and improving child labor legislation; periodic home visits to troubled families; paying attention to unjustified school absences; and ensuring continuity within the education system.

Interviewees voiced their opinions that there should be informative campaigns and meetings with the parents/duty-bearers to change people's mentality about treatment of children and to make the issue public. DGASPC-Iasi feels that informative campaigns need to reach beyond traditional movies and leaflets to properly discuss the core issue. However, all interviewees recognize that changing a person's mentality is very difficult. Other meetings should be held with the children in their schools to educate them on their rights and how to recognize a child labor situation. Conquering taboo topics such as these allow children and parents to talk frankly about them. Lastly, informative campaigns should be held with community leaders and local authorities to teach recognition of a child labor situation, remove its taboo, and hopefully increase reporting.

According to Social Alternatives, there are no long-term activities initiated by NGOs that are continued by the local authorities. What NGOs could do is to show the authorities their results, give them examples of successfully solved child labor cases, identify the issue's key points, and let them ask for services as needed.

Parents/duty-bearers in Vaslui suggested that increasing the child allotment could keep children in school. This goes toward addressing the main root cause of child labor: poverty. The financial support they receive from the mayoralty had recently been reduced. Therefore, for some families, it makes more economic sense for their children to work than to attend school.

It is evident that solutions to child labor start at the top with the government. Thus, a clear

and rigid legislative framework is necessary. Further, local governments need to strive to make sure that the legislation is properly enacted with appropriate repercussions for violators. In addition, whenever possible, the social assistants should conduct periodic home visits with troubled families. The school system can help track and report these families by paying close attention to unjustified absences.

DGASPC-Vaslui says that what is needed is an education system that could ensure continuity. In rural areas, children finish a certain educational program and then they cannot go on because the parents cannot afford to send them to another locality to study or they cannot afford to send all their children to continue school. Thus, they only send one child, while the others stay at home and work.

How Community Stakeholders/Leaders Play a Part

According to the legislative framework, "The staff of the public or private institutions who come into contact with the child through the nature of their profession and have suspicions concerning a potential case of child abuse, neglect, or maltreatment, must urgently notify the general department for social security and child protection" (The Parliament of Romania, 2004). Usually, this condition is not met. In practice, professionals talk to the families of the children and hope that a discussion will change their ways. This is evident in conversations with healthcare professionals. They talk with the parents/duty-bearers to try to bring about change but without reporting the cases. One police officer in Dumesti, Vaslui, summed up the situation perfectly, explaining how they conduct informal sanctions while reasoning with the families:

On one side, we sanction the family but on the other side, we communicate with them.

The social assistant is a professional and also a community leader. The role of the social

assistant is to stop these cases from happening and to investigate them when they do. Further, the social assistants in Vaslui where WV works, discuss school abandonment and child labor at the Consultative Community Council because the headmasters, teachers, police chief, doctors, and all of the local authority officials are part of this council. At these meetings, they discuss community problems. Further, their role is to find a way to make the family sensible as far as the children's basic needs are concerned and to take appropriate measures in extreme cases when the situation does not change in the respective family if they are not receptive.

The mayor's duty is to bring the law into operation, to provide the other community leaders with the necessary information, and to take necessary legal action. However, the mayors stated that they do not have an appropriate law to apply to child labor situations. According to one mayor in Iasi County, they have been struggling since 1997 to combat child labor. However, they have been dealing with the same things: they go and face these families, yet the families threaten them and reproach them for taking their children away.

As part of their job, the priests are supposed to visit each parishioner's house five times per year. They go to every house, no matter how good or bad they are. Thus, they can come into contact with these problems earlier. They try to explain the negative effects that this phenomenon has upon families and children to the parents/duty-bearers, though they acknowledge that they cannot force the families to do what they say because in the end, it is their choice.

Changes in Child Labor

Overall, community members have not noticed a change in child labor through the years. Further, many do not feel a change is possible. It was noted that since the 1989 revolution, in the rural areas, families have been given bigger parcels of land. Therefore, everyone in the family must work the land. Though

machines have replaced some land work, the work amount remains the same because the land size has increased. Further, many children now go abroad with their parents to work.

According to teachers in Vaslui, where WV works, the community knows that there are anti-child labor laws, but family members do not react to them. Lastly, the social assistant said that once the police officer talks to them, the children are not absent as often from school.

Teachers in Rebricea, Vaslui, said that they have not seen a change in child labor because there have always been poor families. In these families, children work as much as their parents. The general feeling in rural areas is that

[t]hese kinds of things [real child labor] have always existed, and they will still exist as long as parents need their help because we don't have the methods to improve the situation. (Teacher, Vaslui County-rural area)

Teachers in Iasi City said that though they have not noticed a change in labor, they feel the legislation is more severe, and there are more projects initiated by NGOs to address this issue.

DGASPC-Iasi said that cases of child labor in agriculture are more numerous than in the past. However, they are not reported because the degree of poverty has worsened and the more poverty grows, the more the number of exploited and neglected children grows as well. Further, before joining the EU, Romania had many reported cases of external human trafficking, which is always done with the purpose of exploitation. Since joining the EU, the number of cases has most definitely risen because one can go abroad much more easily. However, these cases are not reported because they are no longer seen as foreigners and, thus, it is not considered external trafficking.

Is There More Work Needed to Combat Child Labor?

The general opinion, both in rural Iasi, where WV works, and in Vaslui, where WV does not work, is that it is obvious that more work is needed to alleviate child labor. From all of the places considered, only a couple of people expressed a different opinion: the priest in Ceplenita, Iasi, and the vice mayor in Scanteia, Iasi.

The priest felt that more work is not needed because he does two sermons on the topic of child labor and feels it is enough because his parishioners are very receptive. The vice mayor in Scanteia, Iasi, did not give a reason for why he felt that no additional work was needed.

Further, the social assistant in Scanteia thinks more work is needed, but it should be to combat the poverty in the community because that will help alleviate the root cause of the child labor problem. The social assistant in Rebricea, Vaslui, suggests making a supervision center where impoverished children can go to do their homework, play, and get a meal.

Obstacles to Reducing Child Labor

According to the vast majority of interviewees, poverty and lack of education are the main obstacles to reducing child labor. There is a close connection between poverty and education: when there is a lack of education, there is poverty, and where there is poverty, there is a lack of education. Poverty stops parents/duty-bearers from sending children to school so that they can help their family by working and because they cannot afford to purchase the items necessary for their children to attend school. These parents/duty-bearers think that the best solution for their families is for their children to work. Thus, they ask their children to start working at an early age, with some children starting to work at approximately 10 years old. Further, if parents had good jobs and were paid properly, their children would no longer be asked to work. This repetitive cycle

perpetuates the poverty problem because children cannot improve their future since they are no longer in school, leading to a future of few employment opportunities and a lifetime of poverty. On the other hand, children who have trouble learning prefer to work rather than to study. Lastly, poverty perpetuates alcoholism, which increases the likelihood of child labor, according to several interviewees. These impoverished parents do not have any other source of income, so it is difficult to stop them from using their children to work.

Moreover, the lack of education perpetuates the cycle of child labor and child begging when people do not know the difference between helping and hurting those in need. For example, when cases are not reported to the authorities and community members give money and assistance to the families of the child laborers, they are helping to keep the families in their dire situations because they are not encouraged to change. Concurrently, their actions are seen as not having a consequence.

Perhaps the most important obstacle to overcome is the lack of reporting surrounding child labor cases. Those who witness child labor do not inform the authorities because parents, professionals, and community leaders alike do not feel comfortable discussing this topic openly. Community leaders perpetuate the problem by discussing the case with the families involved yet failing to act.

Communication with families is also an important barrier to overcome. It is hard to convince parents to come to school to talk with the teachers, especially those with alcohol addictions. Community leaders and professionals, such as priests and social assistants, also have trouble discussing child labor and missed schooling with the families involved.

The level of awareness and education represents another challenge. Families need better education on what is appropriate work for their children because they do not fully understand the scope and breadth of using their

children for labor. They do not consider that what they ask their children to do is a form of exploitation. NGOs with roots in the local communities, such as WV and Save the Children, are in the best position to provide this education.

Lack of interest and involvement on behalf of the local authorities is also an important barrier. ANITP representatives expressed the opinion that the local authorities are not sufficiently interested in solving this matter. They further believe that the laws are poor and inadequate to deal with the situation. However, the laws are just one part of the problem. Another issue in their opinion is that the laws are not properly applied. As such, ANITP believes such cases of child abuse are rarely punished.

The workload of the local police officers is large and concurrently represents an impediment to investigating and solving child labor cases. Further, due to recent police force reorganization, there are two employees for several communities, and it is difficult to attain awareness of all child labor incidents.

Conclusions

Lack of Awareness and Concrete Child Labor Definitions Restrict Identification

In order to be properly identified, child labor needs a clear, workable definition. Currently, the definitions that exist are vague and open to interpretations, which is part of the problem.

UNICEF (2011) defines child labor as work that exceeds a minimum number of hours, depending on the age of the child and on the type of work. According to this definition, domestic work, such as household chores and taking care of siblings, becomes child labor when a child between the ages of 10 and 14 spends more than 28 hours per week working domestically. Working over 28 hours per week is considered harmful to the child and should be eliminated. Further, Article 3 of UN Convention 182 partly defines the worst

forms of child labor as “forced or compulsory labor, and work, which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children” (UNICEF, 1999). In practice, this definition is vague, and it is hard to determine what constitutes forced labor that is likely to harm children. Lastly, in keeping with the Parliament of Romania Law No. 272/2004 (2004), “The child has the right to be protected against exploitation and cannot be forced to perform any work with a potential risk and which is likely to compromise the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.”

Due to vague child labor definitions, those who are in the best position to report child labor, such as community members, authorities, and professionals, cannot properly recognize or define an exploited child because the practical limits are not clearly established. Though child labor as an offense is clearly stipulated in the Romanian legislation, community members such as police officers and mayors, whose job it is to enforce such laws, are often unaware of their existence.

In practice, the terms *difficult*, *forced*, *harmful*, *compulsory*, *usual household chores*, *deprivation of the educational program*, *inappropriate climatic conditions*, and *child labor* are all open to interpretation. It quickly becomes obvious that drawing a clear line is not possible. Of the students interviewed in rural Iasi where WV works, one out of 20 10- to 12-year-old children work over 28 hours per week completing domestic chores. In rural Iasi where WV does not work, one out of ten 10- to 12-year-olds work over 28 hours per week completing domestic work and one out of eight 13- to 14-year-old children work exactly 28 hours per week. In Vaslui, where WV works, one out of 20 13- to 14-year-olds work over 28 hours per week completing domestic work and two 13- to 14-year-olds work exactly 28 hours per week. In Vaslui and in Iasi City, no children work over 28 hours per week.

The above findings, signifying child labor as a result of domestic work alone, are not statistically significant to constitute a child labor phenomenon. This can partially be attributed to a sampling bias in which those most likely to be engaged in child labor were not interviewed. However, the work the children interviewees are engaged in must also be taken into account. Students, parents, and community leaders state that the children are engaging in their usual household chores. As can be seen from the above analysis, for countryside children, these chores often blur the fine line between acceptable and unacceptable chores. None of the students or parents who were interviewed stated that they or their children were engaging in what they had defined as unacceptable chores. However, the vast majority of students, parents, and community leaders know at least one child is engaging in unacceptable chores for their families. In almost all of these known cases, the children are missing school to engage in such chores or to watch their siblings while their parents engage in work. For these children, it is considered normal to help with any household chores that their families ask of them despite the hours or activities involved. Though by definition and general consensus these chores may be considered work, very few children, parents, or community leaders perceive them as such. Further, they do not think that child labor exists because their children and neighboring children are engaging in household chores, which they do not consider to be labor.

Rural Communities Tend to Experience Higher Rates of Child Labor

The situation is not noticeably different in communities where WV works as compared to where WV does not work. However, it is noticeably different when comparing rural Iasi and Vaslui. Children, parents, and community leaders appear to know far more children in Vaslui who they consider to be working too hard for their age than in rural Iasi. Additionally, children appear to know far more cases of children who they deem to be working too hard for their age than their

parents or other community members. Part of the reason reverts back to how the community views child labor and what their definition is of work that is inappropriate for their children's age.

Another noticeable difference is seen in the education that the children and parents have received regarding child labor laws and programs. In rural Iasi, Iasi City, and Vaslui, where WV works, students and parents are aware of child protection laws and rights. In rural Iasi and Vaslui, most students and parents have participated in activities run by Save the Children and/or WV. Where WV does not work and in Iasi City, a few students have participated in activities.

Further, the vast majority of students and parents where WV does not work are not aware of child protection laws and rights and the activities to promote them. This is especially true in Vaslui. One parent commented that she is grateful for WV because they help children and have given them a chance to see the world outside the boundaries of their village that they would not be able to experience on their own. Many of the children in communities where WV works are aware of this help.

Cultural Mores and Attitudes Prevent and/or Restrict Reporting of Child Labor

In short, a phenomenon exists in the countryside, though it may be difficult to extract. Clearly, children are working too hard for their age, but by definition, it is usually not considered child labor. Instead, it is often reported as child neglect. The lack of reporting and the failure to properly report these cases helps to perpetuate this phenomenon. Students, parents/duty-bearers, and teachers are usually aware that these cases exist in their community. Children are typically the first to know of such cases because they go to school with the exploited. These children inform their parents/duty-bearers and teachers, who also recognize the problem because of seasonal absences. However, most community leaders are not aware that these cases exist in their community.

It is evident that there is a disconnect between those who witness such cases and the community leaders. As stated above, most interviewees do not consider what they deem as usual household chores to be child labor or a form of exploitation. Thus, when they see children working too hard, they consider them to be engaging in usual household chores and do not report the incidents. They all recognize who they should report the incidents to, but few actually report them.

Additionally, most interviewees prefer not to interfere in the private family matters of their friends and neighbors for fear of reprisals. Those who would like to report such incidents opt instead for speaking one on one with the families involved. Often, this solution does not solve the problem because there is no higher intervention within the community, and the families continue with their business as usual. Finally, if no one reports these cases, community leaders will have no direct knowledge that this problem exists and will not ask for help in combating it from local NGOs.

Poverty Is Seen as the Primary Root Cause of Forced Child Labor

The repeated theme from all interviewees within the analysis is one of poverty. Interviewees feel that if poverty were not so heightened and prevalent in rural communities, families would not need to require their children to work. Thus, the issue of child labor might not exist at all.

Parents working abroad further exacerbate the phenomenon. WV has noted a few such children in every community that was visited for this research. Social Alternatives stated that they have taken part in a partnership with UNICEF concerning children whose parents are working abroad. The European Parliament, which recommended that the European countries be aware of the child labor phenomenon, analyzed the study. In 2008, there were 350,000 children in this situation in Romania, with more than 100,000 of them having both parents living and working abroad, and who

were being taken care of by relatives. According to Social Alternatives, “the reward for this relative was the work the child did.” This work has often taken them from school.

The DGASPC-Vaslui concluded their interview with WV by stating

We are convinced that there are more such cases, but if the economic factor in these families does not change and if we do not have an ideology more appropriate to the year in which we live, we cannot talk about eradication methods or about more successfully solved cases.

Recommendations

In an effort to curb child labor or over-worked children, action needs to take place within Romania. First of all, Romania needs to ensure *access* to free basic education for all children. According to the law, this condition is met. The country is doing well by offering free basic education, free school supplies for low-income families, and a free school snack program. They are also doing well by offering parents a child allowance incentive to send their kids to school. However, they need to improve where access is concerned. According to parent/duty-bearer interviewees, child attendance declines in the winter when the roads get bad because the bus cannot get to the children. School continues to remain an important foundation in a child’s life because it provides children with prospects for a brighter future and a possible escape from problems at home. In cases where the families are very poor, a mayor in Vaslui wants to make a social house, an after-school program where the children can study and receive a meal. They are now analyzing the situation in more detail and hope to implement this project.

NGOs and the Romanian government need to work harder at providing information to the local communities about child rights, child labor, and exploitation. Further, they should promote anonymous reporting among community members and especially children.

Anonymous reporting will include listening to children and community members who need to self-report their own circumstances of child labor or that of their peers. Community members need to feel that their reports will remain confidential and that suitable officials will look into their reports in a timely manner and take appropriate action.

Moreover, the government should work with local NGOs to organize information and counseling campaigns with parents, students, and community leaders concerning children's rights and what exploitation through work means. The more informed the community is, the more likely that a change will happen as is evidenced from Ceplenita, Iasi, where WV has worked for the past 14 years. In addition, there should be enhanced prevention mechanisms. There are a few NGOs who deal with child protection, but they cannot prevent, intervene, and monitor all child labor cases.

Further, Romania needs better child protection legislation, implementation, and infrastructure to ensure proper execution that encourages community members to report infractions and has legal ramifications for offending families. DGASPC-Iasi stated that Law No. 272/2004 stipulates begging as a criminal offence, and every criminal offence must be outlined in the *Penal Code*. However, according to the representative, begging is not specifically mentioned and neither is child labor. It does not specify how the employer is held responsible from the legislative point of view. The laws need to be clear, concrete, and coercive. Employers are normally given a fine. However, ramifications for complicit families cannot be financial because the majority of these families are already struggling to make ends meet and an added fine would make the situation harder and further perpetuate the problem. In order to create better legislation, then, the government needs to clearly define what child labor means and what is acceptable and unacceptable. Furthermore, these laws should be made visible through various promotion activities that engage the community. Finally, local authorities need the

capacity, tools, and willingness to implement the laws.

Lastly, as stressed by all interviewees, poverty is the underlying cause of child labor. Further, it is also partly the underlying cause of alcoholism. In addition, alcoholism is partly the underlying cause of poverty. Therefore, communities need services and activities geared toward curbing poverty. It may be a long way forward, but the best way for the government to start would be with the social services agencies to initiate programs to help financially struggling families, to enhance already existing programs, and to increase access to these existing programs. Moreover, counseling is in order to help these families overcome their situations. The children are reliant on their parents/duty-bearers for support. When families steal their children's childhood by making them grow up before their time, society as a whole suffers, and it prolongs a turnaround.

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Gang Injunctions: A Tool to Control Gang Activity

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As major cities in America struggle to respond to the growth of gangs and attendant crime and violence, gang injunctions have been used in California with some success for the past 25 years. There are eight states with legislative authority to obtain gang injunctions to enjoin gangs from illegal activity.

A study and review was conducted of 25 southern California gang injunctions to understand if civil gang injunctions reduce crime. The research measured and analyzed police calls for service, including serious (Part 1) and less serious (Part 2) crime calls within the injunction area. It was found that Part 1 calls decreased by 11.6% in the injunction areas, Part 2 calls decreased by 15.9%, and total calls for service decreased by 14.1% in injunction areas.

Police officers assigned to California gang units impacted by gang injunctions were surveyed to determine their perception of the efficacy of the injunction. It is hoped that the insights gathered from police officers tasked with enforcing the injunctions can help lead to a greater understanding of which dimensions predict gang injunction effectiveness to optimize future injunctions.

This study was initiated to better understand the practice and efficacy of using gang injunctions to reduce the occurrence of crime in neighborhoods and other areas in cities and counties.

What Is a Gang Injunction?

A gang injunction is an order of a court directing a party to perform a certain act or to refrain from an act or acts (Columbia Encyclopedia, 2006). They are civil lawsuits which allege the gang and its members have occupied and used the specified target area in a manner that constitutes a public nuisance. The *California Civil Code*, Section 3479,

defines a nuisance as “anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner public area.” Common suppression strategies against gangs, such as gang sweeps and zero tolerance patrols, are often believed ineffective because of their reliance on criminal law which applies equally to all citizens and at all locations. Usually, this necessitates a showing of individual participation or involvement by each individual (Bureau of Justice Assistance, 1993; Capizzi, Cook, & Schumacher, 1995). While there may be variations in the prosecution of criminal laws from one jurisdiction to another, the individual culpability requirement allows fewer opportunities to attack the group characteristics applicable to street gang activity. In particular, there is a tendency of gangs to act as a group rather than as individuals (Miller, 1982; San Diego District Attorney, 2000).

In contrast, because injunctions rely on civil laws that tend to focus more on protecting the community and less on criminal violations, gang injunctions may be better suited to addressing gang group dynamics and may have a better chance of disrupting the entire gang’s activity in the designated areas (Rosenfeld & Messner, 1995; Short, 1963).

This study surveyed police officers from gang units in southern California based on 25 gang injunction areas included in previous research (O’Deane, 2007a). This was done to learn what police practitioners believe helps or does not help in making a gang injunction more or less effective. The goal of this research was to identify the variables that impact gang injunction effectiveness.

Review of the Literature

Since police officers have broad discretion in making arrests and selecting which laws and codes they feel are more worthy of police attention, they can choose a number of possible courses of action in any given situation (Davis, 1969; Manning, 1977). In essence, the police dictate the success, or lack of success, of any gang injunction. The injunction can only be as effective as the police want it to be, assuming they selected the correct gang, the correct gang members, served the orders, and aggressively enforce the injunction. A willing police force can make the injunction a useful tool for reducing gang activity by identifying, locating, and serving problem gang members. In reality, even if the police have the time to respond to a gang injunction violation, have proper staffing, and know of the injunction's existence, if they do not feel it was a worthwhile effort, they will not be prone to take any enforcement action (Kadish & Kadish, 1973).

Police Response Times

A quick response to a call or police observation of a potential gang injunction violation may mean less crime when compared to a slow or no response (Spergel, 1966). Due to the number of calls to most agencies, police typically operate with a prioritized response policy wherein police officers respond to the most urgent calls as quickly as possible. Response time may be an indicator of how high a priority the gang injunction is to the police department. The second topic on the police officer survey sought to evaluate police agency response to injunctions. Is a gang injunction violation seen as an important call for service or as a self-initiated activity that has an aggressive response? Is it a low priority call that may not get dispatched for hours, or is the injunction not enforced at all? Combating gangs requires allocation of sufficient time, money, staffing, and other resources to address the problem (Bureau of Justice Assistance, 1998). Clearly, police resources are not unlimited (Fritsh, 2003).

Other Enforcement Operations

Gang injunctions can be part of an overall strategy against the local gang and may have more of an impact in the target area (Goldstein, 1990). The theory holds that the more operations that are simultaneously conducted against the gang, the more effective the injunction may be. Expectations should be reasonable because no single remedy will cure the problem; a mix of approaches is required. (American Civil Liberties Union [ACLU] Foundation of Southern California, 1997). Some experts feel that injunctions coupled with other tools for controlling gang activity, such as situational crime prevention, crime prevention through environmental design, crime-free multi-housing programs, anti-loitering statutes, traffic checkpoints, aggressive truancy, and curfew enforcement, and a crackdown on weapons violations may be more effective (Goldstein, 1990; Hemmens & Bennett, 1999; Stark, 1987).

If other operations were conducted in connection with the injunction, what were they? For those officers who were aware of the presence of other enforcement or redevelopment projects, they were asked to identify what the other enforcement operations were and what other projects may have been ongoing at the same time. Without a survey to gauge this issue, it may not be possible to identify other categories that may or may not impact gang injunction effectiveness. By failing to respond to areas that are under a heavy burden of gang violence, the positive impact of social programs in the area may be reduced. People may be less likely to utilize the programs and services if they do not feel safe doing so (Decker & Curry, 2003). By removing gang members from public view, the police theorize lawless residents will be deterred from committing future crimes and make neighborhoods safer for law abiding residents (Agnew & White, 1992; Vold, Bernard, & Snipes, 1998).

Type and Size of the Target Gang

The size of the gang selected for an injunction can impact its effectiveness. Cloward and Ohlin (1960) developed the differential opportunity

theory which identified several types of gangs (Kenney & Finckenaue, 1995). Some gangs share similar characteristics but also differ in some ways such as in their size and territoriality (Fagan, 1989; Klein & Crawford, 1967). Not every gang makes a good candidate for a gang injunction. To identify the relevant characteristics of a gang that may be subjected to an injunction, the police officers will be asked a series of questions about the gang they have selected to be enjoined. The structure of gangs in California varies depending primarily on size (Valdez, 2005).

Percentage of the Overall Gang Targeted with Injunction

It is believed that the greater the percentage of the gang's total membership served with the injunction, the greater the impact on effectiveness. It is logical to assume that serving 50 members of a gang with 75 total members may be more effective than serving 50 members of a gang with 500 total members because a greater percentage of the gang's membership is restricted by the injunction; this makes it more difficult for the gang to adapt and respond to the order. The more members of the gang subjected to the order, the more difficult it may be for the gang to ignore the order by using members who have been excluded to enter the area and resume the criminal activity. The reason injunctions cause concern for gang members is because they can go to jail simply for being with a fellow gang member; the police do not need to catch them in the act of committing a crime. Research suggests gang members are criminals who tend to commit crimes together and feel more powerful as a group as they know that they are more intimidating (Thrasher, 1927/1963). By reducing the potential size of the total group available to commit crimes in public view within the target area, a corresponding drop in crime in the target area may occur (Klein & Crawford, 1967; Short, 1963).

Gang Leaders

The injunction will be more effective if gang leaders are targeted. Targeting leaders makes it more difficult for them to maintain control of gang activity in the target area, having a corresponding

impact on the other members of the gang. Targeting leaders alerts the entire gang to the presence of the injunction as the communication in gangs often starts at the top and filters down. It is acknowledged that injunctions cannot address the problems that an entire gang poses. They are by design an attempt to stifle the gang by focusing on a select few members (Alonso, 2003).

The more territorial the gang targeted with an injunction, the more effective the injunction may be. This may result in reduced crime in the area. In many cases, gang injunction effectiveness can be attributed to the different degrees of territoriality of each ethnic gang. A territorial gang may be impacted more significantly by a gang injunction than a gang that is not beholden to a geographic area, making territoriality a key prerequisite of an effective gang injunction. In southern California, the most territorial gangs tend to be Hispanic and African American (Vigil, 1988). Asian and Caucasian gangs also exist and pose tremendous problems for law enforcement. In some jurisdictions, they contribute to the bulk of the gang problem. However, they tend to be more mobile and do not have easily defined territorial boundaries, which makes targeting them with an injunction more difficult (Valdez, 2005).

The more serious the gang crime, the greater the possibility that an injunction will be effective when compared to an area without serious gang-related crime (Yablonsky, 1962). In areas where gangs engage in public acts of violence; gang intimidation; and public congregation leads to shootings, stabbings, assaults, and rapes, the injunction may be more effective (Valdez, 2005). The type of activity the target gang engages in is widely accepted as being a category when evaluating gang injunction effectiveness. For example, if a gang is involved in identity theft, an injunction would have little impact because the gang does not need to congregate in public view to conduct that crime; it can be committed in any jurisdiction and is not tied to a geographical area. Two types of activity were addressed in the police survey: (1) is the crime committed by the gang primarily Part 1 crimes and (2) is the crime primarily committed by the gang as a group or more as individuals.

Gangs with members who primarily commit crimes as individuals may be less effective when compared to gangs who commit crimes primarily as groups. Common suppression strategies against gangs are often believed ineffective because of their primary reliance on criminal law. Criminal law applies equally to all citizens and in all locations, and it usually necessitates a showing of participation or involvement by each individual (Bureau of Justice Assistance, 1993). While there may be variations in the prosecution of criminal laws between jurisdictions, the individual culpability requirement allows fewer opportunities to attack the group characteristics applicable to street gang activity.

Keeping the target areas manageable in size allows for a greater level of effectiveness. The impact of smaller target areas in most cases makes evidence collection a more manageable task (Delgado, 2006). Police should use major streets, freeways, and rail lines as injunction boundaries to make the identification of the target area easily understandable to gang members. Some gang injunction target areas are selected based upon existing crime reporting districts to better analyze the impact of the injunction at a later time. This may make gathering crime statistics a bit easier, but gang territories do not always fall neatly in line with police reporting or other jurisdictional borders. Injunctions can work only for specific territorial gangs, whose members won't or are less likely to carry on their activities outside their own neighborhoods out of fear of other gangs that control those areas (Levy, 1997).

The largest gang injunction area to date is approximately nine square miles (*People v. Avenues*, 2002). The bigger area may make it more difficult for gangs to simply shift their activities within their recognized gang turf. If the gang is not restricted in all areas of their identified turf, they may adapt to the increased enforcement without having to move from the comfort zone that their home turf affords them (Skogan, 1988).

Gang injunctions that include every square inch of the targeted gang's territory may increase injunction effectiveness. The percentage of the overall enjoined territory may be a critical issue

for evaluating that effectiveness. Some contend that gang injunctions are ineffective and simply displace crime from the injunction target area to neighboring communities where restrictions do not apply (Reza, 2006). Sometimes displacement is the desired effect; law enforcement wants the gang members to cease operation on their claimed turf. Gang injunctions target neighborhoods that typically have a well-entrenched gang presence. By placing pressure on local gangs, law enforcement hopes members feel committing their crimes elsewhere offers a better chance of success. This may increase the chance of arrest as the gang member is out of his or her comfort zone, and the new area may have a history of reporting crimes or suspicious activity. These new areas may not offer the gang member the same support base that has helped him or her evade justice and cover up criminal activity in the past (Meares, 2005; Sherman, 1990).

Gang injunctions can be more effective in poverty stricken areas as compared to middle class or affluent areas. Strain theorists believe the strain of living in dilapidated poverty stricken areas contributes to youths joining gangs and committing crimes (Cook, 1986; Miller, 1958).

Zoning in the Area

The more residential housing in the target area, the better the injunction effectiveness may be when compared to an area with a heavy concentration of industrial and business establishments (Goldstein, 1990). This is important to gang injunction effectiveness because, according to Wilson and Kelling's (1982) Broken Windows Theory, if a window is broken and is left unrepaired, all other windows will soon be broken. This is because leaving windows broken indicates the community is not interested in how the neighborhood looks and lacks community pride (see also Buerger, 1994; Dubin, 1959).

Community Involvement

The gang injunction's success is bolstered by strong community support (Flynn, 1998). Communities commonly respond to gang presence by not using public spaces for recreation

or leisure. This disrupts social balance and community attachment to the target area and decreases the community's ability to regulate criminal behavior (Bureau of Justice Assistance, 1998). It also allows the gangs to gain control of the area as they take over public spaces, adding to the community's level of fear and intimidation (Wilson & Kelling, 1982).

Police-Initiated Injunctions

When compared to injunctions initiated by another group, police-initiated injunctions are more effective. Injunctions sought by police are considered more advantageous and impactful than injunctions sought in reaction to an event. It is important to properly analyze and take into account the involved gang or target area. Additionally, the police are more likely to be diligent about their work on a project that interests them, rather than one taken on for political purposes.

Injunctions initiated by groups outside law enforcement appear to have a reduced level of effectiveness. The police are typically tasked with identifying specific problems: who is the source of the problem, which gang is the problem, what type of gang are they, which specific gang members are the problem, and what types of crimes are they committing. In addition, the following issues must be considered by police: how long will it take to get the injunction, what resources are available to address the problem, and who will be tasked with doing what? Injunctions initiated by these outside groups may not take all relevant factors into account.

Individual Defendants

Typical complaints about gang injunctions are usually constructed in one of three ways. The types of order varies significantly from one jurisdiction to the next. Does the naming of individual defendants have a greater psychological impact on the gang member as opposed to an order in which the gang member's name is not listed? Does the process of serving large numbers of gang members have a more beneficial impact when compared to serving just one or two members of the gang?

The complaint may name the gang as the sole defendant, it may name individual defendants in addition to the gang, or it may name only individual defendants. Naming only the gang seems to offer law enforcement flexibility and may lower the costs of bringing the injunction (Aos, Phipps, Barnoski, & Lieb, 1999). Rather than build a case against each gang member the prosecution intends to bind, the prosecution would only have to build a case against the gang as a whole. Notwithstanding these possible advantages, naming only the gang may present problems if a gang member claims that he or she did not have notice of the injunction.

The presence of a local gang coupled with an unhindered ability to congregate increases the likelihood major crimes will occur and minor nuisance activity will continue making enforcement a key category to any injunction's effectiveness (Beccaria, 1764; Crowe, 2000). Any violation should be addressed by way of arrest and prosecution to send the message to the individual member, and the group, that the order is a serious matter (Los Angeles Civil Grand Jury, 1995). Swiftly, certainty, and severity depend heavily on the individual jurisdiction taking the necessary steps to educate officers on the presence of the injunction, who it impacts, and how to enforce it. It must encourage enforcement of the orders to send the appropriate message to the gang. The order is a serious issue that demands their attention, whether they like it or not (Bratton, 1995). If police are not aware an injunction exists, it stands to reason the gang injunction is completely ineffective and irrelevant. It is a critical function of the lead detectives and prosecution to ensure that the officers who work in the gang injunction areas are made aware of the presence of the injunction, how to enforce it, and how to file the cases.

Injunctions that simply require gang members be cited and released are not as effective as those which require gang members be booked in jail. Aggressive enforcement of an injunction enables law enforcement to effectively prevent imminent criminal activity by arresting persons for prohibited patterns of conduct that are known to precede and facilitate gang crimes (Hanh, 1992). Used properly, a gang injunction

can help a community take back its streets. However, wielded as a hammer rather than a scalpel, an injunction can do more harm than good by alienating innocent citizens from the officers who are sworn to protect them and eviscerating citizens' civil rights (Ricciardulli, 2006).

Updating Orders

Because gangs are ever evolving, keeping gang injunctions updated is necessary. The phenomenon is sometimes referred to as a shelf life or expiration date. Over time, as older members drop out of the gang, go to prison, or die, "order" has less impact on the active membership. Through new recruitment, the cycle of gang activity continues generation to generation (Spergel, 1966). In Los Angeles, some injunctions give the gang detectives the opportunity to add new members as they are identified as a problem over time (Alonso, 2003). Failure to update injunction orders will slowly diminish the power of the injunction. This will result in injunctions being put on the back shelf and not enforced as they become less relevant to the current gang problem.

This research indicated that gang injunctions that limit the ability of gang members to associate in public view will result in a reduction in crime in the target areas. Criminological association theories suggest that addressing group processes and negative peer influence decreases gang-related crime, which has been supported by this research. According to the research, by removing the most visible presence of the most problematic members of the targeted gang in the target areas, there will be a significant reduction in crime when compared to the baseline and to the controls.

Gang dynamics are addressed in connection with deterrence, association, environmental, and economic theories. The psychological impact of a gang injunction on the dynamics of the targeted gang is related to every category of theory in this research. Each of these theoretical models make specific predictions on what factors may decrease gang-related crime. This study sought to explore the relationship between predictions made from these theories and which variables are empirically associated with successful gang injunctions. Impacting

a gang member's level of self-control, his or her ability to intimidate and control turf, and his or her ability to carry out crimes for the benefit of the gang—all of these have implications in regards to the psychological aspects of gang crime.

Summary and Recommendations

The review and analysis of existing and previous gang injunctions have helped to provide recommended steps for future gang injunctions when considering their potential effectiveness. This research has revealed that police willingness to enforce the order is a critical element of an effective gang injunction.

The majority of the survey participants reported a fast response to a gang injunction violation. This is supported by the fact that of the 25 injunctions evaluated in this study, 21 of them resulted in a reduction in crime, indicating that police response is a contributing factor to injunction success. This research supports deterrence theory in that police agencies that allocate sufficient resources to enforce the gang injunction have a more positive impact.

The majority of surveyed officers felt that an injunction arrest was a beneficial use of time, and the majority of officers supported arrests over no action being taken. If the police feel it is worthwhile to make an arrest for violating an injunction, the injunction will be more effective. The majority of officers described themselves as being very involved in the process.

A majority of officers identified the police as the initiators of gang injunctions and that they felt their department did keep them informed of the injunction's status. The majority of officers said injunction violators were booked in the local jail subsequent to a gang injunction violation arrest. Slightly less than half of the officers felt their jurisdiction adequately updated their injunctions.

Recommendation for 10-Step Gang Injunction Process

Based upon the literature review, and a review of recent gang injunctions, we have formulated

10 recommended steps for those seeking future gang injunctions to take into account prior to implementing a gang injunction to potentially increase gang injunction effectiveness.

1. *Start with a motivated prosecutor, and allocate sufficient investigative resources.*

This research supports the deterrence theory holding that police agencies that allocate sufficient resources to enforce the gang injunction have a more positive impact.

2. *Accurately identify the nuisance activity and the problem.*

Police officers, in collaboration with the prosecution, are responsible for identifying the problem posed by the particular street gang that is creating the nuisance in the target area in violation of existing state laws. The police are the ones typically tasked with identifying the specific problem, the source of the problem, which gang, what type of gang, which specific gang members, and what types of crimes are they committing?

3. *Identify the defendants to be named or targeted by the injunction.*

When starting a gang injunction, it is very important to select the proper defendants to be subjected to the order. This research recommends that the gang expert and prosecutor start by analyzing every known member of the gang they are tasked with investigating and evaluating all of them for potential inclusion in an injunction. It is critical that the primary investigator on the case has a comprehensive understanding of the entire gang and that he or she is able to explain why the members who were included in or subsequently served with the injunction were selected.

4. *Identify and describe the target area.*

Some of the gang injunctions obtained consisted of target areas whose borders are confusing, which may cause the police to be apprehensive to take action if they are unsure if they are actually in the target area. This research recommends picking an area that is easily understood and can be mapped out

and defined clearly. Whenever possible, use major streets, freeways, rail lines, and other significant borders to make the identification of the target area by both the police and the gang members easily understood. Many current gang injunction target areas are selected based upon existing police reporting districts to better analyze the impact of the injunction at a later time. This makes future assessment easier, but a more important factor should be adequately defining and enjoining the correct turf of the target gang.

5. *Collect evidence.*

Most of the evidence presented to the court in gang injunction cases is in the form of written declarations from numerous potential sources to prove the existence of the need for the court order. Virtually every gang injunction also includes photographic evidence of gang members posing together; displaying hand signs, tattoos, and weapons; and, more importantly, showing their affiliation and association with one another. Gang injunctions require having all of the contacts for each gang member included in the primary officer's declaration that combines all of the evidence into one easy-to-read document. When collecting evidence in the form of declarations, they should all be prepared in the same style and format to make the order easily interpreted by the court.

6. *Decide which type to obtain—prepare the order.*

The complaint may name the gang as the sole defendant, it may name individual defendants in addition to the gang, or it may name only individual defendants. Naming only the gang seems to offer law enforcement flexibility and may lower the costs of bringing the injunction. Rather than build a case against each gang member the prosecution intends to bind, the prosecution would only have to build a case against the gang as a whole. Notwithstanding these possible advantages, naming only the gang may present problems if a gang member claims that he or she is not a gang member and they are not part of the public nuisance.

Even so, naming the gang as a whole seems to offer law enforcement the most flexibility and lowers the cost of bringing the injunction.

7. *Decide what activity will be restricted before obtaining the order.*

A gang injunction should be tailored to address the specific nuisance activity associated with the target gang. After setting forth the proper standard for what constitutes a public nuisance, a typical complaint will then paint a portrait of how the gang's activities meet this standard. The points and authorities in support of the injunctive relief may cite specific instances of conduct that form the nuisance. These instances are provided in the declarations accompanying the complaint, often attested to by law enforcement officers. The prohibited activities vary from injunction to injunction based upon the evidence that illustrates the need to enjoin a specific activity by the target gang.

8. *Notify defendants.*

Once the order is obtained, it is important to make notification to each of the defendants who will be impacted and subjected to the terms and rules outlined in the order. Due process requires that in order to hold a person amenable to an injunction, he or she must have notice of it.

Each gang member who will be subjected to the conditions of the order must be served a copy of all court documents related to the case, which includes all of the evidence against them, with the exception of anything placed under seal by the court. This research sought to evaluate how defendants are served, the manner in which they are served, and the criteria used to determine who is served with the gang injunction.

9. *Final disposition: Trial/Hearings*

Every gang injunction has to be presented to a court of law for a determination to be made if the injunction should be granted. This is the stage that emphasizes the importance of having a well-prepared case and enhances the chance of a successful outcome in court.

This is where gang evidence, each named member's history, the size of and activity in the target area, and the activity of the target gang as a whole become very important. Some injunctions go through the legal process with virtually no opposition; others are fought in lengthy trials. The police and prosecution must assume that a trial will be required and that each and every gang member will appear and contest their inclusion in the order. Proceedings based upon that assumption will increase the likelihood that the case is successful.

10. *Enforce, maintain, and update the order; educate the police and community.*

Once the prosecution makes a successful showing that the gang's activity constitutes a public nuisance, proper enforcement of the order is the last and perhaps one of the most significant steps of the 10 steps discussed herein. The enforcement and maintenance of the order can occur over many years. If implemented correctly, the injunction can be a long-lasting tool that disrupts the gang's ability to conduct business in the neighborhoods they once felt they controlled.

The successful implementation of a gang injunction requires constant vigilance in the target area where no violation should be ignored. To enforce and maintain the order, police must first be aware of the presence and conditions of the order. In San Diego County, the District Attorney routinely attends the police line-up trainings to discuss pending and ongoing gang injunctions with officers, how the injunctions are obtained, what these mean for the police, how to make an arrest for an injunction violation, what an injunction violation is, how to write the report, where to file it, and what outcome prosecutors will be seeking.

Conclusion

The research identified several essential components of effective gang injunctions. The findings of the study support their efficacy. Police agencies must continue to maintain vigilance to enforce and update the injunctions that are in place.

These findings can serve as prescriptives for gang injunctions in other areas of the United States that are wrestling with a rise in crime caused by organized gangs. The rise in criminal activities based on gang activity has caused countless law enforcement corrections agencies to create Gang Units to gather intelligence, identify members, intervene with or prevent crimes, and bring violators to justice. It is hoped that the research allows agency leaders to consider the potential for gang injunction action in their jurisdiction and to work in collaboration with prosecutors.

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Do as I Say! Or, Do as I Say, Not as I Have Done! County Sheriffs' Self-Reported Accountability Priorities for Themselves and Their Subordinates

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Introduction

Organization theory is bulging with literature that examines motivation as the crucial variable that managers must manipulate in order to receive acceptable levels of productivity from subordinates (McKnight, Cummings, & Chervany, 1998; Organ, 1988; Veiga, 1988). Typically, management literature emphasizes the need for supervisors to communicate their priorities to their workers (Suchman, 1995, p. 586). An added complexity within this relationship is the fact that some managers have different expectations for themselves than they do for those under their supervision (Whetten, 1978, p. 255). This paper examines this phenomenon through the eyes of county sheriffs in three U.S. states. We will begin by explaining why the county sheriff, as an important public manager, is an excellent subject for this type of inquiry. We will then review pertinent management literature from which we draw our hypotheses. Next, we will present two competing hypotheses regarding the relationship between a manager's self-reported priorities and those which the manager reports for his or her subordinates. Afterward, we will empirically test these hypotheses using a series of linear regression models. Finally, we will discuss our findings and suggest how future research can build upon our study.

The Peculiar Management Role of the County Sheriff

Holding the office of county sheriff brings about a series of distinct roles, responsibilities, and accountability considerations (Falcone & Wells, 1995; LaFrance & Placide, 2010a). The sheriff serves as the head of an organization (the sheriff's office) that engages in a range of activities that include, but certainly are not limited to, (1) running the county jail, (2) providing law enforcement services for county residents, (3) staffing courts with bailiffs and security officials, and (4) serving warrants and civil papers (Falcone & Wells, 1995). Furthermore, the sheriff is most often elected into his or her position. Thus, the sheriff not only has to juggle effective service provision in several realms, he or she also has to be mindful of the electorate and the decisions and opinions of his or her peer-elected officials (LaFrance & Placide, 2010a). Here, a complication arises. Namely, the democratically elected sheriff is charged with commanding sworn and non-sworn personnel who, for the most part, were selected based on merit criteria (LaFrance & Placide, 2010b). Thus, it might be reasonable to suspect that political pressures would not resonate as loudly for the sheriff's subordinates as may be the case for the sheriff him- or herself. Additionally, the nature of the sheriff's office forces the sheriff to span the boundaries of several organizations and systems of service provision (e.g., public, private, and nonprofit) and governance (in terms of local-

state-federal relationships and functional dimensions). Thus, the sheriff might be more apt to consider the opinions of managers outside of his organization when he or she makes decisions. Does this mean that the sheriff would expect his or her officers to mimic his or her decision calculus or, instead, to limit themselves to intra-agency rules and considerations? We simply cannot say with any certainty. These dynamics led us to construct two broad, oppositional hypotheses.

Hypothesis I: The Manager Expects Subordinates to Mirror His or Her Priorities

The first hypothesis asserts that sheriffs will expect subordinates to mirror their respective priorities. This hypothesis makes intuitive sense as sheriffs would be able to foster coherent and consistent communication throughout the organization if they insist that their subordinates think as they do. An additional benefit of this logic is that sheriffs might be more apt to manage fairly if their performance evaluation criteria for the officers whom they oversee are congruent with the evaluation criteria they set for themselves. Finally, this arrangement has the potential to offer a built-in accountability mechanism (and pave the way for a relationship premised on trust) in the often-studied manager-subordinate relationship.

One relevant piece of literature points to the results of managers and subordinates seeing eye to eye. According to Kemelgor (1982), supervisors ought to prize employees who assist them in meeting their goals. Furthermore, Kemelgor argues, supervisors “will be more attracted to those who share a similarity in basic attitudes and values” (p. 157). In addition, Kemelgor claims that his study “suggests that value similarities could function to lessen conflict, improve communication, and cooperation. There is also possibly an increase in conformity, and morale” (p. 158).

However, despite the aforementioned merits of this approach, it may be quite naïve to expect workers occupying completely different roles

to think alike. If taken to an extreme, this type of interaction could actually be dangerous in that it foregoes contextual considerations that are tied to each rank level and role within the organization. Furthermore, too much consensus can lead to the problem of groupthink, wherein no team member wishes to point out flaws in decisions made by the leaders of an organization for fear of ostracism from his or her work group (Janis, 1982).

Hypothesis II: The Manager Expects Subordinates to Have Different Priorities than His or Her Own

The second hypothesis is premised on the notion that contextual considerations of each rank level are ultimately more important to the top manager of an agency than uniformity of values and standardization of priorities. Here, Thompson’s (1967) description of the manager’s role in buffering the technical core is closely linked. This buffering role prevents the core workers of an agency from experiencing distress or confusion that could result from environmental shocks, enabling the core workers instead to focus on the technical precision that is expected in their specialized organizational subunits. This, too, could be considered a good management practice as it would be likely to minimize the stress to which a sheriff’s officers are exposed. This is an especially important consideration given the general high-risk nature of law enforcement careers. However, as foreshadowed in the presentation of Hypothesis I, this approach to management could have drawbacks in terms of the consistency of expectations and the fairness of performance evaluations.

Having presented each hypothesis, it was now time to test them in order to determine which is a more accurate description of the sheriff’s approach to management decisionmaking.

Method and Procedures

The Target Model of Discretion was developed to understand the priority level that officers place on nine different categories (LaFrance, 2010):

(1) Legal Liabilities, (2) Community Norms, (3) SOPs, (4) Political Pressures, (5) Personal Values, (6) Other Managers, (7) Professional Associations, (8) Accreditation Bodies, and (9) Informal Organizations. We then used this model to formulate a survey to send to sheriffs to test the above hypotheses. One question on the survey asked, "As a MANAGER (please prioritize 1-10) (Category)." Another question on the survey asked, "When thinking about how YOUR OFFICERS make discretionary choices, in what order [would] you prefer they prioritize the following? (prioritize the items 1-10) (Category)."

We then sent this survey to all the sheriffs in Missouri, Nebraska, and North Carolina. From the 308 sheriffs in these three states, we received 107 responses (response rate = 34.7%). For each sheriff, we sent three mailings: (1) an introduction, (2) the survey, and (3) a reminder. There is no reason to expect any systematic response bias since the response rate was not extremely low and the lack of responses have no reason to be correlated with the variables in our model. After receiving the survey responses, we began to analyze the results.

Findings

The results for the first nine models are shown below in Table 1. According to these results, a manager's own priority level on each discretion category explains between 44 and 80% of the variance in the priority level the manager wants his or her employees to place on each category. It is incredible that on seven of the nine categories of priorities, the priority that the manager places on each category alone explains over half of the variation in the priority he or she wants his or her employees to place on that category.

We then constructed graphs to show how the priority level that managers place on the category affects the priority level they want their employees to place on that category. The matching line provides a reference point. This shows how the line would look if the managers consistently wanted their employees to place the same priority level on a category that they placed on that category. When the regression line is below the matching line, it means the managers wanted their employees to place a higher priority level on the category than they did. When the regression line is above the matching line, then the managers wanted their employees to place a lower priority on that

Table 1. Nine OLS Regression Models: Priority Level of Manager vs. Priority Level Expected of Employee

Models	Constant	Coefficient	R Square
Legal Liability	0.469 (0.157)	0.79 (0.068)	0.565
Community Norms	1.129 (0.309)	0.743 (0.067)	0.554
SOPs	0.325 (0.162)	0.75 (0.054)	0.657
Political Pressures	1.736 (0.493)	0.782 (0.063)	0.617
Personal Values	1.247 (0.218)	0.693 (0.061)	0.564
Other Managers	1.215 (0.56)	0.785 (0.089)	0.447
Professional Associations	1.744 (0.387)	0.765 (0.057)	0.656
Accreditation Bodies	0.547 (0.375)	0.915 (0.048)	0.794
Informal Organizations	1.86 (0.468)	0.722 (0.076)	0.484

category than they did. On Legal Liabilities and SOPs, managers almost always wanted their employees to place a higher priority than they did. However, on Political Pressures, Professional Associations, and Informal Organizations, managers almost always wanted their employees to place a lower priority than they did. There was mixed evidence about Community Norms, Personal Values, and Other Managers. Sheriffs who placed a higher priority on these values wanted their officers to place a lower value and vice versa. Finally, managers on average almost always wanted their employees to match their priority level on Accreditation Bodies.

These results provide support for both hypotheses and show that the managers' expectations of their employees' priorities depends on the particular category of influence. For example, it makes sense that managers want their employees to have a higher priority on the rules (Legal Liabilities and SOPs) and may see themselves as having more discretion from the rules. It also is reasonable to see that Political Pressures, Professional Associations, and Informal Organizations, which are outside the realm of the managers' control, are categories for which the managers want their officers to place a lower priority. There was mixed evidence on Community Norms, Personal Values, and Other Managers, which means they do not lend support for either hypothesis. More research would need to be done to see what influences managers' views of these categories. Finally, managers have about the same expectation for the priority levels placed on Accreditation Bodies by both themselves and their employees. This is probably because Accreditation Bodies affect the whole organization relatively equally.

Conclusion

In this paper, we have evaluated two rival hypotheses regarding the degree of emulation sheriffs wish to see from their subordinate officers when it comes to the ranking of discretionary priorities. Interestingly, we have found support for each rival hypothesis when looking at specific categories of discretionary influence. In

essence, the veracity of either hypothesis is contingent on the discretionary influence category under investigation and, it might be surmised, is contingent on the role expectations inherent in the managers' and subordinates' roles. We have also encountered categories wherein the relationships were not sufficiently straightforward to allow us to draw conclusions. Taken as a whole, our results are more provocative than conclusive. From a scientific standpoint, this is a bit disappointing. However, from a practical standpoint, our findings serve to illuminate the awesome complexity inherent in managing a public enterprise. Future research should aim to provide more definitive answers to the puzzles we have presented while also remaining mindful of the daunting and varied expectations to which public managers are exposed.

Acknowledgments

The authors thank the Office of Sponsored Projects at WIU for a grant that funded the larger research project detailed in the study. The authors would also like to thank student associates at the Western Survey Research Center who helped in designing, implementing, and collecting the survey. Finally, the authors thank Sandy Larimer and the production team of the *Law Enforcement Executive Forum* for constructive comments and questions that helped to improve the article.

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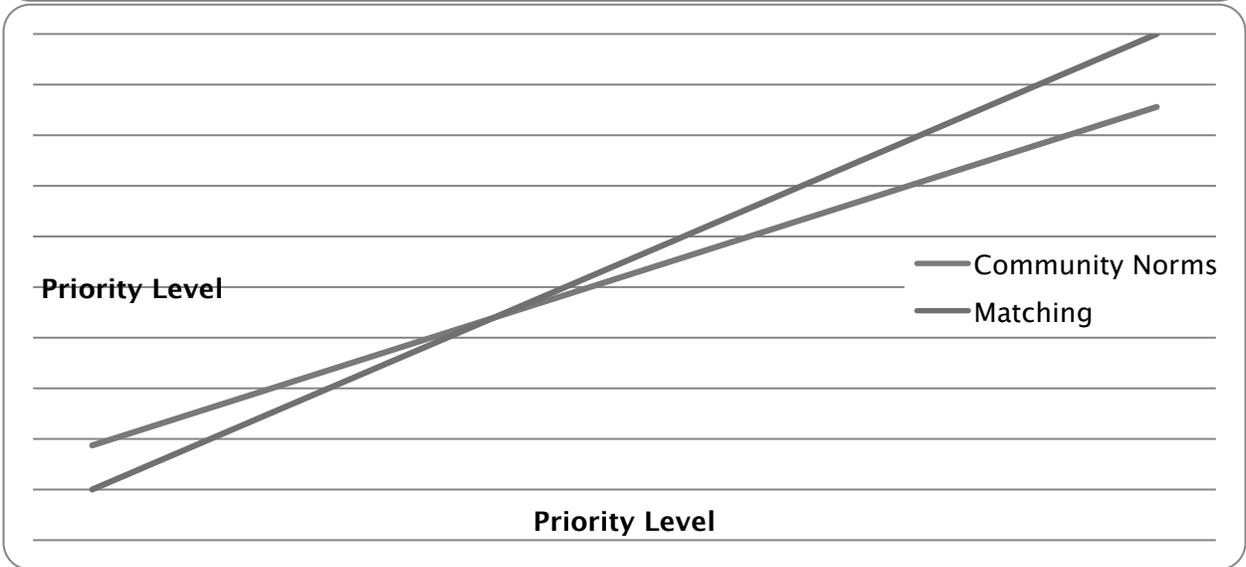
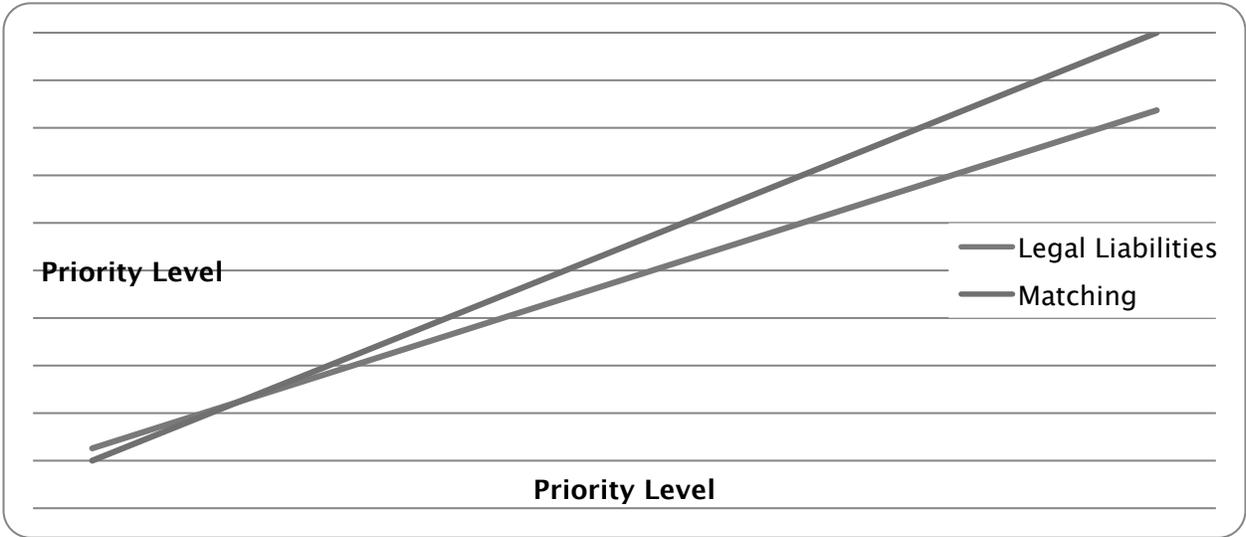
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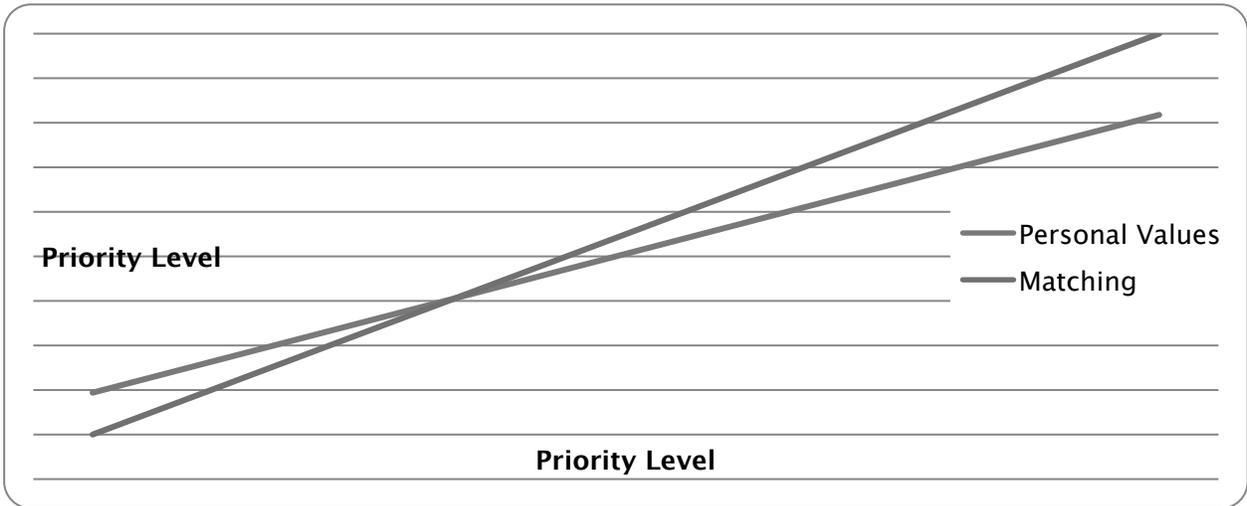
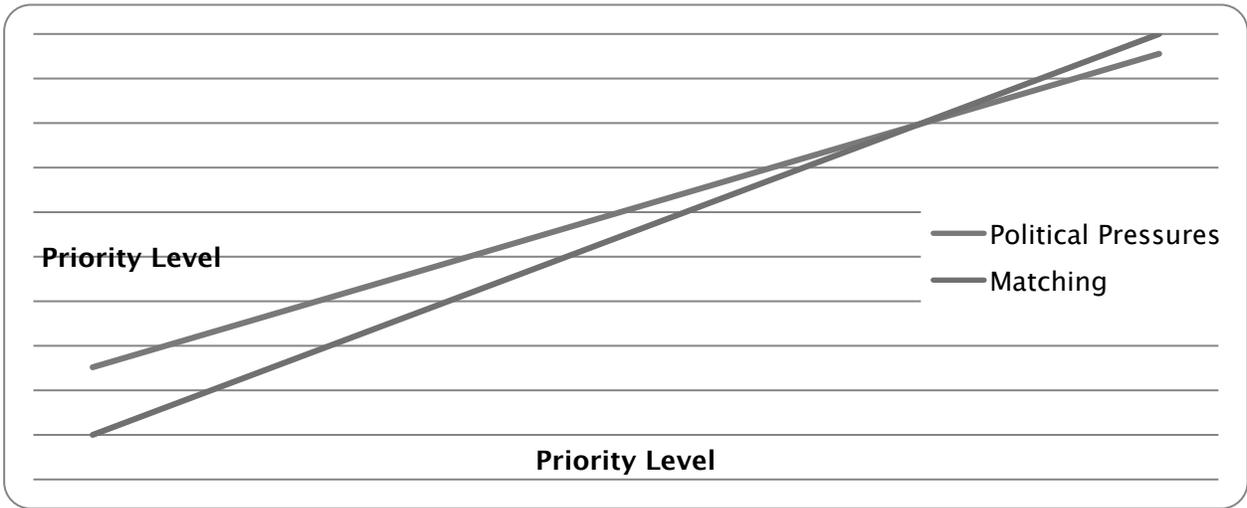
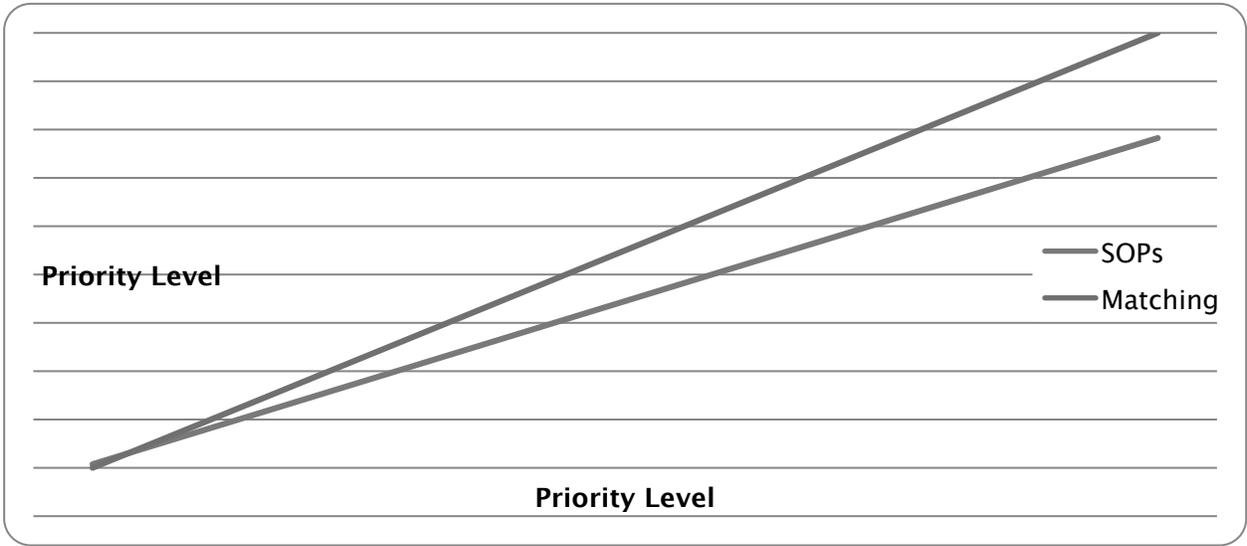
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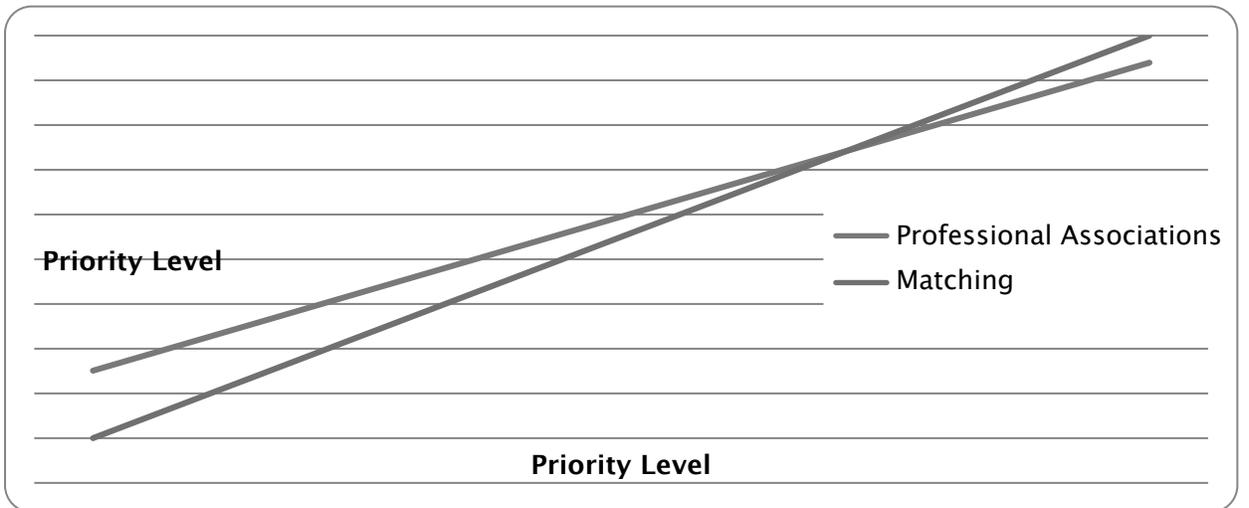
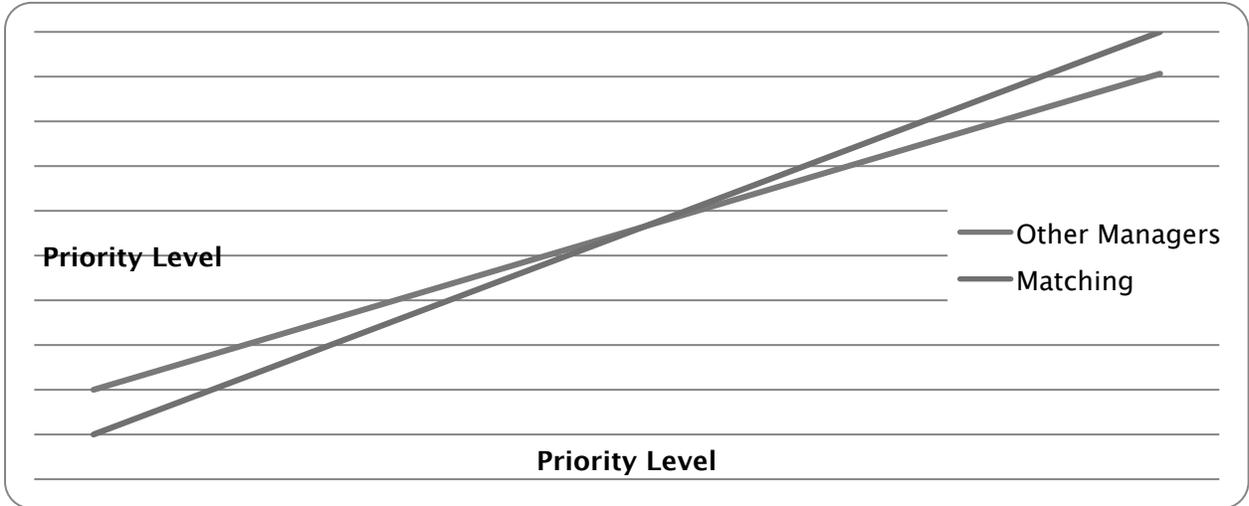
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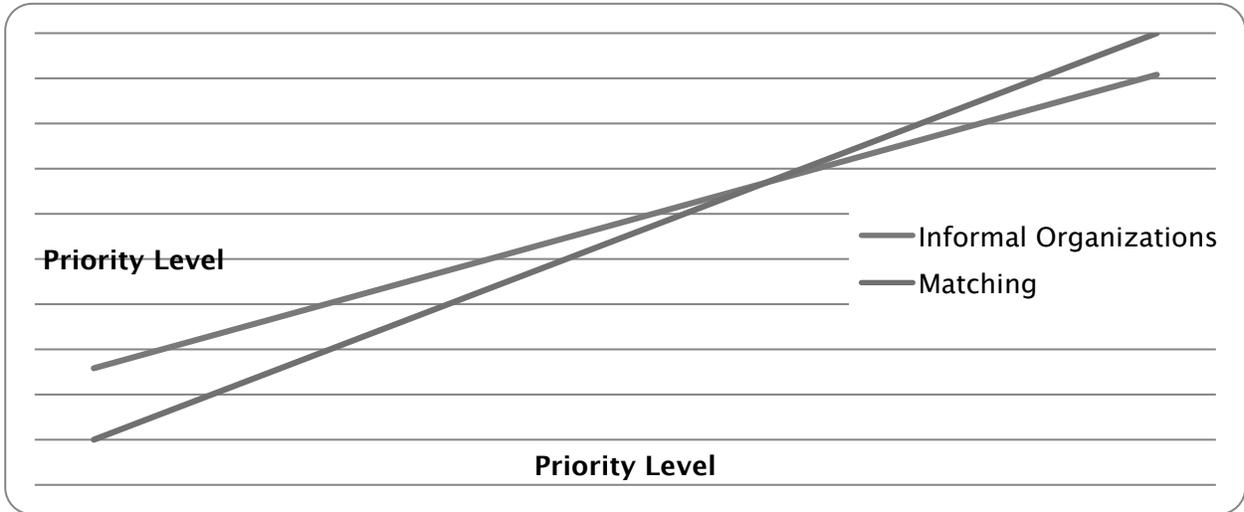
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A Multimodal Approach to the Management Training of Police Lieutenants

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Introduction

Today, law enforcement executives face turbulent budgetary environments at all levels of government. Lay-offs, reductions in force, cancelled academy classes, and delayed hiring are common considerations in these environments, and agency training budgets are often questioned. Some have argued that training is funded by “soft dollars,” prompting careful scrutiny of training expenditures, especially training and education beyond that required by law or regulation. Quite simply, some believe training and education funds could be better spent elsewhere within the agency, especially during these times of budget crisis.

Yet our officers are the public face of our respective law enforcement agencies and are the most valuable of all our resources. Continuous professional training and development are basic prerequisites of any progressive organization. The current budget reality and training demands are not necessarily contradictory, but, rather, just another challenge among the several facing any modern law enforcement executive.

The effective and progressive management of our officers should be the primary concern of responsible law enforcement executives. To address an aspect of that concern, the multimodal approach to the management training of Lieutenants is offered. This term, *multimodal*, is defined as more than one mode, method, manner, or way. In the context of this article, the modes include a structured individual professional reading program, a defined distance education curriculum, and selective advanced management education.

Yet, before exploring the multimodal training program concept, the senior leadership of a law enforcement organization must be confident that they have a current and accurate understanding of the role performed by a Lieutenant within their organization. Such understanding can be anchored in a current Position Description that includes roles and responsibilities. Absent that, necessary preparatory work should begin in partnership with Human Resources specialists so that a foundation for training and development can be laid. The Position Description should be reviewed annually by incumbents to minimize the gap between actual work performed and that detailed in the Position Description as well as to ensure the continuing relevance of the multimodal program.

The senior leadership of the law enforcement agency must establish and publish performance expectations in regards to this multimodal training approach before program implementation. The performance expectations should be realistic, for this will be a multi-year project requiring serious effort by both the organization and the participants. At minimum, program performance expectations should specify participant time commitments and identify program administration requirements. Each of the three modes will require different protocols due to the stark difference in techniques and methods, but each protocol should be transparent.

Program Context

The focus on the Lieutenant for this training and development is a conscious choice. In a hierarchical paramilitary organization, still the most common law enforcement organizational structure, the Lieutenant is commonly

the first management position but a middle manager. This salaried middle manager's role significantly reflects the organization in which he or she serves, but police middle managers also share common roles across the multitude of law enforcement organizations. Commentators have noted that government middle managers are "singled out as enemies of change. They typically resist efforts to decentralize authority and establish participatory management. The assumption is that if such changes are implemented, middle managers fear loss of their power position within the organization" (Vito & Kunselmen, 2000, p. 316). Police Lieutenants' roles were also described as "auditors who monitor conformity to rules rather than as problem solvers who use resources to accomplish organizational goals (Bayley, 1994, p. 9), while their roles as Lieutenants were defined as "focused on control and evaluations in organizations. The leadership role, seen as more important and as a visible position, is left to the chief executive officers or frontline supervision. Middle managers traditionally do not inspire, act creatively or lead change. They simply manage the system" (Geller & Swanger, 1995, p. 127).

Lieutenants are a rich resource within any police organization, for these individuals are the future formal senior leaders of law enforcement. A significant education and training investment at this rank will potentially yield a disproportionate return for many years to come. The multimodal program is such an investment.

Program Elements

Mode 1 – Professional Reading Series

The first mode in this program is professional reading. While Lieutenants and would-be Lieutenants come from a variety of educational backgrounds and professional experiences, current and future organizational success depends upon a shared understanding of the theories of public administration, management, and leadership as well as technical competency in disciplines as varied as

performance measurement and budgeting. The Professional Reading Series can be used to expose Lieutenants to these theories and disciplines as well as to current topics.

With the advent of low-cost information technology and the widespread accessibility of the Internet, an excellent library is but a key stroke away. Yet information accessibility is not the challenge of this mode; rather, the challenge is found in identifying appropriate materials to assign and constructing thoughtful questions to be posed to the readers. While lifelong learning is a common attribute of a modern executive, allocating the time in an already busy day to engage in such professional reading is both an individual and unit challenge.

Resources available for a professional reading program include professional journals, newsletters, and articles from academic journals as well as management and leadership books and textbooks. While the readings assigned will change during the course of the program, the program should consistently demand that the readers, in response to questions, take a position on a difficult issue and then articulate that position (Engells, 2006, p. 122).

While the cost of this program in materials will be minimal, the investment in labor may be notable. A program coordinator should be appointed and tasked with selecting the readings and constructing questions. That coordinator may be assigned to respond in writing to each participant's written response to the questions posed. A viable alternative to the written question method may be small discussion groups. In the discussion group method, the coordinator will act as the facilitator of the discussion with key points highlighted. There may be an opportunity to engage an academician from a local college or university to assist in the compilation of a reading list and questions to be posed.

A successful professional reading program requires executive commitment, for absent such commitment it will falter and fail. Simply put, a successful program requires

both a competent and enthusiastic coordinator as well as an executive champion who is an advocate of the program. Over time and with careful nurturing by the coordinator and champion, the professional reading series can overcome the resistance of some less than enthusiastic participants.

Mode 2 – Distance Education

The sheer variety of distance education opportunities available today is startling. The choices available in the distance learning mode range from government-sponsored free technical training to university-level studies at well-known public and private universities. As with the professional reading, time allocation will be a challenge. That challenge is further compounded by the cost of tuition if university work is incorporated into this aspect of the program.

The key to a successful distance education mode is a thoughtful curriculum, which is directly linked to knowledge bases identified in the Position Description. The coordinator, in consultation with the Lieutenants during one-on-one meetings, should review individual training and education achievements to date, specify some Distance Education goals, and then assist the Lieutenant in identifying appropriate Distance Education providers and establishing reasonable achievement timelines. A core curriculum in this mode may include some foundational courses—for example, Incident Command System and the National Response Framework courses—and then build on that base to include FBI National Academy courses, and then migrate to university work on finance, budgeting, public administration, and ethics. The curriculum should reflect the current and forecasted needs of Lieutenants and commanders at your specific agency.

Partnership is an elemental aspect of the distance education mode, for success will require an authentic partnership between an actively involved and motivated Lieutenant and a concerned coordinator. Distance education is

a labor-intensive alternative to the traditional classroom-based educational experience, and it requires organization, planning, and good time management skills. Good intentions alone will not produce results in this mode. The coordinator must periodically monitor goal achievement, and the Lieutenant's responsibility for progress cannot be delegated. However, program momentum can occur and should be nurtured through successful completion of a series of small courses.

Mode 3 – Advanced Management Education

As with the other modes of this program, the options available to implement this mode are numerous. Often, the individual experience of the Chief Executive Officer will significantly color the range of options considered for advanced management education. However, basic research into any credible management education program may satisfy questions on the applicability of the coursework to the needs of the agency. A basic planning requirement is a roster of appropriate programs, admission criteria, program duration, program costs, and convening dates.

The advanced management education should be considered as the last stage of this program and as an incentive for participation in the program. The Lieutenants' demonstrated achievements in Modes 1 and 2 should influence their selection for advanced management education. Most, but not all, advanced management education programs are residential programs and will require multi-week absences from home. This may influence participant readiness for becoming involved in this mode of the program.

While the organizational need for middle managers with advanced management education is apparent, the sequencing of individual managers' absences will present a true operational challenge to both the small- and medium-sized law enforcement agencies. Our enduring responsibility is to provide progressive law enforcement services to the communities we serve, so we must balance those

competing demands. A multi-year plan with a scope of three to five years can contribute to resolving the challenge of Lieutenants' education absences and will contribute to accurate training budget forecasts.

The regional and the independent Command Colleges, the various public and private university-based Executive Master Degree programs, and other advanced management programs often share in common a capstone project and in-depth problem appraisal requirement. This end-of-course assignment presents a wonderful planning and research opportunity for the sponsoring agency in that the Lieutenant-student can carefully research and assess a chronic problem or issue of concern for the agency and directly contribute to the resolution of the same. In that sense, there is an immediate payback on the advanced management education program.

Summary

While initial training of first-time police supervisors (Sergeants) is now a fairly common requirement across the nation, the management training of Lieutenants is not. Yet these same Lieutenants are assuming roles as managers that require new skill sets and knowledge bases for success in our organizations. The multimodal approach to management training of Lieutenants involves three elements: (1) professional reading, (2) distance education, and (3) advanced management education. Successful implementation of this approach requires careful planning and sequencing of activities, but the resulting cadre of Lieutenants who are fluent in the tools of modern management will more than offset the costs incurred. Simply stated, it is the right thing to do for our people, our agencies, and our communities.

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Does Training Impact Cognitive Processing? Preliminary Evidence of Multitasking in Police Pursuit Drivers

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Mentally juggling several different tasks all at the same time is something we as humans do on a daily basis. This ability, commonly referred to as multitasking, is a cognitive skill that helps us deal with complex situations. It is accomplished by shifting our focus of attention back and forth between various tasks. Under normal circumstances, we can attend to more than one thing at a time. On the other end of this spectrum is attentional tunneling in which we can process only one piece of information at a time. Sometimes the mental load of multitasking can increase to a point where it becomes difficult to maintain our focus on more than one task at any given time, and the system begins to break down. As our mental load increases, or when other factors like stress impact the system, neural resources are allocated to other more important tasks and our ability to multitask diminishes.

A common example of multitasking that most of us engage in almost daily is driving a car. When driving, we are required to perform the motor movements necessary to operate the vehicle while also paying visual attention to environmental information (such as the road, stop lights, pedestrians, and other cars). Often added to these tasks is engaging in conversation with another person. This requires us to listen to what a person is saying and recognize the words being spoken, remember what has already been said, and understand how this new information fits into the context of the conversation. Next, we think about the new information and plan our response. Our thoughts need to be formulated so that they can be communicated with the other person through speech production. All of this takes place seemingly without effort, and while we

are visually scanning the environment and driving the car. But these additional cognitive tasks do require neural resources and must affect our driving on some level.

Carrying on a conversation while driving a car is not a task with which we are initially adept. We do not start out with this ability; we develop it over time and with practice. The process of transforming an initially demanding task into a common routine is known as automatization. When learning to drive a car, our focus of attention is on everything that is necessary to safely operate the vehicle. With practice, our driving skills increase to the point that we no longer have to pay special attention to the task of driving. Those tasks have become automatized, which frees up cognitive resources so that we can engage in other tasks, like holding a conversation with another person in the car.

Understanding how cognitive processes unrelated to driving actually impact the skill of driving is something in which cognitive scientists are interested. A fairly recent focus of research attention has been on cell phone usage while driving. Numerous studies have shown that while conversing on a cell phone, drivers tend to drift more from the center of their lane, decrease the gap between themselves and the vehicle in front of them, and increase their overall speed (for a recent review of research in this area, see Collet, Guillot, & Petit, 2010). Interestingly, research has also shown that the more emotional the conversation is on the cell phone, the more distracting it is to driving performance (Briggs, Hole, & Land, 2011). So emotionality seems to also impact our ability to multitask. And with the onset of texting as a new and

oftentimes preferred means of communication, roads are becoming even more and more dangerous. Researchers estimate that between the years 2001 and 2008, texting was responsible for 16,000 deaths on roadways in the United States alone (Wilson & Stimpson, 2010).

Multitasking is a cognitive skill that is also important for police pursuit drivers. It allows the pursuit driver to juggle several different tasks at the same time such as visually tracking the vehicle being pursued, staying vigilant for dangers in the environment like other pedestrian and vehicle traffic not engaged in the chase, and attending to the performance of the pursuit vehicle by getting a feel for the road surface and stability of the car through haptic sensations from the seat and steering wheel. All of this (and this list of actions is not exhaustive) is done while monitoring updated information and instructions from the dispatcher over the police radio or from a partner in the car.

Under normal conditions, our attentional system can focus our concentration on any one of these tasks, such as tracking the pursued vehicle, in order to increase our performance of that task. Our system gives us this advantage in part by actively suppressing information that is secondary to the focused task at the time (Shomstein & Yantis, 2004). In addition, we can cognitively shift our focus of attention between different types of information and back, and from one sensory modality to another, as required to keep concentration focused and performance high (Driver & Spence, 1998; Eimer, 2001; Spence, Ranson, & Driver, 2000). Shifting attention between several of these tasks at a time is necessary for pursuit drivers to be safe and successful at their jobs.

Since multitasking is a key skill used in a pursuit (imagine the ramifications if a police driver could not perform one or more of the tasks listed above), an interesting and important research topic is to see if there are factors that influence an officer's ability to multitask in such situations. Research as referenced above has shown how attention and the shifting of attention works

under normal circumstances, and works while having conversations over a cell phone while driving, but pursuing another vehicle at high speeds is not a behavior in which people normally engage. Besides shifting attention between the various tasks that must be performed during a pursuit, the driver must also drive the vehicle. Driving is a learned skill and may play a determining role in how well an officer is able to multitask. Said another way, if a driver is very skilled at handling the vehicle, fewer neural resources are needed to drive the car, leaving more cognitive resources available for multitasking. If, on the other hand, a driver is not as skilled at driving, more neural resources will be needed to drive the vehicle, leaving fewer available for multitasking. In the latter case, resources must be spread around, which is a disadvantage to either driving or multitasking, or both.

Another variable that may influence multitasking is stress. Stress robs attentional resources, which leaves fewer resources available for processing cognitive tasks. Research has shown that many different types of stressors can act to narrow attentional focus (Garavan, 1998; McElree, 2001; Sliwinski, Smyth, Hofer, & Stawski, 2006; Verhaeghen & Basak, 2005). Fewer available cognitive resources leading to a tunneling of attentional focus may limit a pursuit driver's range of behavioral output options. This could put police drivers, and anyone else who happens to be in close proximity to a high-speed pursuit, at greater risk.

The study reported herein was a first attempt to objectively measure multitasking while driving in a police training situation. A secondary goal was to see if the ability to multitask while driving differed between officers based on the amount of self-reported stress the officers experienced during the drive. To meet these two goals, brain activity was recorded while police officers engaged in a multitasking activity in a controlled driving environment. Multitasking skills were considered in relation to the amount of performance-related stress each participant said he or she was experiencing. The following is a brief explanation of the electrophysiological measure used

to test multitasking ability and a brief description of how stress was defined in this study.

Measure of Multitasking

The *recognition response* was used to assess multitasking while driving. The recognition response is an electrophysiological tool that objectively measures attention. It is objective in the sense that it records the electrical activity of neural circuits in the brain and is not reliant on a behavioral response. It is present in an electroencephalographic (EEG) recording when a novel stimulus—embedded in a train of standard stimuli—is detected, and absent when it is not (Cote, 2002; Duncan-Johnson & Donchin, 1977; Verleger, 1997). Although it can be elicited in multiple sensory modalities (visual: Sannita et al., 2001; auditory: Basar-Eroglu, Basar, Demiralp, & Schurmann, 1992; and tactile: Tomberg, 1999, as examples; also see Chiappa, 1990, for an in-depth description of the recording process), audition was used in the present study by sounding a series of high and low tones. A determination of whether the recognition response is present in a set of brain EEG recordings can be made by inspecting response waveforms generated by averaging together a series of voltage amplitudes across time that were related to the presentation of auditory tones. The graphed responses are known as event-related potential (ERP) waveforms.

If a police driver is paying attention to the auditory stimuli and recognizes the difference between the target high tones that are mixed in with the standard low tones, the ERP waveform for the target high tones will have a positive deflection, peaking somewhere between one-third and one-half of a second after stimulus onset. If, on the other hand, there is not a positive deflection in the target waveform—meaning there is basically no difference in brainwave characteristics for responses to target and standard tones—it is assumed the police driver was not paying close attention to the task and did not recognize the difference between the two tones. This assumption can be confirmed if behavioral responses are also collected, like requiring the police driver to count

the number of high tones sounded in a trial. But regardless of whether it is covert or overt, attention must be given to the task in order for the positive deflection to be evident in the target response waveform. Because of the well-established parameters of this technique, the recognition response is a powerful assessment tool for objectively measuring multitasking.

Stress in the Present Study

Just over half of the participants in this study were students in an advanced driving course at the London Metropolitan Police Service's (MPS) Hendon campus. All had successfully passed a two-week course in which they were taught to drive safely at high speeds in response to an emergency and had then been employed as a response driver at the police station in their given borough. The advanced training course they were undergoing at the time of this study is demanding, and not all participants successfully complete the training program. Those who do not pass training return to their borough without obtaining the elite status of pursuit driver. Besides being refused this elite driver status with its associated chances of promotion and pay raises, the officers not passing the training course must face their peers with the knowledge that they simply were not good enough to pass the course. According to personnel at the driving school, this causes many officers who do not pass the course to experience feelings of inadequacy and failure. This can be a highly motivating factor for officers to work hard during training, but it can also be a real source of stress and anxiety. The type of stress brought about by potentially failing the training course relates to anxiety that is based on performance. Some of the officers referred to this as *ego stress* in informal conversations.

That the fear of failure may have been heightened in this study is likely since an instructor from the driving school accompanied each of the officers in the car during data collection, and the officers were in an unfamiliar situation (they were wearing a cap wired up to a computer measuring their brain activity by a scientist in

the back seat). While the instructor informed each officer that no formal evaluation of performance would be conducted during the experimental drive, the officers later reported feeling “nervous” and “anxious” with the instructor in the car and said they were concerned that if they did not perform well during the test drive, the instructor would remember this at a later time during formal evaluations. In other words, they felt that their performance on the test *did* affect how they would be evaluated on the training course as a whole. Wearing the electrode cap with a scientist in the back seat only added to their fear of not performing well. Besides verbal admission of stress, most of the officers also displayed behavioral signs as well such as trembling voices, shaking hands, gritting teeth, tightly gripping the steering wheel, etc.

The other participants in this study were instructors at the driving school who had already obtained elite-driver status and were qualified further to train students on the advanced driving course. By definition, they could not have experienced the same type of fear of failure as the officers since they were the instructors for the course. In fact, the instructors did not exhibit any outward behavioral signs of stress while driving and self-reported this; therefore, they served as a non-stressed control group for comparison purposes.

Methods

Participants

Eight police officers gave written informed consent to participate in this study. Five participants were students in the advanced pursuit driving course at the London MPS Hendon Driving School; three were instructors at the school. All tests were conducted on site at the Hendon campus.

Stimuli

During testing conditions, participants were presented a series of beeps (standard tones = 1,000 Hz; target tones = 2,000 Hz; tones were created using *Stim²* software from NeuroScan,

El Paso, TX, USA) in four successive trials. All tests were performed in a moving vehicle. Tones were sounded via a laptop computer (Dell Latitude D600) positioned on the lap of the experimenter sitting directly behind the driver’s seat at a volume level approximately 90% of the laptop’s maximum. Each trial consisted of 50 tones. The target tone was presented only 15% of the time overall for a total of 30 presentations over the four trials. Presentation order was pseudo-randomized with the caveats that each trial started with a standard tone, there were never more than two target tones presented successively, and no two trials included the same number of target tones.

Electrophysiology

Each officer was fitted with a stretchy nylon cap containing a montage of 40 electrodes, 34 of them permanently attached to the cap (Compumedics Quik-Cap with Ag/AgCl electrodes, El Paso, TX, USA). The electrode cap was connected to a portable EEG machine (NuAmps Express model 7181 from NeuroScan). Impedances were kept below 10 K Ω . All recording channels were continuously sampled at 1,000 Hz, digitized, and stored on the hard drive of a laptop computer (Dell Latitude D810) for later offline analyses. The EEG and laptop were both powered by the laptop’s battery. Of the 40 electrodes, one was placed above the left eye and one below the left eye in vertical alignment with the pupil, one was placed lateral to the left eye, and one was placed lateral to the right eye. These four electrodes were used post-recording to remove eye-blinks and other artifacts from the data. Reference was linked-ear electrodes. The ground electrode was sewn into the cap along the centerline of the head anterior to recording site F_z. The remaining recording electrodes were also sewn into the cap, and they recorded brain responses at specific scalp locations arranged according to the International 10-20 System montage.

Analyses

Multitasking performance (shifting attention between the driving course and the audio

tones) was measured behaviorally and electrophysiologically. The behavioral measure was participants' responses to the question, "How many high tones did you hear?" A Chi-Square analysis was used to compare responses. The electrophysiological measure was the presence or absence of the recognition response in the ERP waveforms. There were no formal assessments of driving performance. However, all participants negotiated the skid pan course at roughly the same speed with roughly the same amount of skill. In other words, no individual driver refused to drive the course, drove too slow to affect vehicle traction, or drove too fast to maintain overall control of the vehicle.

To create ERP waveforms for analyzing the recognition response, markers for the onset of standard and target tones were time-stamped into the continuous EEG recordings via an input signal from the computer sounding the tones to the portable EEG recording unit. During offline analyses, participants' 30 responses to the target tone were averaged together to create target response waveforms. Responses to the first 30 presentations of the standard tone were also averaged to create standard response waveforms. Together, these waveforms make up the recognition response. Both standard and target responses were epoched at 1,100 ms (100 ms pre-stimulus; 1,000 ms post-stimulus) and aligned for averaging. Software determined the minimum and maximum amplitudes within a time window set between 200 and 600 ms; amplitudes are voltage values differenced from peak and trough values within this window:

Response amplitude = maximum voltage – minimum voltage (time window: 200-600 ms)

For statistical analyses, participants were grouped according to whether or not they experienced some level of stress during their drive. This assessment was based on behavioral observations of stress (like trembling voice and shaky hands) and posttest interviews wherein participants self-reported stress during the drive (officers responded to

questions like, "Were you nervous during the drive?" and "Did this test stress you out?"). Accordingly, the five officers were all included in the stress group since they all experienced some degree of stress. The three instructors were included in a non-stressed control group because they self-reported not experiencing any stress related to the task and showed no noticeable behavioral signs of stress.

Individual differences in amplitude measures (due to things such as gender, age, or the amount of sodium in one's diet, to name a few) and differences in signal noise between individual recordings and recording sessions can make it difficult to objectively compare the responses of one participant to another, or one group of participants to another group. One objective way of assessing differences between responses to target and standard tones is to compare a ratio of the difference between the overall amplitudes of the response waveforms within subjects (Page, Thibeault, Page, & Lewinski, 2008). By using the following formula,

$$POD = (T_A - S_A) / T_A$$

where T_A is the target response amplitude and S_A is the standard response amplitude, a percentage of the difference (POD) between standard and target responses for each individual can be determined. A small difference means the participant was not paying much attention to the audio tones; a large difference means a great amount of attention was being given to the tones. A response somewhere in between means the participant was giving some attention to the task but was probably distracted in some way or was shifting his or her attention between tasks. The POD method was used in this study to determine the size of the recognition response.

Procedure

After consenting to participate, two to four officers at a time were fitted with electrode caps in an experimental room and then walked as a group to the training area. Only one officer was tested at a time; officers not being tested remained in a group to the side of

the training area until all had been tested. The group then returned to the experimental room where the caps were removed and the officers were debriefed.

All recordings were taken in a car while officers drove a predetermined route of opposing half-circles on the driving school's skid pan. The skid pan is a training area with a large, circular paved surface area that gently slopes to a drain in the middle. The surface area is covered with oil each weekday morning, and several small spigots around the edges of the pan trickle water over the surface continuously throughout the day. At the edges, the skid pan is sloped more abruptly, creating a type of curbing to keep vehicles on the pan. Top speeds rarely exceed 10 to 12 miles per hour (control at higher speeds is difficult to maintain, and a vehicle will generally slide to the outside of the pan), so it is practically impossible to wreck (if a vehicle does slide to the outside, the curbing returns it to the training area).

After entering the vehicle and having the electrode cap connected to the EEG unit, officers were tested to see if they could discriminate the two tones. Tones were sounded at 90% maximum computer volume during this initial discrimination task and the experimental test. The brief discrimination task was conducted as a screening to be sure participants could both hear and discriminate the tones. Participants

were instructed to covertly count only the high tones during the test and to ignore the low tones. The instructor gave verbal instructions to the officer concerning the route to be driven, and the drive began. After each of the four testing trials, participants were required to respond to the question, "How many high tones did you hear?" Their responses were recorded by the experimenter. For the first two trials, the officers drove in clockwise circles on one half of the pan; after the first two trials were completed, the officers reversed their driving direction and drove on the other half of the pan in counter-clockwise circles.

Results

The instructors were significantly more accurate at counting high tones than the officers (Yates' $X^2 = 17.08$, $p = 0.000$). Two instructors correctly reported three out of four trials; one was correct on all four trials (Table 1). This means that the instructors correctly counted the high tones in 10 out of 12 trials. Only one officer accurately reported the number of high tones in one of the four trials; four officers were not correct on any trial (Table 1). This means that out of a total of 20 trials, only one was correctly reported. One officer's performance was particularly poor: there were eight, six, nine, and seven high tones presented in the four trials, respectively; this officer's responses were 36, 48, 47, and 41. An additional analysis

Table 1. Behavioral Responses During Multitasking

	Trial 1	Trial 2	Trial 3	Trial 4	Number Correct
Number of targets per trial	8	6	9	7	--
Participants' responses to the question, "How many high tones did you hear?"					
Student 1	15	5	11	8	0
Student 2	6	7	6	5	0
Student 3	8	8	5	9	1
Student 4	36	48	47	41	0
Student 5	7	5	6	6	0
Instructor 1	7	6	9	7	3
Instructor 2	8	7	9	7	3
Instructor 3 (skid pan instructor)	8	6	9	7	4

Note: Each participant's verbal responses to counting the high tones are shown for Trials 1 through 4. The numbers of correctly counted trials are shown in the far right column.

was performed on this participant and is described below.

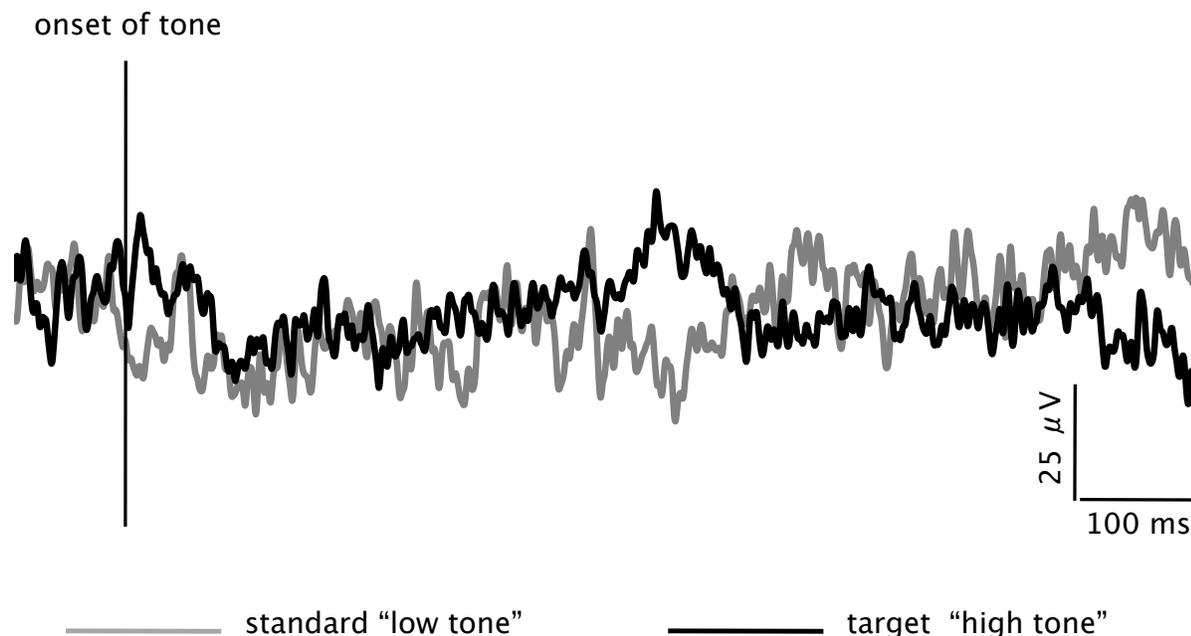
Electrophysiological responses also show large differences between the officers and the instructors. The grand average responses of the officers are shown in Figure 1. As can be seen, the responses contain a large amount of physiological noise (most likely from tensing muscles in the neck and shoulders, gritting teeth, etc.). Using the POD method to compare cortical responses to standard and target tones, the officers were found to be giving little of their attention to counting the high tones; the grand average amplitude difference between standard and target responses for the officers is 2.07%.

Instructor grand average responses are shown in Figure 2. Here, the recognition response is much more apparent; that is, there is a relatively large difference in brain responses to

the tones. Specifically, there is a 60.14% amplitude difference between standard and target responses, with the largest amplitude difference between responses occurring about 430 ms after stimulus onset.

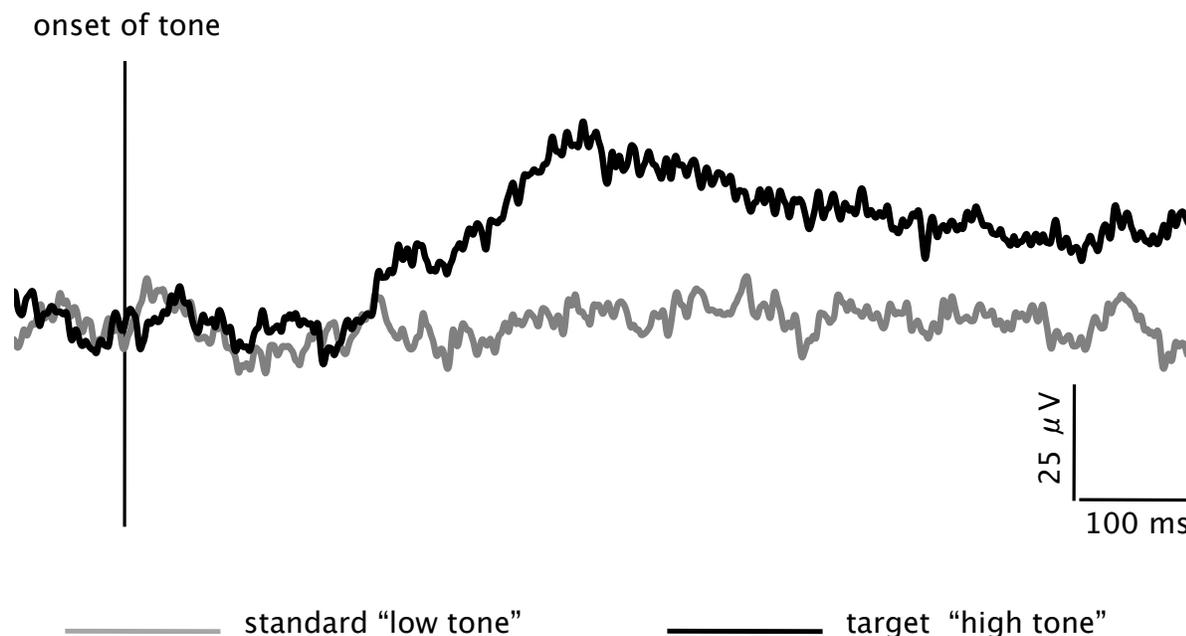
To show performance at the extremes, brain activity for the highly stressed officer mentioned above (the participant who performed the worst on the behavioral measure) and responses for the instructor who performed the best (the only participant to correctly count all high tones) are graphed in Figure 3. The percent difference between standard and target responses for the stressed officer is actually negative, meaning response amplitudes to the standard tone are slightly larger than response amplitudes to the target tone. The difference in standard and target response amplitudes for the instructor was 56.13%. Also included in this figure is a graph of brain activity across the scalp at the recording point in time with

Figure 1. Officers' Recognition Response



Note: The gray line represents the average brain response of all officers to the standard low tone; the black line represents responses to the target high tone. The responses are plotted as amplitudes (in μ V) across time (in ms). Onset of the tone is marked with a vertical line. Since the difference between target and standard responses is basically nonexistent (POD = 2.07%; see text), and behavioral response accuracy was poor (5% accuracy), it is shown that the officers were not very efficient at multitasking.

Figure 2. Instructors' Recognition Response



Note: The grand average recognition response of all three instructors is graphed above (figure details are as in Figure 1). There is evidence of a recognition response to the target tone ~ 420 ms. Behaviorally, the instructors correctly counted the target tone in 10 of the 12 trials. This, along with the recognition response, shows that instructors were able to multitask.

the largest difference between standard and target responses. Brain activity levels are noticeable as darker grays in the head graphs (darker grays equal more excitatory positive voltages and inhibitory negative voltages), with lighter grays representing baseline levels (in essence, the absence of activity related to the task). For the instructor, the largest difference is at 400 ms. For the officer, 499 ms was selected as the point of the largest difference. This time was determined using the grand average of responses from all officers (see Figure 1) since the point of largest difference was indeterminable for this particular officer. The displayed brain waveforms are all from recording site P_z, which is circled on the head graph with an arrow pointing to the point in time of the displayed recording.

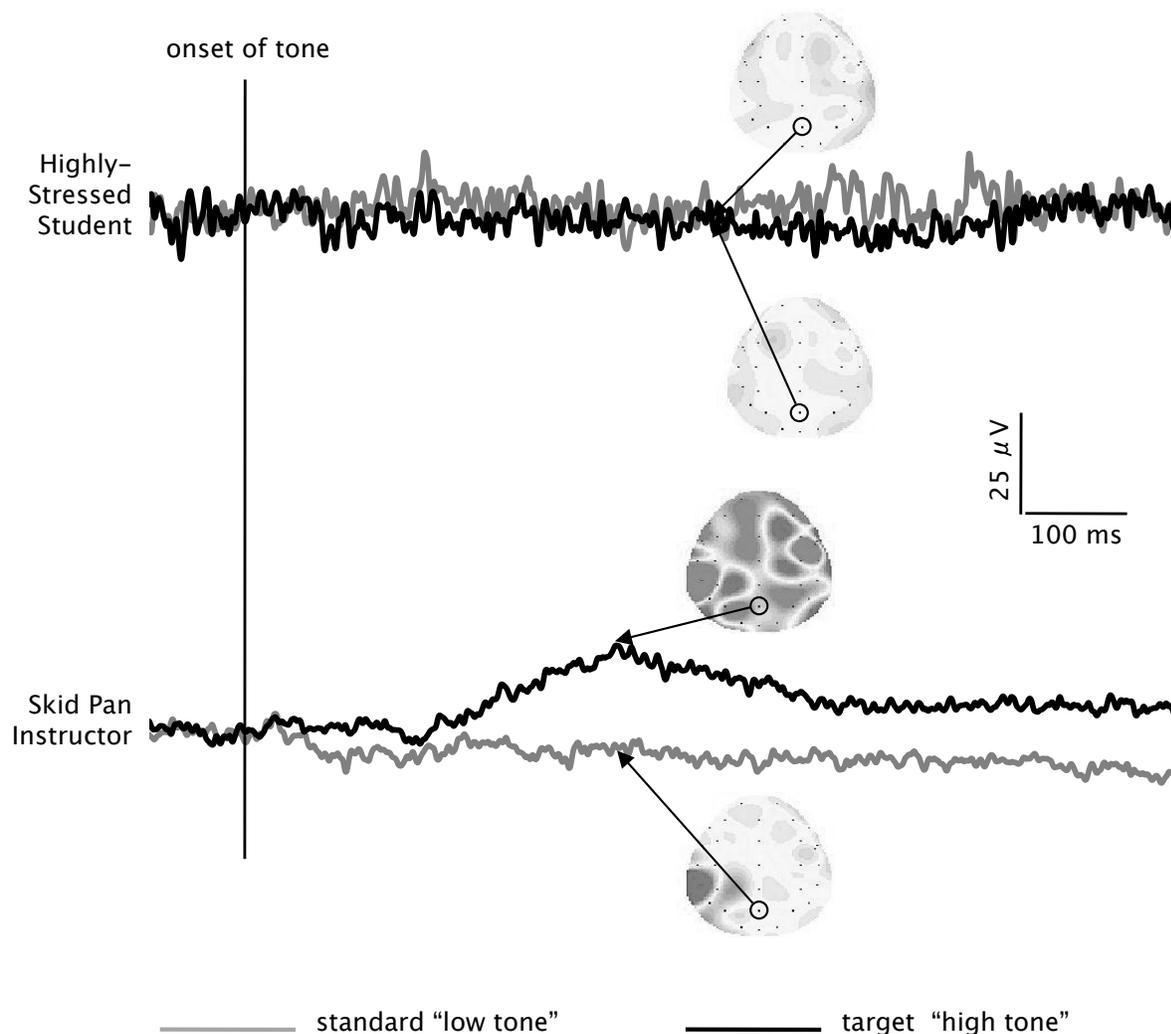
Discussion

The most interesting outcome of this study is the straightforward implication that the type

of stress experienced by the officers—what they referred to as ego stress—caused a narrowing of attention while driving. Evidence for this interpretation can be seen when comparing behavioral and electrophysiological responses of the officers who experienced this stress with the instructors who did not. Behavioral responses (accuracy of counting the tones) confirmed the physiological measures (ERP waveforms) showing that those participants who self-reported being under stress were not able to multitask as well as those who self-reported being under little to no stress.

Perhaps even more compelling is the comparison of the highly stressed participant and the participant who correctly counted all of the high tones. Comparing these two participants demonstrates the large differences in their concentration levels. While their responses may be at the extremes, these participants are indeed representative of their respective groups. Their responses not only

Figure 3. Responses from Participants at the Behavioral Extremes



Note: The above graph is of the officer who performed the worst at multitasking (*top*) and the instructor who performed the best overall (*bottom*). Brain activity for standard and target responses is graphed as in Figures 1 and 2 and is also represented topographically. Recording site P_z is circled on the scalp maps with an arrow pointing to the time in the recording that corresponds to the mapped responses. Darker grays represent higher levels of brain activity. This figure demonstrates the large differences in brain responses to hearing the tones and shows how well the measures of brain activity reflect behavioral performance.

show the vastness between their multitasking abilities, they also demonstrate how well the recognition response correlates with the behavioral response. In Figure 3, target and standard waveforms from the highly stressed officer have a large amount of physiological noise with no apparent response deflections. The physiological noise in the signal is at least partially a byproduct of the stress being experienced by the officer: the noise under these experimental conditions is basically a result of such behaviors as gritting teeth and tensing

shoulder, neck, and face muscles. The officer also grossly overestimated the number of target tones sounded on all trials. The lack of a recognition response in this case was expected since the behavioral response shows the officer was not paying attention to the target tones. On the other hand, there is relatively little noise in the brain activity of the instructor. This participant did not exhibit stressful behaviors and self-reported being relatively relaxed during the testing phase. The recognition response is also large, which is expected since the behavioral

responses were all reported accurately showing the instructor was indeed attending to the target tones while driving.

Given the preliminary nature of this study, it would not be appropriate to extrapolate the findings to comment on road safety in general or on pursuit policy. However, this study does touch on some interesting ideas that should be explored further. Using simple measures of multitasking while driving at very low speeds, it was shown that stressed participants experienced a tunneling of attention that kept them from discriminating two tones. A possible implication is that when experiencing such tunnel vision, police drivers may miss important safety information from the visual driving environment, from auditory instructions or updates given by partners or the police radio, and from critical tactile sensations relating to the stability and state of the vehicle and the condition of the road. Just to note, these findings were obtained using highly trained police drivers. If it is found that stress causes tunnel vision in these drivers, how much larger is the effect for the civilian driver who has not been so highly trained? And it could be argued that adding speed and task complexity would increase the amount of stress experienced by participants. In other words, in an actual pursuit in which speeds are generally in excess of the posted limits and the driver must attend to more than a couple of simple beeps, stress levels may be even higher than what was observed in the pursuit officers in this study.

Since it is suggested—based on the results of this initial study and highlighted by comparing the two participants at the performance extremes—that stress causes a tunneling of attention while driving, a logical assumption is that reducing stress may enhance the ability to multitask while driving. If this is the case, stress-reducing or stress-coping strategies may actually free up attentional resources thereby reducing tunnel vision and increasing driver safety. This assumption was not tested in the present study; however, future studies should be designed to test this hypothesis. If it turns out that reducing stress also reduces attentional tunneling in the

car, future training programs for police drivers may want to include curriculum for reducing/coping with different types of stressors.

Even though it was not tested statistically and is therefore anecdotal evidence, it was interesting that the instructor with the best performance behaviorally was the instructor who trains officers to drive on the skid pan. The other two instructors train officers to drive on the road, are not normally on the skid pan, and did not perform quite as well at the task (see Table 1 and Figure 4). This observation is in line with the idea that more practice for a specific task equals better skills at performing the task. As a skill is enhanced, it becomes automated. The automation of a skill reduces the attentional demands of performing the skill, which frees up attentional resources to be used for other things, like discriminating two tones.

That training may be an important predictor of multitasking abilities when under stress conversely suggests that the driver who is fleeing from the police during a high-speed pursuit may experience even greater levels of tunnel vision or attentional narrowing, and additionally that tunnel vision may increase as speeds increase (from the added stress and danger of greater speeds). If this is the case, pursuit policies may need to be revisited to account for the possibility of such hazards adding additional stress to the fleeing driver. Currently, the MPS Hendon Driving School instructs officers to “control the environment” around the pursuit by being aware of the fleeing driver’s behavior and his or her control of the vehicle. One method taught is to allow greater distances between the fleeing vehicle and the police car when in areas of greater road and pedestrian traffic, which should encourage the fleeing driver to slow down in these situations since he or she is not being “pushed” by the pursuit vehicle. London MPS, as well as many other police agencies around the world, have also adopted a policy in which—under certain circumstances and if certain conditions have been met—the pursuit is terminated in an effort to lower risks to safety. Additional studies need to be undertaken to better determine how

termination policies such as this may or may not increase safety. Additional studies also need to be undertaken to better understand how stress interferes with attention while driving and how this can be overcome, or at least limited, for police drivers through policy and training.

It should be noted that the levels of stress and tunnel vision found in this particular study do not reflect on the MPS driver training program itself. The officers tested in this study were all in their first week of a four-week advanced training course at the Hendon Driving School. As officers just beginning their training course, they were undoubtedly dealing with the anxiety of failing the course along with the realization that there was a limited amount of training time for acquiring skills related to this advanced course. It may be that the direct evidence of stress and tunnel vision found here disappeared by the end of training. This possibility was not tested. It would be interesting in the future to test the officers at the beginning of training and immediately after they have successfully completed the training program to see if there is a difference in multitasking abilities.

Since this study was a first attempt to measure brain activity related to multitasking while driving, there are limitations in how it was designed. To strengthen the findings presented here, future studies should include more drivers and should provide a more objective measure of stress. It would also be interesting to look at participant performance based on how much stress they were experiencing, and then to see if early, objective measures of stress were correlated with overall performance in the training program (based on their pass/fail assessment).

Conclusion

In this initial study of assessing attention while driving a car, multitasking was measured in stressed participants and compared with results from participants who were not under any noticeable amount of stress. The results clearly show that the stressed participants had greater

difficulty counting audio tones while driving on the training course (only 5% of the trials were correctly counted). The participants who were not experiencing stress had little difficulty with this task (they were correct on 83.3% of the trials). Corroborating the behavioral responses, the electrophysiological measures also showed a large difference in brain response activity between these two groups. These results give objective evidence that stress has a negative effect on multitasking performance. Especially poignant is the comparison between the highly stressed officer and the skid pan instructor. The officer's responses to standard and target tones show that this officer was experiencing tunnel vision while driving. The skid pan instructor, on the other hand, showed a high level of multitasking skill. These extremes are evident in the response brainwaves (as seen in Figure 3) as well as in the behavioral responses (the officer incorrectly counted all trials, while the instructor correctly counted all trials; see Table 1). Overall, it was concluded that stress may indeed affect multitasking, and it was further suggested that training and/or practice in turn facilitates this ability.

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The Impact of Situational and Contextual Factors on Police Arrest Decisions: An Analysis from the New York Police Department

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Introduction

Police discretionary decisionmaking, particularly whether to arrest for minor or nuisance offenses, is influenced by numerous factors, including officer characteristics (e.g., race, gender, education, and attitudes), situational factors (e.g., citizen characteristics), organizational factors (e.g., the police subculture, department size, policy, and style), and community factors (e.g., neighborhood wealth and poverty, unemployment, racial heterogeneity, and cultural diversity). Much research has also been conducted to establish how police mobilize their power through stop and search as well as through arrest procedures. Stop and search influential contextual variables include organizational factors (Alpert & MacDonald, 2001; Crank, 1990; Finn, Blackwell, Stalans, Studdard, & Dugan, 2004) and neighborhood characteristics (Crank, 1990; Kane, 2002; Smith, 1986; Sung, 2002; Warner, 1997). Moreover, certain individual police officer characteristics have been found to be additional predictors (Brooks, Piquero, & Cronin, 1993; Brown & Frank, 2006; Crank, 1993; Sun & Payne, 2004; Worden, 1989). However, little or no impact on police arrest decisionmaking appears to exist due to officer race (Riksheim & Chermak, 1993; Robinson & Chandek, 2000; Smith & Klein, 1983; Sun & Payne, 2004; Walker, Spohn, & DeLone, 1996; Worden, 1989), gender (Worden, 1984), age and experience (Smith & Klein, 1983; Worden, 1989), or educational background (Sherman, 1978; Worden, 1990). On the other hand, situational factors (e.g., a suspect's race, gender, age, demeanor, presence of evidence, witness, location, and time) play a significant role in the

police decisionmaking process as to whether to stop, search, and arrest (Klinger, 1994, 1996; Novak, Frank, Smith, & Engel, 2002; Robinson & Chandek, 2000; Worden & Shepard, 1996).

This is important because racial profiling has been one of the most controversial policing issues for several decades. Police organizations have created numerous measures to address the problem of racial discrimination. Although disparate treatment in policing has been closely controlled and has seemingly diminished, the issue remains controversial, especially in large cities. Moreover, there has been an increase in minority officers in recent years who have indeed become the majority in some police departments (Hickman & Reaves, 2003). These officers are believed to be less likely to discriminate against minority residents. However, according to Sun, Payne, and Wu (2008), previous research found little or no support regarding the impact that an individual officer's characteristics have on police behavior. Although the relationship between an officer's race and arrest behavior is complex, there is evidence showing support for the argument that it has minimal influence (Brooks, 2001; Brown & Frank, 2006; Fyfe, 1988; Geller & Scott, 1992).

Given that information related to police stops, searches, and arrests has been scarcely recorded and most police records are restricted, researchers have rarely examined the concurrent influences of both citizen characteristics and neighborhood factors. Using multilevel modeling, the relationship between police arrest decisionmaking and citizen attributes and neighborhood characteristics in New York City (NYC) are examined in this study. Two main research

questions were developed. The first is whether community context has a significant impact on police arrest decisions. The second is whether citizen attributes interact with community context in influencing arrest decisions.

Literature Review

Theoretical Perspectives

In order to study the determinants of police behavior, most researchers have employed the frameworks of either the racial threat perspective, Black's (1976) theory of law, or Klinger's (1997) ecological theory of police behavior. All three theoretical perspectives posit explanations of police behavior based on citizen and situational factors as well as contextual factors (e.g., organizational and neighborhood characteristics).

Racial Threat Theory

The racial threat theory is a conflict perspective suggesting that as the size of a minority group increases, members of the majority group may perceive this to be a threat to their positions and will thus attempt to reduce the threat (Blalock, 1967). Similarly, Turk (1969) suggested that racial and cultural dissimilarity of subordinate groups are perceived to be threatening to the political and social order and will thereby be disproportionately subject to police interventions such as stop and arrest. Whether real or imaginary, it is suggested that the threat of racial competition may result in conflict between racial groups. Blalock (1967) argued that racial threat can be perceived as either economic or power threats. In regard to economic threat, when minorities compete for jobs and economic resources, they are hypothesized as becoming a threat to the economic well-being of the majority. To reduce competition between racial groups, social control efforts are thus employed to exclude minorities from participating in economic competition. In terms of the power threat, Blalock hypothesized that as the minority population increases, members of the majority will progressively perceive of minorities as a threat to their political power and will increase social control to maintain

their dominance. Therefore, criminal law and its enforcement as a form of social control are conceived as a tool to protect the interests of the dominant group (Quinney, 1977).

Thus, the racial threat perspective suggests that Blacks and other racial minorities are more likely to be subjected to biased police practices in order to ensure that they are "brought under control" (Greenberg, Kessler, & Loftin, 1985, p. 690). However, previous researchers (e.g., D'Alessio & Stolzenberg, 2003; Liska & Chamlin, 1984; Smith, 1987; Smith, Visser, & Davidson, 1984; Stolzenberg, D'Alessio, & Eitle, 2004; Worden, 1995) found inconsistent patterns when the racial threat hypothesis was examined. Some research found support for the racial threat hypothesis (e.g., Liska, 1992; Liska & Chamlin, 1984), while others found an inverse impact—that is, lower minority discretionary arrest rates—which is contrary to the racial threat perspective (e.g., D'Alessio & Stolzenberg, 2003; Stolzenberg et al., 2004).

Black's Theory of Law

The theory of law proposed by Black (1976) has generally been used to predict and explain legal variation between location and direction in social space. Although the theory primarily addresses the behavior of law, it may also be applied to police work (Black, 1980). Black argued that as an instance of law, policing varies within its location as well as its direction in social space. As a segment of law, police work thus differs in style and quantity from one setting to another.

The police may handle a case according to the interactional structure, cultural space (e.g., ethical enclaves or lifestyles), organizational degrees, and types of social control (e.g., family, school, church, or other institutions). By extension, social neighborhood characteristics may predict and explain police behavior or how stop, search, and arrest decisions are made.

In addition, Black's theory of law can explain the impact of incident-level factors. At the police encounter level, for example, Black (1976) argued that law directly varies with social rank

that includes gender, age, and race. Similar to the racial threat theory, Black's theory of law suggests that African-American citizens are more likely to be arrested than those who are considered to be higher ranking in the community.

Klinger's Ecological Theory

Klinger (1997) proposed an ecological theory to explain police work at the precinct level. Although scholars have argued that police behaviors can be influenced by environmental factors such as neighborhood crime rates, Klinger suggested that vigorous police response to deviance is also affected by crime seriousness, how police perceive normal deviance, the victim's perceived deserved vengeance, police cynicism, and workload. More specifically, Klinger argued that officers tend to respond less vigorously to deviant behavior when patrolling high crime districts where they exhibit cynicism toward the criminal justice system, have heavy workloads, and perceive deviance as normal and the victim as being the one who "deserves" the crime. Essentially, officers in such settings respond to only the most serious crimes. Klinger's ecological theory of police behavior suggests that police officers who work in high crime districts, generally characterized by a disproportionate number of Black or other minorities, are *less* likely to make an arrest.

Previous Research on Police Arrest Decisions

Situational Factors

Situational factors that include citizens' characteristics and attitudes have been found to be more important predictors of police arrest decisions than officers' characteristics (Black, 1971; Smith & Klein, 1983; Stalans & Finn, 1995; Worden, 1989). Although previous research on the effect of citizen characteristics of race, gender, age, and attitudes have resulted in inconsistencies, Sun et al. (2008) proposed that police behavior is influenced by situational features involving interactions between the police and citizens.

Race. Some researchers found that the police tend to arrest at a higher rate when Black suspects or other racial minorities are encountered (Lundman, 1998; Smith & Klein, 1983; Smith & Visher, 1981; Smith et al., 1984; Worden, 1995), whereas others found no link between a suspect's race and the decision to arrest (Friedrich, 1980; Mastrofski, Worden, & Snipes, 1995; Terrill & Paoline, 2007). Considered to be one of the most significant studies involving the effect of race on aggregate arrest rates, Hindelang (1978) used the *National Crime Victimization Survey* (NCVS) and *Uniform Crime Report* (UCR) arrest data to determine whether Blacks were over-represented when compared to victim reports. Although Hindelang found some divergence between the percentage of Blacks arrested for personal crimes versus the percentage reported by victims, the difference was not attributed to racial discrimination but, rather, to differential involvement theory, suggesting that Blacks have a higher rate of offending than Whites and are thus more likely to be stopped and arrested.

Gender and Age

In terms of gender, results have been inconclusive. For example, whereas male suspects were found more likely to be arrested in some studies (Sealock & Simpson, 1998; Visher, 1983; Worden & Shepard, 1996), in other studies, results revealed gender as having no impact on the police decision to arrest (Klinger, 1996; Smith & Visher, 1981; Terrill & Paoline, 2007). Similarly, a few researchers found that younger suspects were more likely to be arrested (Black, 1976; Mastrofski et al., 1995), while others concluded that age had no effect on the decision to arrest (Sun et al., 2008; Terrill & Paoline, 2007).

Citizens' Attitudes

More importantly, Sun et al. (2008) found that a citizen's demeanor during police-citizen contacts was more consistent with arrest outcome than demographic characteristics. In the majority of studies, police officers tended to arrest suspects who were disrespectful and irrational (Engel, Sobol, & Worden, 2000; Lundman, 1994, 1996, 1998; Smith, 1987; Sun et al., 2008; Worden, 1989;

Worden & Shepard, 1996). However, Klinger (1994, 1996) found no connection between citizen demeanor and the decision to arrest.

Neighborhood Characteristics

Earlier research generated mixed findings regarding the impact of neighborhood context on police behavior. For example, researchers found support for the effects of a neighborhood's racial composition wherein officers tended to make more stops, searches, and arrests and issue citations in minority and racially mixed communities (Alpert & Dunham, 1988; Smith, 1986; Sun et al., 2008). In addition, disadvantaged or lower-class neighborhoods were found to be more likely to be subjected to vigorous law enforcement (Bayley & Mendelsohn, 1969; Smith & Klein, 1983; Sun & Payne, 2004). Bayley and Mendelsohn (1969) argued that in these types of neighborhoods, there tends to be a greater social distance between officers and residents. In addition, suspects encountered in concentrated disadvantaged neighborhoods were found to be more likely to show disrespect toward officers (McCluskey, Reisig, Mastrofski, & Terrill, 1999). Although scholars have argued that police officers are less likely to make arrests in private residential areas as opposed to public places (Black, 1976; Wilson, 1968), Smith and Visser (1981) suggest there has been no support for this argument.

In contrast, Slovak (1986) concluded that there was no connection between environmental neighborhood characteristics and police behavior. Indeed, as noted, Klinger (1997) argued that police efforts were less vigorous in high crime or disorderly areas by explaining that excessive levels of deviance increased police workload and resource allocations.

In sum, the influence of situational factors on police arrest behavior when controlling for neighborhood context remains unclear. Furthermore, the contextual impact of police arrest decisions has scarcely been examined. Therefore, the impact of both situational factors at the micro level and community characteristics at the macro level were examined in this study using multilevel data and analysis.

Data and Methods

Data

The New York Police Department's Stop, Question, and Frisk (NYPD SQF) database and census data were utilized in our study. The database provided micro-level variables consisting of arrest status, the dependent variable, and independent variables consisting of the suspects' characteristics. Originally, these data from 485,094 cases were gathered during 2006 as a result of stop, search, and frisk encounters between police officers and NYC citizens. After data screening, there were missing cases (5%) that were excluded from the analysis.

Every ten years, data obtained from the census provides macro-level variables at the community district level (i.e., population and the percentages of Blacks, persons receiving public assistance, residents under 18, and single female-headed households). The final data included 56 out of 59 NYC community districts; thus, the total sample size was 56.¹ However, because of the limited range of macro-level data, only a few variables were included in the analysis.

Methods

Although logistic regression has conventionally been used to analyze a dichotomous dependent variable, it has problems with multilevel independent variables given that traditional logistic regression models do not account for level-2 error variance differences (Bryk & Raudenbush, 2002; Kreft & de Leeuw, 1998). Because we examined the effects of both micro- and macro-level factors on police arrest decisions, multilevel modeling was found to be the most appropriate statistical technique to use in that it provided accurate parameter estimates, standard errors, and significance tests that yielded a more complicated error term (Bryk & Raudenbush, 2002; Hofmann, Griffin, & Gavin, 2000; Snijders & Bosker, 1999). In addition, generalized hierarchical linear modeling (GHLM) can provide benefits of multilevel analysis with a dichotomous dependent variable. As a result, use of GHLM multilevel analyses to examine

the micro- and macro-level factors influencing police arrest decisions provided a better specified model and more detailed understandings as opposed to a single-level technique.

Dependent Variable

The dependent variable consisted of a police officer's arrest decision and was operationalized as a dichotomous variable, with "arrest" coded as 1 and "no arrest" coded as 0. Descriptive statistics revealed that out of 462,502 police encounters, 19,230 incidents resulted in arrests.

Independent Variables

Level-1 Variables

The effects of police officers' characteristics pertaining to arrest decisions have previously been examined; thus, they were excluded from our study. Only suspects' characteristics (i.e., race, gender, and age) and incidents were examined.

The suspect's race consisted of four categories—(1) White, (2) Hispanic, (3) African American, and (4) Other—that were operationalized as dummy variables in which White was coded as a reference category. Gender was operationalized as a dichotomous variable that included male = 1 and female = 0, whereas the actual age of suspects was recorded in years. A suspect's demeanor consisting of verbal threats and noncompliance was operationalized as a dichotomous variable. Incidents in which the suspect did not comply and/or verbally threatened the officer during the encounter were coded as disrespectful or having a bad demeanor = 1 or without noncompliance and/or verbal threat were coded as good demeanor = 0.

Regarding other incidental dichotomous variables, location was recoded as incidents occurring in residential areas = 1 or other areas = 0, and time of incident was operationalized as occurring during the daytime hours (6:00 AM to 5:59 PM) = 0 or nighttime (6:00 PM to 5:59 AM) = 1. We hypothesized that incidents occurring

during the nighttime hours would be more likely to result in an arrest.

Further, the presence of evidence was included in the analysis as a control variable since previous researchers found this legal factor to be strongly related to an officer's decision to arrest (Black, 1971; Novak et al., 2002; Smith & Klein, 1983; Smith & Visser, 1981; Worden, 1989). The presence of evidence was created as a binary variable, which indicated whether or not a weapon or contraband was found or a witness was present. If one of the three items was presented, a code of 1 was assigned; otherwise, the item was coded as 0.

Level-2 Variables

Building on the theoretical frameworks and previously discussed research, four macro-level community variables were included in the analytical model: (1) social disadvantage, (2) percentage of Hispanic population, (3) crime rate, and (4) area population. Social disadvantage was a composite scale consisting of four items: (1) percentage of Black population, (2) percentage of residents under 18, (3) percentage of single female-headed household, and (4) percentage of persons receiving public assistance.² The four items loaded on a single factor with an initial Eigenvalue = 3.084, Kaiser-Meyer-Olkin (KMO) = 0.631, and significant Bartlett's Test of Sphericity ($\chi^2 = 205.390, p < 0.0001$). Further, the reliability test showed that the composite scale was acceptable at Cronbach's alpha = 0.759.

The Hispanic population percentage was a continuous variable ($M = 28.91$) with a minimum of 5.60 and maximum of 75.80, whereas crime rate was converted into crime per thousand. The average crime rate was 1.287 per 1,000 population with a standard deviation of 0.229. For analytic parsimony, area population was expressed in thousands. The mean of area population was 136.386 with a standard deviation of 47.814. Although these variables are not normally distributed, they were not extremely skewed; thus, no transformation was needed.

Findings

Descriptive Statistics

Descriptive statistics shown in Table 1 revealed that 250,754 (54%) citizens stopped were African American, 138,862 (30%) were Hispanic, and 49,597 (11%) were White, an indication that almost 90% of the citizens stopped were from minority groups in which more than half were Black. A similar pattern was also found in police arrests wherein 10,024 (52%) African Americans, 6,013 (31%) Hispanics, and only 2,323 (12%) White suspects were arrested.

Multilevel Analysis

Preliminary multilevel analysis revealed that all incident-level variables were significant. However, the significant findings were doubtful due to the large sample size ($N = 462,502$). Therefore, the original data were randomly sampled based on the proportion of incidents per community district. As a result, 10,000 incidents were selected to represent the original data. Descriptive statistics of the sampled data were quite similar to the original data (see Appendix).

Table 1. Descriptive Statistics for Dependent and Independent Variables

Dependent Variable	Stop Cases			Arrest Cases		
	Case (%)	<i>M</i>	<i>SD</i>	Case (%)	<i>M</i>	<i>SD</i>
Arrest status	462,502	0.04	0.20			
Arrest	19,230 (4.2)					
No arrest	443,272 (95.8)					
Independent Variables						
Level-1						
Suspect's race	462,502			19,230		
African Americans	250,754 (54.2)			10,024 (52.1)		
Hispanics	138,862 (30)			6,013 (31.3)		
Whites	49,597 (10.7)			2,323 (12.1)		
Other	23,289 (5)			870 (4.5)		
Suspect's gender	462,502	0.93	0.26	19,230	0.92	0.28
Male	428,965 (92.7)			17,599 (91.5)		
Female	33,537 (7.3)			1,631 (8.5)		
Suspect's age	462,502	27.74	11.33	19,230	28.97	11.69
Suspect's demeanor	462,502	0.08	0.27	19,230	0.15	0.36
Bad demeanor	37,376 (8.1)			10,008 (52.0)		
Good demeanor	425,126 (91.9)			9,222 (48.0)		
Incident time	462,502	0.34	0.47	19,230	0.35	0.48
6:00 AM-5:59 PM	156,972 (33.9)			6,788 (35.3)		
6:00 PM-5:59 AM	305,530 (66.1)			12,442 (64.7)		
Incident location	462,502	0.25	0.43	19,230	0.30	0.46
Residence	115,985 (25.1)			5,672 (29.5)		
Other	346,517 (74.9)			13,557 (70.5)		
Control Variable						
Presence of evidence	462,502	0.13	0.34	19,230	0.52	0.50
Have evidence	61,299 (13.3)			10,008 (52.8)		
No evidence	401,203 (86.7)			9,222 (48.0)		
Level-2 ($n = 56$)		<i>M</i>	<i>SD</i>		Min.	Max.
Social disadvantage		93.82	47.20		19.60	195.90
Percent Hispanics		28.91	21.01		5.60	75.80
Crime rate		1.29	0.23		0.53	2.26
Area population		136.39	47.81		11.72	242.95

Generalized hierarchical linear modeling (GHLM) was the primary modeling procedure employed in our analysis due to the dichotomous dependent variable, police officer's arrest decision (see Luke, 2004; Raudenbush & Bryk, 2002).³ In order to examine the odds of "arrest" versus "no arrest," the GHLM created a series of logit models. A three-step modeling strategy was used to estimate the models. First, an unconditional model or one-way analysis of variance (ANOVA) with random effects was conducted. The unconditional model was expressed as

$$\text{Level-1 Model: } \eta_{ij} = \log(\varphi_{ij} / 1 - \varphi_{ij}) = \beta_{0j}$$

$$\text{Level-2 Model: } \beta_{0j} = \gamma_{00} + u_{0j}$$

The level-1 unconditional model represented the variation in log-odds of arrest within each community district where η_{ij} signified the log-odds arrests in community j , and β_{0j} indicated the intercept that represented the average log-odds of arrest in community j . The level-2 unconditional model represented the variation in log-odds of arrest between community districts where γ_{00} signified the intercept as the grand mean of log-odds of arrest across all community districts, u_{0j} indicated the random effect assumed to be normally distributed around a mean of zero, and τ_{00} represented the variance between community districts in district-average log-odds of arrest.

Next, a random intercept or one-way ANCOVA model was used to estimate all incident-level variables. In this model, the multivariate relationship between nine incident-level variables and the police decision to arrest was investigated by allowing random variation of the intercept. The suspect's race (e.g., Black, Hispanic, or Other), gender, and demeanor; incident location; incident time; and presence of evidence were not centered because they were dichotomous variables; however, the suspect's age, a continuous variable, was centered around the group mean. In addition, all within-community slopes were set as "fixed" due to the lack of evidence showing that the effects of incident-level variables varied across communities.

In addition, the random intercept model was also used to examine the effects of community-level variables on arrest decisions while controlling for all incident-level variables. Where the level-1 random intercept model was the outcome variable of the regression model, all community-level variables and the suspect's age (level-1 variable) were centered around the group means; however, the other incident-level variables were not centered but remained in their dummy variable metric. The random intercept models were expressed as

$$\text{Level-1 Model: } \eta_{ij} = \beta_{0j} + \beta_{1j} * (\text{BLACK})_{ij} + \beta_{2j} * (\text{HISPANIC})_{ij} + \beta_{3j} * (\text{OTHER})_{ij} + \beta_{4j} * (\text{GENDER})_{ij} + \beta_{5j} * (\text{AGE})_{ij} + \beta_{6j} * (\text{DEMEANOR})_{ij} + \beta_{7j} * (\text{RESIDENCE})_{ij} + \beta_{8j} * (\text{NIGHT})_{ij} + \beta_{9j} * (\text{EVIDENCE})_{ij}$$

Level-2 Model:

$$\beta_{0j} = \gamma_{00} + u_{0j}$$

$$\beta_{1j} = \gamma_{10}$$

$$\beta_{2j} = \gamma_{20}$$

$$\beta_{3j} = \gamma_{30}$$

$$\beta_{4j} = \gamma_{40}$$

$$\beta_{5j} = \gamma_{50}$$

$$\beta_{6j} = \gamma_{60}$$

$$\beta_{7j} = \gamma_{70}$$

$$\beta_{8j} = \gamma_{80}$$

$$\beta_{9j} = \gamma_{90}$$

Finally, an intercept as outcome model was conducted to simultaneously examine the effects of both incident- and community-level variables on the dependent variable. Four level-2 variables were added to the model (i.e., percentage of African-American population, social disadvantage, crime rate, and area population) since it was hypothesized that all four variables would have some effect on police arrest decisions based on the theoretical frameworks that were discussed earlier. The intercept as outcome model consisted of the following form:

$$\text{Level-1 Model: } \eta_{ij} = \beta_{0j} + \beta_{1j} * (\text{BLACK})_{ij} + \beta_{2j} * (\text{HISPANIC})_{ij} + \beta_{3j} * (\text{OTHER})_{ij} + \beta_{4j} * (\text{GENDER})_{ij} + \beta_{5j} * (\text{AGE})_{ij} + \beta_{6j} * (\text{DEMEANOR})_{ij} + \beta_{7j} * (\text{RESIDENCE})_{ij} + \beta_{8j} * (\text{NIGHT})_{ij} + \beta_{9j} * (\text{EVIDENCE})_{ij}$$

Level-2 Model: $\beta_{0j} = \gamma_{00} + \gamma_{01}*(SOCIAL DIS-ADVANTAGE)_j + \gamma_{02}*(PERCENT HISPANIC)_j + \gamma_{03}*(CRIME RATE)_j + \gamma_{04}*(POPULATION)_j + u_{0j}$

- $\beta_{1j} = \gamma_{10}$
- $\beta_{2j} = \gamma_{20}$
- $\beta_{3j} = \gamma_{30}$
- $\beta_{4j} = \gamma_{40}$
- $\beta_{5j} = \gamma_{50}$
- $\beta_{6j} = \gamma_{60}$
- $\beta_{7j} = \gamma_{70}$
- $\beta_{8j} = \gamma_{80}$
- $\beta_{9j} = \gamma_{90}$

As presented in Table 2, the results of GHLM for the unconditional model (Model 1) show a significant difference in the log-odds (coefficient B) between the two categories of arrest and no arrest. On average, police officers were 95.3% less likely to make an arrest relative to no arrest ($B = -3.054$, $e^B = 0.047$, $p < 0.001$). Moreover, the random effect showed statistically significant variation across the community districts ($\tau_{00} = 0.334$, $\chi^2 = 168.479$,

$df = 55$, $p < 0.001$). Thus, multilevel analysis is recommended for more complicated model specifications according to the results.

Table 2 also presents the results of GHLM for one-way ANCOVA with the random effects model (Model 2). When the impact of incident-level variables on the police arrest decision was investigated, the results showed that the intercept (log-odds) remained significant ($B = -3.780$, $e^B = 0.023$, $p < 0.001$). Among the incident-level independent variables, other racial groups, the suspect's age, demeanor, and presence of evidence were found to be significant. Results revealed that police officers tend to arrest more Asian minority suspects relative to White suspects ($B = 0.555$, $e^B = 1.742$, $p < 0.05$) and were more likely to arrest older suspects as opposed to younger ones ($B = 0.011$, $e^B = 1.011$, $p < 0.05$). Further, suspects who exhibited disrespectful manners were more likely to be arrested ($B = 0.815$, $e^B = 2.260$, $p < 0.001$) than those who showed compliance during police encounters. Most importantly, when evidence was

Table 2. Unconditional, Random Intercept, and Intercept as Outcome Models on Arrest Decision (N = 10,000)

Fixed Effect	Model 1 (Unconditional model)		Model 2 (Random intercept model)		Model 3 (Intercept as outcome model)	
	B	e ^B	B	e ^B	B	e ^B
<i>Level 1</i>						
Intercept, γ_{00}	-3.054	.047***	-3.780	0.023***	-3.829	0.022***
Suspect's race						
Black, γ_{10}			0.229	1.258	0.313	1.368
Hispanic, γ_{20}			0.120	1.127	0.148	1.160
Other, γ_{30}			0.555	1.742*	0.596	1.815*
Suspect's gender, γ_{40}			-0.256	0.774	-0.265	0.767
Suspect's age, γ_{50}			0.011	1.011*	0.011	1.011*
Demeanor, γ_{60}			0.815	2.260***	0.826	2.284***
Evidence, γ_{70}			2.153	8.614***	2.162	8.695***
Residence γ_{80}			0.167	1.183	0.181	1.199
Night, γ_{90}			0.142	1.153	0.151	1.163
<i>Level 2</i>						
Social disadvantage, γ_{01}					-0.004	0.996*
Percent Hispanic, γ_{02}					0.006	1.006
Crime rate, γ_{03}					-0.947	0.388*
Area population, γ_{04}					-0.004	0.996
Random Effect	Variance	χ^2	Variance	χ^2	Variance	χ^2
u_{0j} , τ_{00}	0.334	168.479***	0.359	188.038***	0.312	159.890***

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$

presented during the encounters, police officers were likely to make an arrest ($B = 2.153$, $e^B = 8.614$, $p < 0.001$).

Finally, the results from the intercept as outcome model (Model 3) are also presented in Table 2. As shown, the effects of both incident- and community-level variables related to police arrest decisions were examined. Similar to the previous model, the intercept (log-odds) remained significant ($B = -3.829$, $e^B = 0.022$, $p < 0.001$). Among the four community-level variables, social disadvantage and crime rate were significant, whereas percent of Hispanic population and area population were nonsignificant. Thus, police officers working in more disadvantaged community districts were less likely to make an arrest than those working in more privileged areas ($B = -0.004$, $e^B = 0.996$, $p < 0.05$). Similarly, police officers were less likely to make an arrest in high crime-rate neighborhoods relative to low crime-rate neighborhoods ($B = -0.947$, $e^B = 0.388$, $p < 0.05$).

Regarding the impact of incident-level variables on police arrest decisions after controlling for contextual impacts, the results presented in Model 3 (intercept as outcome model) were quite similar to the findings in Model 2 (random intercept model). All variables that were found to be significant remained so at the same level (i.e., other racial groups, age, demeanor, and evidence). However, inclusion of the community-level variables improved the overall model with less variance ($\tau_{00} = 0.312$, $\chi^2 = 159.890$, $df = 51$, $p < 0.001$). This variance and χ^2 value were lower than those shown in the unconditional model ($\tau_{00} = 0.334$, $\chi^2 = 168.479$, $df = 55$, $p < 0.001$) and the random intercept model ($\tau_{00} = 0.359$, $\chi^2 = 188.038$, $df = 51$, $p < 0.001$).

Discussion and Conclusions

Multilevel analysis reported significant findings regarding the impact of both incident-level (level-1) and neighborhood-level (level-2) factors on the decision for police to arrest. In Model 2 (random intercept model) and Model 3 (intercept as outcome model), the impact of incident-level factors on police arrest decisions was also examined. The presence of evidence

and situational factors (i.e., suspect's race/other racial groups, age, and demeanor) were found to significantly impact the arrest decision. The strongest factor was evidence followed by suspect's demeanor, other racial groups, and age.

The findings were consistent with previous research conducted wherein the presence of evidence, a legal variable, was reported as a significant predictor of police arrest (see Novak et al., 2002). In addition, researchers generally found that suspects who exhibited disrespect or were uncooperative with the police were more likely to be arrested (Engel et al., 2000; Lundman, 1994, 1996, 1998; Smith, 1987; Sun et al., 2008; Worden, 1989; Worden & Shepard, 1996).

In addition to presence of evidence and suspect demeanor, we found that police officers tend to arrest minority Asian suspects and others (excluding Hispanics and African Americans) during encounters relative to White suspects. This finding was consistent with Black's (1976) theory of law claiming that persons of lower ranking class, namely minority citizens, are more likely to be subjected to police arrest as opposed to higher ranking citizens, namely Whites. However, the racial categories of African American and Hispanic were not found to have any significant impact on police arrest decisions. In other words, there was no significant difference between police arrests made among African-American and White suspects or among Hispanic and White suspects. This finding was inconsistent with previous research that found African-American suspects to be more likely to be arrested than their White counterparts (Lundman, 1998; Smith & Klein, 1983; Smith & Visser, 1981; Smith et al., 1984; Worden, 1995).

In our study, a suspect's age also had a significant impact on the police arrest decision. We found that older suspects who were stopped were more likely than younger suspects to be arrested. This finding was contrary to Black's theory of law (1976) and previous research (Black, 1976; Mastrofski et al., 1995), suggesting that young suspects tend to be arrested more often than older adult suspects. However, descriptive statistics revealed that the average

age (28.53) of arrested persons was only slightly higher than the average age (27.85) of stopped persons (i.e., the age effect was very weak).

Regarding the contextual impact, we found that police officers were less likely to make an arrest in disadvantaged and high crime neighborhoods relative to affluent and low crime areas. While contrary to the argument suggested by the racial threat theory, our finding is consistent with Black's (1976) theory of law, suggesting that police are less likely to make arrests in disadvantaged areas normally characterized by larger Black populations and higher crime rates. Finally, our finding was also consistent with Klinger's (1997) ecological theory of police response to deviance. For example, Klinger argued that police officers are inclined to work less vigorously in disadvantaged and high crime districts in comparison to less disadvantaged and low crime areas because they are busy with heavy workload schedules and perceive deviant street behavior as normal. As a result, they are less likely to take any further action, namely an arrest after a stop. Black's theory of law and Klinger's ecological theory of police behavior were useful in explaining the findings regarding contextual factors in our study.

Limitations

Two limitations should be addressed. First, our study was limited to only the impact of level-1 situational factors. Therefore, other level-1 variables that were excluded (e.g., individual police officer characteristics) may have possibly had an impact on police arrest decisions. Second, the level-1 measures we used may have included some errors given that most were operationalized as dichotomous variables. Therefore, they may be less than perfect in measuring the concepts we identified due to a limitation of data.

Recommendations

Despite little evidence showing the impact of these factors, future researchers may choose to include officers' characteristics as well as organizational factors in their analysis in order to fully understand police arrest decisions. They should

also consider using a more comprehensive set of situational variables. Because our study was quantitative in nature, a further analysis of qualitative data may lead to a greater understanding of police behavior. Better measures may be derived from a mixed qualitative and quantitative methodology that will improve the analytical model used to examine police arrest decisions.

Endnotes

- ¹ Out of the 59 community districts in NYC, three were excluded from the analysis due to the conflict between level-1 and level-2 data. The NYPD SQF database was originally collected based on precincts rather than community districts. Therefore, some overlaps existed between community districts and police precincts.
- ² Only four items were included in the scale due to data availability and statistical limitation. Theoretically, the concept of concentrated disadvantage can be measured by adding a few more items than presented (i.e., poverty, residential mobility, or unemployment). However, numerous studies consisted of a wide variety of combinations used to measure social disadvantage depending on available data. Also, some of these items were missing in the data, and principal components of factor analysis revealed that the four items were an appropriate measure of social disadvantage.
- ³ The variance inflation factors (VIF) of all independent variables were < 10 , and they were > 0.3 of all tolerance values, indicating that multicollinearity was not a problem (Mertler & Vannatta, 2005).

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Appendix. Descriptive Statistics for the Sampled Data

Dependent Variable	Stop Cases			Arrest Cases		
	Case (%)	<i>M</i>	<i>SD</i>	Case (%)	<i>M</i>	<i>SD</i>
Arrest status	10,000	0.04	0.20			
Arrest	420 (4.2)					
No arrest	9,580 (95.8)					
Level-1 Independent Variables						
Suspect's race	10,000			420		
African Americans	5,461 (54.6)			224 (53.3)		
Hispanics	2,989 (29.9)			124 (29.5)		
Whites	968 (9.7)			35 (10.8)		
Other	492 (4.9)			27 (6.4)		
Suspect's gender	10,000	0.93	0.26	420	0.91	0.28
Male	9,284 (92.8)			383 (91.2)		
Female	716 (7.2)			27 (8.8)		
Suspect's age	10,000	27.85	11.28	19,230	28.53	11.13
Suspect's demeanor	10,000	0.08	0.28	420	0.17	0.38
Bad demeanor	8.22 (8.2)			72 (17.1)		
Good demeanor	9,178 (91.8)			348 (82.9)		
Incident time	10,000	0.66	0.48	19,230	0.67	0.47
6:00 AM-5:59 PM	3,444 (34.4)			139 (33.1)		
6:00 PM-5:59 AM	6,556 (65.6)			281 (66.9)		
Incident location	10,000	0.25	0.44	19,230	0.29	0.45
Residence	2,538 (25.4)			120 (28.6)		
Other	7,462 (74.6)			300 (71.4)		
Control Variable						
Presence of evidence	10,000	0.13	0.34	19,230	0.54	0.50
Have evidence	1,344 (13.4)			226 (53.8)		
No evidence	8,656 (86.6)			194 (46.2)		

Educated to Serve: Improving Agency Strategies to Recruit the Growing Backlog of Criminal Justice Graduates

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The debate over the utility of a college education as a requirement for police work is both old and well-worn. For close to a century now, there has been a near constant discussion over the importance of a university education as preparation for a career in law enforcement. Though few in policing today would argue that college experience has no merit as a requirement for new police hires, the old fear still exists among many police executives that raising educational requirements inevitably produces substantially smaller and less diverse applicant pools. Though this may have been a problem in the past, the recent years of staff cuts and hiring freezes have produced a nationwide oversupply of college graduates with a growing impatience to begin their careers in law enforcement. A major challenge, at least in the near term, for police departments seeking to attract more educated recruits is not an undersupply of qualified college graduates but, rather, a failure to market open departmental positions to the right audience. This article examines some strategies police executives and their departments can use to attract an applicant pool that is both more educated and more diverse. Perhaps the time has come for police departments to take advantage of the current oversupply of criminal justice graduates and raise the educational level of their officers through changes in recruiting practice, if not through formal hiring policy.

Before specifically addressing recruiting strategies, it is worthwhile to briefly revisit the arguments in favor of employing a more highly educated police force. Numerous recommendations over the years have come from

a variety of circles for postsecondary education to become a requirement for those pursuing a career in law enforcement. From the early 1900s to the present, both individual chiefs and national commissions have called for the hiring of better educated officers. In national studies such as the National Commission on Law Observance and Enforcement (aka the Wickersham Commission, 1931), the President's Commission on Law Enforcement and the Administration of Justice (1967), the National Advisory Commission on Criminal Justice Standards and Goals (1973), and the National Advisory Commission on Higher Education for Police Officers (1978), they all called for college coursework, or even college degrees, to be phased in as eventual prerequisites for aspiring police officers. These recommendations, as well as more recent ones, were predicated in part on the belief that a college education would promote police professionalism and improve the critical thinking and communication skills of officers, and consequently, would improve their performance on the job.

A considerable amount of scholarly attention has been paid in recent decades to the effect of higher education on the attitude and performance of the individual police officer. Among other findings, this research has found evidence that more educated officers may have more flexible and open attitudes and are less prone to being overly authoritarian, are more accepting of minorities, are more aware of social and cultural/ethnic problems in their community, are more ethical in their behavior and more professional in their attitudes, and often receive higher evaluations from their supervisors.¹ Likewise, some studies have

found that college-educated officers are more likely to succeed in the academy, elicit fewer citizen complaints, receive fewer injuries on the job, and are involved in fewer traffic accidents (Roberg & Bonn, 2004, pp. 474-476). There is also evidence to suggest that having actually completed the bachelor's degree may afford significant behavioral benefits in a crucial area of policing. In one recent study, officers with a four-year degree were found to be significantly less likely to rely on physical forms of force in their interactions with the public than either officers with no college or just some college (Paoline & Terrill, 2007). What much of the research has also found is that the most powerful predictor of good officer performance is still everyday experience doing police work; however, the performance benefits of experienced officers are enhanced significantly when coupled with the presence of a college education.

If the evidence indicates that officers with a college education most likely perform better overall, why then haven't more departments turned in policy, or at least in practice, to raising the minimum educational standards of new hires to the four-year degree? As mentioned earlier, many departments have found such a requirement to be prohibitive to the also important goal of fostering diversity in their agencies. Though this certainly was a reasonable fear in years past, it may be time to reassess the nature of the pool of law enforcement recruits available nationwide. The economic downturn that began in 2008 clearly hit the budgets of local and state governments very hard. Hiring freezes and even cuts ensued in many police and sheriff's departments, which made it very difficult for all those seeking new employment in law enforcement to find positions, including those with college degrees. As many police executives are aware, the dire staffing situation in many departments even led the federal government to create the Hiring Recovery Program in 2009 in part to provide funds for law enforcement agencies to avoid cutting officer and deputy positions. During these past few years of economic uncertainty, colleges and universities across the country

have continued to produce new criminal justice graduates. This has led to the current situation in which many thousands of young men and women of various backgrounds seeking to work in law enforcement have been frustrated in their efforts to secure positions. What is undoubtedly a difficult situation for these new graduates has created a real opportunity for law enforcement agencies around the country. Where once there was a real shortage of diverse degree-bearing police applicants, it appears that that time period may have now passed.

The challenge, then, for those agencies that are currently hiring or may be in the near future is determining how best to tap into this reservoir of potential college graduates and encourage their interest in open positions. To be fair, no matter what the economic conditions or supply of college-educated applicants, some departments will face more of a challenge in recruiting than others. Whether it is due to location, size, or salary range, some positions will admittedly be more attractive to a larger number of applicants than others. What many agencies regardless of size or fiscal limitations have failed to recognize is that the current pool of college graduates eagerly seeking jobs in law enforcement is now large and diverse enough for nearly all agencies to find highly educated individuals interested in applying for the positions they advertise. Again, the problem now is not so much one of a lack of highly educated applicants, but, rather, one of a lack of focus and creativity on the part of agencies in making applicants from across the country aware of the opportunities that exist in their departments.

It is understandable given how understaffed and budgetarily constrained many departments are that recommendations for more and better recruiting to a wider audience would be met with some skepticism. What is being suggested here is that limited recruiting and advertising dollars can and should be targeted more effectively. If an agency's primary goal is to simply and quickly fill open positions with a qualified candidate, then advertising in

local publications and on departmental websites will probably suffice. However, if a law enforcement executive's goal is to attract more college-educated applicants, then he or she would be well-advised to specifically target quality colleges and universities that are producing significant numbers of the right kinds of criminal justice graduates. In this case, the right kind of college graduate is one who sees working as a municipal, county, or state law enforcement officer as a noble and worthwhile profession. Not all criminal justice programs attract significant numbers of such students.

Fortunately, there are many colleges and universities around the country that specialize in producing future law enforcement practitioners, and there are a number of relatively simple ways to identify them. First, talk to other law enforcement executives and find out where they or their college-educated officers earned their degrees. The natural tendency for cops to trust each other in most matters is often evident in their choice of colleges as well. At many of the institutions with a reputation for producing local and state law enforcement officers, one will find recent graduates who are the second or third generation from their own family to attend that institution in preparation for their future law enforcement work. Over the years, reputations are built, and colleges and universities emerge through word of mouth as places where both the faculty and students value the institution as a place where future local law enforcement officers are produced. Second, those seeking to one day work in law enforcement are often drawn to institutions with significant numbers of faculty who were themselves practitioners at one time. Police executives looking to target specific colleges or universities for inclusion in their recruitment efforts can read the biographies of the faculty in those departments on the school websites. An added benefit of drawing recruits from such colleges and universities is the likelihood that the faculty will have a more inherent understanding of the qualities and abilities necessary to succeed in law enforcement and, thus, may be able to give a more accurate appraisal to interested law

enforcement agencies as to the qualifications of individual students.

Once a department has identified the colleges and universities that are producing the kinds of college graduates they would like to attract to positions in their agency, there are a number of ways to get the attention of potential applicants. First, colleges and universities of this type will almost always have large and well-attended job fairs, usually with dozens of other agencies present who have also identified the merits of recruiting at that school. Have department representatives attend these job fairs and send the highest-ranking executives the agency can spare. College students notice when departments send higher-ranking officers to these functions and are inclined to apply to agencies where they believe their chances of being noticed during the competitive hiring process are increased by having made face-to-face contact with a supervisor. Even in leaner years when a department is not planning on making new hires, attendance at job fairs keeps the agency's name in the minds of underclassmen, which may bear fruit upon their graduation.

Another successful strategy for improving college graduate recruitment is through initiating a new, or bolstering an old, internship program. Practitioner-oriented criminal justice programs will almost always have extensive internship requirements and programs for their students. Such programs recognize the essential need for students to "experience" law enforcement as a part of their undergraduate training. This hands-on experience helps students to gauge for themselves whether police work is actually for them, and it allows an agency a free evaluation period to see whether that individual might be someone they would like to offer a sworn position to in the future. Those agencies that have already partnered with colleges and universities in creating internship programs can attest to their utility in creating relationships with future graduates that lead to new hires. There are few more frustrating experiences for police executives than hiring new officers and, after

paying for their recruitment and training, discovering they are not a good fit for the position and/or the department. Internships allow for both sides to “try each other out” before the agency expends precious resources on a new hire. The departmental start-up costs for an internship program are normally minimal, requiring more than anything the development of a good working relationship with the internship coordinator(s) from the colleges or universities with which the agency has chosen to partner.

Law enforcement agencies currently have an opportunity to reap significant benefit from the recent economic challenges faced by local and state governments in the United States. The downturn in hiring in recent years has created a glut in available college-educated young people eager to serve. The numbers of college graduates now available to fill local and state law enforcement vacancies is enormous. Young college graduates with few family responsibilities and a frustration with the job market are often willing to relocate and work for lower salaries if that is what is required to work in law enforcement. These graduates, both male and female, are diverse in background and wide-ranging in their personal career goals. Small, medium-sized, and large law enforcement agencies can now all find college graduates to fill their sworn vacancies if they employ the proper recruiting techniques and target institutions of higher learning that cater to those students seeking a career in policing. All that is needed is the will to make good use of a promising situation.

Endnote

¹ A good summary of recent scholarship studying the effect of higher education on police performance and attitude can be found in Roberg and Bonn (2004).

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Police Use-of-Force Policy and Force Training Model: Best Practice

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One of the most critical dimensions of modern-day police actions is the use of force. Although in a historical perspective, law enforcement officers are utilizing less and less force and instead using more and more traditional and advanced tools, people's attention have never been so focused on almost each and every incident of force application. When force is applied, not only is the officer responsible, the police department itself and its executives are accountable as well. When a musician in an orchestra plays a wrong note, the conductor has to take most of the criticism.

Frequently, in incidents in which force was used, claims of excessive force arise and numerous questions emerge such as What constitutes excessive force? What is reasonable force? Was the amount or type of force used by the officer appropriate and necessary? What is the appropriate standard with which to evaluate the use of force? Did the officer violate the agency's use-of-force policy? Did the officer violate the constitutional rights of the plaintiff? How was the officer trained to use force measures in a given situation? These and a multitude of other questions will emerge. This topic is of critical importance to officers and administrators because they must be aware of how the courts have established standards with which to evaluate such claims. Moreover, supervisory personnel must understand their role in training officers in proper use-of-force decisionmaking and procedures, developing policy guidelines for agency personnel, and investigating claims of excessive force.

Based on these concerns, police administrators and force instructors from across the State

of Illinois assembled together for a two-day summit to address police use-of-force issues. The Illinois Law Enforcement Training and Standards Board (ILETSB) Executive Institute and the Center for Applied Criminal Justice of the School of Law Enforcement and Justice Administration at Western Illinois University held this Executive Summit in Rockford, Illinois. Rather than provide lectures for two days on the subject, the summit was designed to be interactive. In the morning of the first day, an overview of the current research on the use of force in policing was presented, and ten myths on the topic were dispelled. In the afternoon, participants broke out and attended two discussion sessions for 1½ hours each which included discussions on force training, force policy, liability issues, responding to citizen complaints, and responding to the media. To lead the discussions, five outside consultants joined the participants. During the break-out sessions, recommendations were solicited from each participant on each topic and recorded. On the second day, session leaders of each topic group provided a detailed overview of the recommendations to the full group. The summit brought together around 80 law enforcement executives from all over the state. Through detailed analysis, enthusiastic discussions, and networking, participants were able to dissect the most crucial dimensions regarding the use of force by police. On the final day of the summit, the panel discussion provided an opportunity for participants to further clarify and evaluate their positions regarding specific issues or topics being discussed and enhance their understanding of the positions

of others. This article provides a brief overview of the recommended training model and policy issues addressed in the summit.

Use-of-Force Training Model

In *City of Canton v. Harris* (1989), the U.S. Supreme Court ruled that a local government can be held liable under §1983 if an officer injures a person due to a deficiency in training. Inadequate training may serve as a basis for §1983 liability through which the failure to train amounts to “deliberate indifference” to the rights of persons with whom the police may come into contact. The degree of fault is fundamentally related to the policy requirement noted in *Monell v. New York Department of Social Services* (1978). Moreover, *Monell* will not be satisfied by a mere allegation that a training program represents a policy for which the city is responsible. The Supreme Court stated that “in light of the duties assigned to specific officers or employees, the need for more or different training is so obvious, and the inadequacy so likely to result in the violation of constitutional rights, the policy makers of the city can reasonably be said to have been deliberately indifferent to the need.”

Using the *Canton* decision as the basis for the discussion and as a foundation for a concern for officer safety when deploying force measures in the field, conference participants were given an opportunity to discuss current training issues facing their departments. Participants also provided workable recommendations for administrators with which to address these concerns. Common themes emerged from the sessions, and the following training model made up of seven recommendations was presented.

The recommended training model and its components provides for a proactive system which directs training on the force policy, frequency and intensity of training, type of training, documenting training, skill competency and proficiency issues, officer safety issues, firearms proficiency, empty-hand control techniques, force equipment and weaponry, human factors and stressors, reality-based scenarios, communication skills, report writing, instructor considerations,

administrative funding issues, liability and court testimony training, and a use-of-force tracking system. A database should be developed and maintained recording all officers and supervisors’ completion of training and testing.

Mark Dunston, director of the North Mississippi Law Enforcement Training Center, Tupelo, Mississippi, and a Captain with the Tupelo (MS) Police Department indicated that the lack of an effective use-of-force policy in a law enforcement agency is extremely counterproductive to the mission of that law enforcement agency and creates a void in litigation defense for that agency. Also, the use-of-force training is usually limited by the Police Officer Standards and Training Boards (POSTs), agency administrators, the financial troubles of a department, and various state statutes. In a time when law enforcement agencies are receiving more and more use-of-force tools and technologies, the amount of training does not match the need, and too often the minimum required by training boards standards ends up being the maximum training that the officers receive.

Dunston outlined that the sound use-of-force policy accounts for three areas of concern: (1) constitutional restrictions and statutory requirements affecting the agency’s jurisdiction, (2) agency philosophy concerning the training and implementation on use-of-force policy and protocol, and (3) the follow-up measures undertaken for the continuity and consistency of practice within the agency after a use-of-force incident.

As a fundamental core to use-of-force training, attendees all agreed that officers need to receive training on the agency’s use-of-force policy and procedures on a regular basis. Addressing this issue on a frequent basis places an agency in compliance with the *Canton* decision. In conjunction with reviewing the force policy, it is recommended that the Supreme Court’s decision in *Graham v. Connor* (1989) also be reviewed with officers and supervisors in order for agency personnel to understand what criteria the courts apply when examining a claim of excessive force and how the decision integrates into the agency’s force policy.

Successful implementation of a policy begins with knowledge of the directive and continues with how to transfer procedures into the work situation. Actual training on the policy should be conducted on a regular basis. Therefore, to ensure effective policy implementation, training must address force decisionmaking; properly using physical control techniques; competency in using force equipment and devices, including all restraints, impact weapons, aerosols, Conducted Energy Devices (CEDs), and all firearms; thoroughly knowledgeable of medical assessment requirements and summoning emergency medical personnel; summoning back-up; summoning supervisory personnel; transportation protocols; and report writing requirements.

Providing training on agency policy can occur on many levels. Policy training should continue past the FTO program and can be covered at roll call, during firearms training, during scheduled subject control training, and during any use-of-force equipment training (i.e., handcuffs and other restraints, aerosols, CEDs, impact weapons, and other authorized equipment). It is highly recommended that instructors or supervisors providing the training develop a written quiz so that all personnel's comprehension is assessed pertaining to the agency's policy and that this should be fully documented.

Although the Supreme Court did not quantify the frequency of training, use of force is a high liability area involving competency in the use of a variety of police equipment, subject control techniques, and human performance issues and decisionmaking, implying the need to keep officers' skill proficiency at a high level. It is therefore recommended that training on all empty-hand control techniques, firearms, and use-of-force equipment be provided on a regular basis. Any authorized use-of-force technique and authorized force device on the officer's belt should have mandatory training on a regular basis. Special response teams and officers on special assignments where force is more likely to occur through the implementation of special weaponry and tactics must also receive ongoing training commensurate with their job tasks. To defeat potential claims of a failure to train, to

defend the agency's use-of-force training system, and to increase officer safety and survival in the field, a pattern of providing documented training needs to be developed. Annually, a total of 32 to 40 hours of training is suggested, which can be presented in eight to ten hour blocks each quarter, or a 16- to 18-hour block semi-annually. This assists in maintaining officer certification, competency, and proficiency.

The training needs to be performed in such a way that it demonstrates the officer's comprehension and confidence level in the skill required, using the authorized techniques and the equipment reasonably, appropriately, and in conjunction with agency policy. Next, the state standard for qualifying in firearms and other force equipment must be considered in the frequency formula, and agency policy and practice must be integrated with this issue in mind when addressing the frequency concern. Meeting state standards on training in use of force should be a matter of policy that is operationalized into agency practice and carefully documented.

The type and intensity of training are as important as the frequency of training. Applying use-of-force measures in the field is impacted by numerous variables which can include varying circumstances and environments, encountering one to multiple subjects, working with multiple officers or with only one officer with no available back-up, and experiencing low-level lighting environments, to mention only a few. Generally, making a decision to use a degree of force has to be made with little deliberation, with little reaction time, and under stressful conditions. Use-of-force decisionmaking and human factors must therefore be considered and integrated into realistic training. A careful review of the *Canton* decision stipulates that "officers receive ongoing 'realistic training' commensurate to their job tasks." Hence, training that is designed to replicate field stressor variables and environmental conditions underscore the Supreme Court's admonition to provide realistic training. Such realistic training that is provided on a frequent basis places the agency in compliance with the *Canton* decision and,

concomitantly, it provides the best method of practicing skills that enhance officer safety.

Firearms Training

Participants all agreed that firearms qualifications must be provided at least on an annual basis consistent with Illinois law, but they recommended that actual training be offered at least semiannually which goes beyond mere range qualification. This is consistent with at least one previous legal decision. In *Zuchel v. City and County of Denver, Colorado* (1993), the court ruled that simply watching a film regarding lethal force decisionmaking did not meet realistic training objectives and held the agency liable for failing to train. Static firearms training is useful for acquiring firearm competencies, but in order to respond to spontaneous, realistic life-threatening attacks, the use of virtual simulators, simmunitions, and realistic scenario-based training is recommended.

Scenario-based firearms training that activates the Sympathetic Nervous System (SNS) of trainees is recommended. Police officers confronting a lethal force situation is not only a dangerous proposition, but the stress of the encounter can impact decisionmaking, human performance, and perceptual distortions. Therefore, stress inoculation and dynamic scenario-based training is highly useful in exposing officers to recognize a level of threat, exposing them to the effects of perceptual narrowing problems at combat distance, and enhancing force decisionmaking. Such “intensity” factors complement the “frequency” factor necessary in use-of-force training. This type of training enhances the ability to build expertise in field performance and maximizes proper decisionmaking. It keeps the brain in the training mode which is essential for officer field performance. Realistic scenario-based training should be structured around dynamic encounters in which the instructor has previously trained the officer to recognize a threat level with response options consistent with the threat cue. Exposing officers to anticipated/unaccepted threat cues in spontaneous lethal force encounters through which the officer can experience the effects of SNS activation is important in managing stress

and perceptions. Integrating stimulus response training and building dynamic scenario-based training around the four components of reaction time—(1) perception, (2) analysis, (3) formulation of a strategy, and (4) motor response—is recommended.

Subject Control Techniques and Force Equipment Training

Moreover, training endeavors should also be directed at physical force alterations, and officers and supervisors alike should undergo regular training. Like lethal force, physical altercations frequently occur with no warning or with only a few seconds with which to respond to the threat. Because of the critical nature of using lethal force in an arrest situation, firearms qualification and training in the past have received more attention than physical force training. Less-than-lethal force techniques, however, are used more frequently by officers, and dynamic training structured as previously mentioned should be performed on a regular basis. The training should be designed to address the following issues: application of all authorized restraints, all authorized empty-hand control techniques, firearms retention/disarming, edged weapon defense, ground control grappling techniques, impact weapons, aerosols, CEDs, and other use-of-force equipment.

The focus of training should be geared toward the fusion of motor skills with cognitive skills. These are not two separate issues but two sides of the same coin. For example, competency in using a CED must be manifested by knowing the justification for its application—not only by knowing the changing variables of the force encounter. Officers should be exposed to not only the physical repetition of a motor skill, but this skill also must be aligned with critical thinking skills and decisionmaking, which underscore use-of-force justification. The training should be designed so that the officer comprehends a level of subject resistance and forms a perception to use a reasonable level of force, underscoring the decisionmaking to match the appropriate degree of force to the resistance level. This level of training

should also include discussions on use-of-force options available to the officer and the decisionmaking process that is involved. The one plus one theory of using force should be combined with the principles of escalation and de-escalation, along with a discussion of the implications of the department's force policy.

Like firearms training, physical skills training should be designed around reality-based scenario training principles. The training should address how officers recognize and respond to varying levels of resistance, threat levels, and assault cues under varying contextual situations. Of equal importance, the training should be designed to address the "unanticipated" or "out of the ordinary" type of resistance or assaults in order to maintain the realism of the training.

Training scenarios should be designed which include single and multiple officer response, utilizing varying physical control techniques and authorized force equipment. Facilitating a takedown technique and applying handcuffs in a stressful situation or practicing multiple officer takedowns with violent types of subjects and practicing the application of various types of authorized restraints are more difficult than practicing these skills in a static mode in the gym. Placing officers in realistic scenario circumstances enhances their proficiency levels and builds their confidence in their techniques and equipment.

Training in all authorized use-of-force equipment should be provided to officers and supervisors on a regular basis. Not only do officers need to hone their shooting skills and empty-hand control technique skills, they also must keep proficient in all of the equipment that is provided. Manufacturer specifications for using the various devices should be part of the training. Realistic scenario-based training which integrates the use of approved equipment into the scenario should be offered. Officers, command staff, and investigators who investigate use-of-force incidents should successfully complete all of the training. In order to measure proficiencies and levels of officer comprehension, all training should incorporate testing mechanisms and be documented.

Communication Skills

No matter the training scenario, officer training should address communication skills. Communication skills training should incorporate linguistics (how to talk), the meaning of voice inflection, the importance of proxemics, and officer approach and stance. A portion of the training should address the importance of keeping officers' emotions in check throughout the confrontation. Training should emphasize the importance of attempting to "talk" suspects into cooperation. Further, the communication skills training should emphasize providing suspects with repeated instructions when using a level of force, not giving contravening instructions when multiple officers are on scene, and warnings (when feasible) when an officer is preparing to use less-lethal equipment and lethal force.

Use-of-Force Report Writing

An essential training component to the officer's use of force is report writing. For many officers, composing a written report is problematic. Failing to submit a complete and detailed written account of the incident can result in several problems. To shore up deficiencies in report writing, it is recommended that ongoing training be provided for officers and supervisors which provides detailed information on how to structure a report as well as presenting the contents of the report. The contents of the report should minimally address the following eight components: (1) *officer approach* (own initiative, dispatched, back-up), (2) *nature of the circumstances* (type of call, call location, number of subjects, actions of all subjects, witnesses), (3) *officer observation/assessments and perception(s)* (behaviors of the subject, statements of the subject, subject appearance, subject impairment, threat level, assault cues, types of resistance, possession/access to weapons, duration of resistance, subject variables, proxemics, and reaction time), (4) *environment of the confrontation* (conditions of the location, high crime area, lighting, location hazards, inside/outside), (5) *officer actions* (verbal, all measures of force attempted/used, equipment used, summoned back-up, summoned supervisor,

summoned emergency medical, time of struggle, provide first aid, role in incident, officer injuries), (6) *justification for using force* (arrest, defend self, defend others, subject protection, prevent crime, take into custody), (7) *monitoring subject after control* (subject injuries, subject behaviors, subject statements, subject position, medical care provided, functional consciousness, condition of subject, decontamination procedures, officer actions), and (8) *transportation of the subject* (method, type of vehicle, subject restrained, subject behaviors/comments during transport, radioed in advance, monitor subject during transport, location).

The concern for training is to emphasize and to ensure that all officers and supervisors submit accurate and detailed reports. Supervisors should be trained to thoroughly review each report and return the report to the officer for corrections and resubmission as warranted. Moreover, realistic scenario-based training design should include writing a report after the incident followed by feedback from the instructor by viewing the scenario videotape and report.

Administrative Implications and Costs for Training

Conference participants all agreed that agency command personnel can show true leadership by maintaining an ongoing commitment to providing use-of-force training on a regular basis, by providing the necessary funding to ensure training continues, and by providing the necessary equipment with which to perform the training regardless of budget constraints. First, administrators should send several officers to obtain certification as in-house use-of-force instructors. These instructors could be cross-certified as firearm instructors and in defensive tactics. Second, instructor certification should also include all equipment that the agency authorizes officers to use, underscoring the philosophy of approaching force from a holistic manner. As an agency incorporates new force equipment and devices, in-house instructors should be certified in order to provide ongoing training for officers. Training must follow the manufacturers' specifications. Third, it is

recommended that first-line supervisors be certified as instructors so that they may not only provide training to their officers, but also, since they are the first to respond to calls, they may promptly address any issues in the field.

Fourth, administrators must remain committed to ensuring that instructor certifications are kept current. Failing to maintain instructor certification and allowing instructors to continue to train without current certification opens the department to litigation exposure. Punitive damages can be awarded for this deliberate failure. Administrators should also send instructors to additional training programs which address varying issues beyond motor skill and equipment training. For example, instructors should be sent to workshops on liability and legal updates, use-of-force training conferences, training methodologies, policy revision, communications, writing reports, stress, human factors and decisionmaking, and designing realistic scenario-based training, to mention a few.

Fifth, administrators should be proactive in planning their training budget. As budgets for training costs become more problematic, administrators must become more creative in securing funding. Grant funding is available at the state and federal levels for an agency to consider, which can assist in securing funding for providing training, purchasing equipment, and maintaining instructor certification. Administrators should seek funding opportunities with their risk management entity. Most of these entities provide free training and/or offer funding through a grant process to obtain additional training funding.

Sixth, administrators should also consider working with respective community colleges or universities in their region. Frequently, these institutions can host training, assist in providing training in key areas, and assist in writing training grants for an agency. Seventh, administrators should create training approaches within the region or within the state in which instructors can be shared in a reciprocal process with other agencies. For example, one agency may share an

instructor who is certified to instruct officers in the application of CEDs with other agencies for exchange of an instructor who has certifications in other areas. This can help ensure that all officers are kept current in their use-of-force skills.

Liability Update and Court Testimony Training

Combined with the motor skills, human factors and stress, and decisionmaking training, it is recommended that legal force standards and liability issues should be provided. A review of the Constitutional standard of “objective reasonableness” in accordance with the Fourth Amendment, consistent with the Supreme Court’s decision in *Graham v. Connor* (1989), should be performed at least annually. Updates in federal court decisions along with changes in state legislation, state standards, and state court laws impacting the use of force should also be addressed with officers. Liability training which addresses supervisory liability concerns should also be available annually for command personnel.

Officers and supervisors should receive training in how to testify in a civil action. Police officers routinely testify in criminal court and are more experienced in the criminal procedure process. However, civil court is processed with different standards and officers are the defendants. Training which addresses the following should be provided: civil court standards, using the officer’s report, affidavit preparation, answering interrogatories, deposition preparation, mechanics of courtroom testimony, and working with attorneys.

Developing and Maintaining a Use-of-Force Tracking System

It is highly recommended that administrators develop a computerized tracking mechanism which annually analyzes all use-of-force incidents. Such an analysis is useful in determining the various patterns of using force, under what types of circumstances and environment force measures are employed, the varying force measures and equipment used, location and time of the incident or calls for service,

the types of injuries incurred by officer and subject, and the trends of individual officers in their use of various force measures. Statistics yielded from such an assessment can be used to enhance the specific training needs of the agency. They may also be used to address officers’ field deficiencies which can be remediated early to avoid developing patterns of policy abuse. The statistics and assessment also provides a valuable component in evaluating proper policy implementation in the field.

Conclusion

Providing training to officers on a regular basis not only demonstrates compliance with the *Canton* mandate, it shows a commitment to ensuring superior field performance by officers. Providing use-of-force training on an ongoing basis keeps officers’ use of force constitutional. Frequency of and intensity of the type and methods of training increases officer competency and confidence in their abilities by honing their skills and, thus, enhancing their street survivability. The methodology and frequency of training facilitates appropriate decisionmaking and responses by the officer, making their reactions instinctive. Administrative leadership can be exercised in many ways in a police department. Making a commitment to incorporating these recommendations elevates the philosophy of administrative leadership by addressing a high profile topic area, illustrating to the community that agency officers are properly prepared to perform the duties of their job. Concomitantly, administrative leadership is also conveyed to agency officers by committing to providing training which increases their safety and survivability when confronted with a violent encounter.

The use-of-force summit model provided an innovative and participatory forum for participants. It allowed conference participants to gain new knowledge, provided an avenue of networking, allowed them to discuss issues and concerns with other administrators, and provided them with a workable model to implement upon return to their individual agencies. Such a conference model could be replicated on a regional

or state level and provides an effective means to address a high liability area. Implementing recommendations at the agency level enhances the agency's field operations and places the agency in the best position to defend against a legal claim of failure to train and a failure to direct.

It is crucial for law enforcement executives to provide the officer with policy, protocol, and effective training to react properly to the possible threat and to respond with the appropriate and legitimate tactics to address the situation, including, if necessary, the use of some level of force in given circumstances.

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Enhancing the Leadership Capabilities of First-Line Supervisors

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Leadership training continues to be identified consistently as a priority need in law enforcement (Brand, 2010, p. 18). This need is especially acute for first-line supervisors who play a central role in efficient service delivery (Moriarty, 2009, p. 20). The California Commission on Peace Officer Standards and Training (POST) (2008) has been responsive to this need for more than two decades through the Sherman Block Supervisory Leadership Institute (SBSLI). In June 2011, the Institute launched its 300th session.

SBSLI Development

In 1988, with the intention of developing the leadership abilities of first-line supervisors, POST introduced the “Supervisory Leadership Institute,” a 192-hour, eight-month leadership program (later renamed after the late Los Angeles County Sheriff and POST Commissioner Sherman Block). Genesis of the Institute was recognition by the POST Commission of the necessity for maximizing the quality of leadership within the rank overseeing the actions of the largest number of law enforcement employees and responsible for the greatest breadth of organizational activities—to include service in many agencies as second in command. At the same time, field research identified factors that could bolster the leadership skills addressed in the two-week Supervisory Course mandated for completion by all newly appointed supervisors.

The approach to forming the Institute’s curriculum was from an “inside out” perspective as the intent was to concentrate initially on the inner strength of the individual under the premise

that the leader must first possess appropriate values, motives, and commitment before acting to influence others (within the framework of the employing law enforcement agency). A broad-based steering committee of law enforcement officials identified essential aspects of leadership to be integrated into the Institute’s curriculum.

Framework and Curriculum

The SBSLI curriculum as currently constituted includes a wide range of learning and leadership theories and practices. The mission of the SBSLI is to provide leadership research and theoretical contributions that enable law enforcement supervisors to bridge the gap between scholarship and practice and to perform critical inquiry into contemporary organizational issues. The 24 students (all of whom are required to have completed two years of full-time supervisory experience) comprising each class cohort are expected to become a close-knit community of learners. The Socratic Dialogue method of inquiry and debate is employed extensively to stimulate critical thinking and clarify concepts.

The SBSLI curriculum, which uses Bloom’s Taxonomy (2012/1956) as its underpinning, is designed to actively engage students in activities that promote experiential learning. The content of the curriculum is responsive to the dynamic environment within which law enforcement supervisors perform. As such, it is constantly evolving. The most current curriculum has been designed to enable students to

- discover leadership philosophy, theory, and practice as a source for leadership wisdom.

- identify the many and varied characteristics and skills manifested in effective leaders.
- communicate leadership assumptions and philosophy through enhanced self-awareness.
- expand their perception of leadership to include adaptive leadership.
- dialogue the complexities inherent in principle-based leadership.
- articulate their personal leadership principles, values, and ethics.
- demonstrate effective techniques and strategies for articulating a vision.
- understand effective goal setting.
- employ the processes involved in effective decisionmaking.
- recognize the different types of conflict and appreciate the role a leader can play in leading through conflict.
- express the methods leaders can use to initiate change and help others adjust to change.
- comprehend the concept of empowerment and the techniques effective leaders use to empower others.
- acquire effective communications skills for building an adaptive culture and supporting challenging conversations within the organization.
- develop a fundamental understanding of the changing conceptions and prevailing views of leadership through time.

The curriculum is delivered over eight consecutive months through highly skilled facilitators. Each month, SBSLI students reside at a designated host hotel for three consecutive days while attending their respective class session. All classes are scheduled to occur on Monday-Wednesday or Thursday-Saturday. Each session is protocol-based and focuses on key core learning concepts. The following is an overview of SBSLI's eight sessions and core concepts.

Session One introduces the SBSLI philosophy of lifelong learning and critical thinking. The curriculum's foundation in Bloom's Taxonomy is also explained. The concepts of choice, principles, values, accountability (versus blame),

and fact (versus assumption) are analyzed. The qualities of leadership and management and the supervisor's role are examined. The session also introduces the adaptive leadership project. This project requires students to assess their organizational environments for unresolved challenges and to apply the adaptive leadership model to the challenges.

Session Two is designed to encourage participants to gain clarity and alignment between their personal values and leadership actions. Students discover and examine their personal core values and value conflicts and recognize how dysfunctional ego conflicts can impact personal and professional life experiences. The concepts of virtues, self-deception, the moral imperative, "Golden Mean" (desirable middle place), influence, and authority are analyzed.

Session Three correlates personal core values to ethical decisionmaking. Given ethical dilemmas, participants are asked to apply appropriate, ethical decisions and to recognize and understand the risks/rewards of living a principle-centered life. The session examines how ethics, value conflicts, "code of silence," obedience to the unenforceable, self-identity, integrity, trust, and a leader's responsibility relate to the challenges of law enforcement.

Session Four explores the basic nuances of leadership styles and how each might impact organizational success. The importance of communicating a vision and understanding how effective goal setting translates into specific concrete actions and outcomes is discussed. Students examine how empowerment of constituents and selfish intent can impact organizational functioning and loyalty. Generational differences and their impact on leadership style are assessed.

Session Five focuses on organizational culture and how it influences behaviors such as skepticism, cynicism, and undermining. The concept of "group think" is analyzed as well as the dynamics of organizational change, dissent, and team dysfunction. Leadership skills

such as discipline, attention to duty, and delegation are dialogued, along with methods of conflict resolution that are needed to operate in a diverse environment.

Session Six is conducted at the Simon Wiesenthal Museum of Tolerance in Los Angeles. The session examines the unique challenges facing law enforcement in an increasingly diverse society. The nexus between diversity and leadership is identified, analyzed, and dialogued with museum staff. The concept of tolerance is evaluated relative to the dynamics of racism, bigotry, prejudice, and discrimination in both historical and contemporary contexts. Also, organizational fear and accountability, guilt, and personal ego and their relationship to the formation of power and wider perspectives are examined.

Session Seven examines personal and organizational health. Each student's own well being, as well as that of their respective organizations, is evaluated. Politics of policing and "moral imperative" are dialogued. The importance of emotional intelligence in the workplace is covered as well as how supervisors can successfully use the knowledge acquired for successful leadership.

Session Eight is dedicated primarily to students' presentations of their adaptive leadership projects.

Facilitation of Learning

The SBSLI uses a unique presentation model which is based on adult experiential learning theory. Participants are required to continuously review previous concepts, values, and principles in various combinations of increasing complexity. Developing concepts such as responsibility, courage, maturity, perception, and supportiveness, the program enhances the leader's strengths, first at the personal level, gradually moving into the interpersonal level, and then through organizational relationships. Because many leadership attributes are best "discovered" by participants rather than imparted by traditional lecture,

a number of active learning techniques are used (e.g., case studies, scenarios, role playing, and group discussion). The SBSLI learning environment is analogous to a "learning laboratory," through which experimentation, synthesis, and analysis of ideas are fostered with the end result being improved supervisory leadership and organizational outcomes.

Since the inception of SBSLI, quality of classroom instruction has been a priority concern, and it was determined early on that participant-centered facilitation would best fit the nature of the curriculum. It was also determined that each class should have two facilitators. Each facilitator complements the other's style as well as balances the focus during classroom discussions. Too, while one facilitator is introducing a concept, the other one can offer additional observations and intervene as the need for clarification may arise. Additionally, having a second facilitator in the room allows one of the facilitators to focus on group dynamics while the other one addresses individuals in the group.

Facilitators undergo an intensive appointment process. Those chosen to perform in a facilitator role within an environment intended to stimulate personal growth, leadership, and ethical decisionmaking must exemplify those same qualities. All candidates for facilitator positions must have been a member of an SBSLI graduating class and have performed exceptionally as a student. Upon referral by a seasoned facilitator, the SBSLI Program Manager arranges for attendance at class sessions as an auditor. As an auditor, the candidate observes the dynamics of curriculum delivery and intermittently is given the facilitator reins. Following extended service as an auditor and demonstrating exceptional competence, the auditor may be enrolled in a Facilitator Assessment Workshop. The workshop, designed by an internationally recognized academician, consists of two three-day sessions and is the basic training course for facilitators. Instruction is provided collaboratively by educators with expertise in curriculum design, presentational techniques, and coaching. The training is

grounded in nonverbal communicative intelligence (e.g., paralanguage and proxemics). Following completion of the workshop, the facilitator candidate joins other candidates on a waiting list for service as a facilitator. These prospective facilitators are expected to continue to participate in curriculum development meetings and other scheduled meetings of active facilitators.

Emphasis is accorded cognitive coaching techniques (Costa & Garmston, 2002) and nonverbal communications. Cognitive coaching enables individuals to become self-directed. Self-directed individuals are self-managing, self-monitoring, and self-modifying. The SBSLI curriculum is designed to help supervisors maintain a sustained focus and generate increased momentum toward achieving their goals. An ingrained coaching skill set can equip students to address a variety of needs (e.g., from helping sort through career and life issues to working with an organization to integrate coaching into its internal development process). The nonverbal strategies provide facilitators with a skill set that accelerates learning and builds positive group dynamics to create a learning environment low in emotional threat and high in cognitive challenge.

Leadership Training for Supervisors Remains in High Demand

The desire for quality training on leadership beyond basic instruction appears to remain as strong today as when SBSLI was conceived. In spring 2011, POST surveyed 247 individuals who had completed the basic 80-hour Supervisory Course within the past two years. One of the questions was “Identify the topic that you found most valuable.” Among 18 topics comprising the Supervisory Course curriculum, “Leadership Styles and Behavior” emerged as the most valuable instructional topic, receiving almost double the votes of the runner-up topic (“Recognizing and Documenting Employee Performance”). Moreover, it was the lone topic receiving an “extremely valuable” rating when survey respondents were asked to describe the value of topics for new supervisors.

Interest in gaining acceptance into the SBSLI remains very strong regardless of strained training budgets and reductions in staffing resulting from the economic downturn in California. Graduates of the SBSLI return investments to parent agencies that far exceed the costs of their attendance. It has become commonplace at SBSLI class graduations to see large numbers—if not the majority—of the hands of audience dignitaries (agency heads and managers) raised upward when asked by the graduating class facilitators for a “show of hands” of past graduates. Perhaps the impact of the SBSLI is best assessed by the spontaneous comments of program graduates such as those recently conveyed to the Program Manager via e-mail (July 15, 2011) by a graduate of Class 286:

Having entered into the SLI program fresh out of graduate school, I was a little “done” when it came to reading and writing. Something strange happened, however. I was thrust into an area of law enforcement I thought I knew a great deal about and was quick to find I knew little about—leadership. Yes. I knew what it was like to be a good leader. Heck, I was one! In fact, there were few who measured up to my leadership and mentoring abilities. In peeling back that onion, I found it was just the skin. I was a great leader because I was well-liked and came with credibility based upon my work experience and ethic, but that was it! . . . Needless to say, I had a great deal of learning to do about *how* to be a leader.

The well-orchestrated blend of movies, texts, small group discussions, journaling, reflection, case studies, etc., was mind boggling. Mind boggling in that it was all put together for a purpose. It was composed with a great deal of thought for that individual with promise, an open heart, and mind to absorb. For the willing participant, there was opportunity, after opportunity, after opportunity to be the sponge—to soak up all that existed in the room. I could go on

and on but suffice it to say that experience was far more rewarding than all of my formal education. . . . I became that leader I always wanted to be yet had no idea existed. . . . Thank you so very much for allowing me that walk; I shall forever be changed. I shall forever be grateful.

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Policing Thoughts—Deep Brain Stimulation: A Future Crime Prevention Model

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Imagine one way or another, all our experiences are chemically conditioned, and if we imagine that some of them are purely “spiritual,” purely “intellectual,” purely “aesthetic,” it is merely because we have never troubled to investigate the internal chemical environment at the moment of their occurrence.

—Aldous Huxley

Command College Class 49

The Command College Futures Study Project is a FUTURES study of a particular emerging issue of relevance to law enforcement. Its purpose is NOT to predict the future; rather, it is to project a variety of possible scenarios useful for strategic planning in anticipation of the emerging landscape facing policing organizations.

This journal article was created using the futures forecasting process of Command College and its outcomes. Defining the future differs from analyzing the past because it has not yet happened. In this article, methodologies have been used to discern useful alternatives to enhance the success of planners and leaders in their response to a range of possible future environments.

Managing the future means influencing it—creating, constraining, and adapting to emerging trends and events in a way that optimizes the opportunities and minimizes the threats of relevance to the profession.

The views and conclusions expressed in the Command College Futures Project and this journal article are those of the author and are not necessarily those of the California Commission on Peace Officer Standards and Training (POST).

Policing, in most instances, is a collection of protocols used to control people’s behavior. A gang member killing a rival gang member is an example of behaviors police attempt to control. Strategies employed to control this behavior range from prevention to incarceration. No matter the strategies’ efficacy, policing cannot monitor individuals constantly. Limited resources cause gaps in policing systems allowing for the continuation of violent criminal acts.

Technological solutions are perfect gap fillers because they can provide constant, portable, and reliable monitoring. Extending on Huxley’s imagination, think of a world where a device the size of a pacemaker can change a person’s violent tendencies. Brain augmentation accomplished by surgical procedures or pharmaceuticals is not new. Future medical applications, though, may allow portable microprocessors to sense specific brain functions and respond to violent behaviors.

If neurologists identify specific brain regions causing violent behaviors, then brain scan devices could detect activity in these areas and trigger a counteracting stimulus to interrupt a violent behavior. This device becomes a highly desirable crime prevention tool if it targets violent brain functions and ameliorates violent tendencies from parolees. In the future, scientists may develop a system using this technology to send a pulse to the specific brain regions that control violent behaviors. If they do, the question becomes “Will we use it?”

Hula Hoops and Violent Thoughts

Envision a scenario of two kids playing independently. A boy playing catch with a ball and glove runs to retrieve a missed catch. As he enters the area occupied by a girl hula-hooping,

his attention is diverted to the girl. He is astonished by her ability to maintain the hula-hoop. Instantly, he becomes jealous and uses his glove to touch the hula-hoop, knocking it out of its orbit around the girl and down to the ground. Startled, the girl stands there without acting or saying a word. Her friend, also hula-hooping, stops and tracks the boy as he continues running after the ball. Being a good and dedicated friend, she runs to catch him. Without hesitation or fear, she demands he apologize to her friend and threatens to punch him if he does not comply. In this example, two acts of violence were conceived in the brains of two individual kids. How did both children transfer sensory input into violent action or threat of a violent action? Accepting that both children's brains functioned normally, what areas of their brains allowed them to process different stimuli and develop a course of action based on an emotion? Science may provide answers to these questions as we start to learn more about the brain.

The human brain is the primary organ separating humans from other biological organisms and allows humans to master and overcome their geospatial environment. Motor neurons, sensory neurons, and interneuron integration allows a person to walk across a room (Kandel & Jessell, 2009). In the case of the girl chasing the boy to demand an apology, the perceptual gyrus located in the frontal lobe sent a signal via a neural network to her leg muscles (Britannica, 2008). In her spinal cord, interneuron connections alternated the inhibition of motor and sensory neurons causing the girl's leg muscles to expand and contract in a speedy gait allowing her to catch the boy (Kandel & Jessell, 2009). Science provides the identification of various brain regions necessary for human movement. Therefore, future scientific discoveries may map brain regions responsible for committing a violent act.

Your Brain—A Short Primer

The human brain is divided into three components, and it controls all aspects of voluntary and involuntary human behavior (Britannica,

2008). The cerebrum comprises the majority of the brain's mass. It controls higher functions such as recall, problem-solving, cognitive functions, and emotions. It also controls movement. The cerebellum, at the lower rear of the brain, controls balance and coordination. Finally, the brain stem connects the brain to the spinal cord, controlling our autonomic functions such as breathing, heart rate, and blood pressure. Language is a function of the integration between all three main components of the brain (Kandel & Jessell, 2009). If injury or illness disables one component of the language system, then the complex function of language is disrupted. More concisely, the girl who demanded an apology for the hula-hoop incident could not use language to interact with her adversary. The understanding of the language process was a result of over a century's worth of scientific research, which has also worked to uncover much more about the mysterious organ resting roughly between your ears.

One of the remaining significant challenges to determining how the brain works is to be able to target a specific brain region that controls behaviors—in our case, violent behaviors. Watching a group of 9-year-old children playing in a group makes one believe violent tendencies are innate to all humans. To discuss this phenomenon, defining violence is a necessary first step. A simplistic definition of violence is an act causing harm. Schoolyard aggression is an analogy not meant to lead the reader to believe parents should implant a behavior control device on a child, no matter how tempting. Aggression is a human characteristic that the normal maturation of healthy people controls without the aid of medical intervention. Environmental and biological factors prevent normal development of some people (i.e., psychopaths) for whom a surgically implanted behavior modification device may provide relief to unwanted emotions or behaviors.

Implants and Imaging

Brain implants to modify behaviors or feelings are in use today. One such use is in the treatment of depression. For some, traditional therapies

offer little to no relief. In 2003, though, doctors began experimenting with deep brain stimulation. Neurologists implanted electrodes deep into the subgenual cingulate region, an area of the brain resting beneath the cerebrum that serves, in part, as an emotional region of the brain (Trudeau, 2005). Surgeons connected the electrodes to a wire threaded through the skull and under the skin to the front of the chest where the leads connect to a tiny power pack implanted beneath the skin. The power pack emits a constant mild electrical pulse directly to the brain region where emotions are developed (Trudeau, 2005). After device activation, the patients experienced a change in their depressive mood as was seen in earlier implant studies with Parkinson's patients (Bejjani et al., 1999). The device improved the behavior and mood of the patient more effectively than traditional pharmaceutical therapies (Trudeau, 2005). The use of neural implants has been immediately effective in altering mood and perception; advances in the electronic scanning of the brain are also showing promise in actually controlling behaviors.

New advances in brain imaging may produce discoveries about how the brain processes violent thoughts and actions. Imaging technologies have been used to capture brain functions for over 100 years (Vagg, 2008). The earliest forms of brain imaging used radioactive dyes injected into the brain intravenously and X-rays to capture images of brain areas showing blood flow deformities or displacements (Britannica, 2008). Computed tomography still uses X-rays with assistance from a computer to capture intracranial images of the brain. These types of brain scans allow scientists to detect brain abnormalities caused by illness or injuries that affect brain functions (Britannica, 2008). The risk to the test subject is obviously great due to the amount of radiation present in both techniques. Other forms of brain scans are numerous and offer limited surface level evaluation of the brain or use radiation, which is harmful to subjects on a prolonged basis.

Magnetic resonance imaging (MRI) and near infrared spectroscopy (NIRS) offer safer techniques to map brain regions (Britannica, 2008).

The MRI uses a powerful magnetic field to resonate atoms in the brain. A second magnetic field produces binary pulses causing certain atoms to resonate differently (Britannica, 2008). The result is an image of the brain that provides minute-to-minute variations in brain activity. A functional MRI (fMRI) provides the same three-dimensional picture of the brain with an additional feature to detect oxygenated blood in the brain (Johnson, 2004).

As brain activity in various brain regions ebbs and flows, a fMRI captures real-time video of the brain activity. This allows a researcher to observe how integrated brain regions function under test conditions, allowing the researcher to pinpoint a brain region responsible for a specific behavior (Johnson, 2004). Dr. Kent Keihl of the University of New Mexico has used a fMRI to study prison inmates at the New Mexico State Prison and produced groundbreaking results (Vagg, 2008). Dr. Keihl's study found approximately one in twenty inmates had a psychopathic personality disorder in which some brain systems identified as a region affecting morality had not developed normally. Additionally, Dr. Keihl found some psychopathic inmates' brains displayed a disconnection between the frontal cortex, the region used for reasoning, and the amygdala, a small area of the brain responsible for fear, learning, and memory (Vagg, 2008).

On average, psychopaths have a 17% smaller amygdala than a person with a normal brain (Vagg, 2008). Dr. Keihl's study found a high correlation between serial killers and people who have a poorly developed communication system between the frontal cortex and smaller amygdalas. When the frontal cortex developed a normal communication system, the person with a smaller amygdala tended to function normally in society (Vagg, 2008). If only violent criminals could be monitored by an fMRI constantly. Unfortunately, an fMRI is a five-ton \$2 million machine making this concept impossible (Johnson, 2004).

An NIRS may offer a solution. This device is portable and relatively inexpensive (Britannica,

2008). It uses lasers to monitor blood flow, observing how much light is refracted back from the brain. Optical tomography is then used to draw maps of the brain and can assess cellular changes arising from neurons firing. This process is quick and can provide changes in neural activity in well under a second (Britannica, 2008). A scaled-down version of an NRIS is a perfect complement to the concept of deep stimulation device previously discussed.

Combining an NRIS and deep brain stimulation device creates a biofeedback loop to control a violent criminal's behavior. A wearable NRIS could detect this change in neural activity, registering its findings on a central processing unit (CPU) contained within a small power pack surgically implanted in the person. The CPU identifies this brain function as a potential violent behavior. Electrodes extending from the power pack deliver a low voltage stimulus to the Reticular Activating System (RAS) located in the brainstem and the frontal cortex. The stimulus produces a sense of fatigue, slowing down the person and simultaneously stimulating the frontal cortex producing elevated levels of reasoning to dissuade the perpetrator from the act prior to execution.

Timing is an essential consideration to controlling the thoughts of a violent offender. Since metrics are available to assess the process speed of perceiving a stimuli and neural reactions, it becomes theoretically possible to build a device fast enough to intercept the stimuli and neural reaction. The question then becomes how long will it take computers to become fast enough to intervene between thoughts and actions. The answer is now. Personal computers can already process information faster than the human brain. Therefore, the theory of surgically implanted behavior modification devices has a platform from which to launch. That leaves us with the social, political, and moral choices of balancing the rights of the individual versus the safety of society.

To Implant or Not to Implant

Device implantation is an option that must be weighed against the status quo and other medical alternatives. Surgically implanted cardiac defibrillators and implants for deep brain stimulation are viable options that are seeing a growing acceptance by society. This acceptance will further promote the use of such devices and create a demand for continued application. It should also stimulate research and development, and possibly link their use to other illnesses or social issues such as a violent behavior control device. Recently, scientists have made improvements in the type of electrodes used in brain implants. This new technology will improve the use of brain implant devices that monitor brain illnesses and brain injuries. Partly made of ultrathin polyimide-silk arrays, the new electrodes are about five times the thickness of a human hair. As the device becomes more convenient for patients, the volume of applications and the diversity of use are likely to follow.

As technological advances are juxtaposed against the criminal justice system, the impact on society, and the political environment, many questions have been raised pertaining to the issue of using a surgically implanted device to control a person's behavior. The questions range from how to legislate the use of such a device to issues of public acceptance of its use. Will a convicted person voluntarily use the device or will a court force a medical doctor to implant a device into a person, an invasive procedure that may be cruel and unusual? Will society accept the government using "mind control"? What are other technological trends that may make this concept obsolete? To answer these questions, a nontraditional research method was employed.

A panel of experts convened to discuss trends and events impacting these questions. The panel consisted of a pharmacist, a technologist, a computer scientist, a forensic psychologist, a procurement specialist, an attorney experienced in civil rights matters, a supervising parole agent, and a police lieutenant. The panelists were subject-matter experts and well-respected

within their respective disciplines with a collective 200 years of experience.

As expected, there was much debate concerning the efficacy of a surgically implanted behavior modification device. How quickly this technology could be assimilated into the criminal justice arena was a top issue of the panelists. As they pointed out, prisoner rights groups may find the intrusiveness of the surgical implant into a prisoner's brain outside the limits of a reasonable punishment. Legal injunctions against this method of controlling a convicted persons' behavior would likely arise to challenge its application. Another insight brought forward was the complexity of the human brain in a sexual offender's mental processing of stimuli that trigger violent sexual encounters. For a sexual offender, the stimuli may be anger as opposed to sexual arousal. Scientists would have to develop a brain implant robust enough to control both sexual arousal and anger within the human thought processes. Though theoretically conceivable, much more research is necessary to employ a device that could achieve the full range of desired results without creating any adverse outcomes.

Of course, there are emerging issues that may enhance interest in implants to control adverse behaviors. The current prison overcrowding issue facing the California Department of Corrections and Rehabilitation (CDCR) is fertile ground for policing agencies to begin assessing the possibility of local or county policing agencies using devices to monitor released prisoners. Los Angeles County Sheriff Leroy Baca's controversial idea for deputy sheriffs to supervise released prisoners supports the premise that released prisoners will influence operational aspects of all government policing and corrections agencies. As Sheriff Baca said, "It's kind of a cultural clash for probation officers to think law enforcement can do the same work they do" (Faturechi, 2011). Though Sheriff Baca's statement provokes reactions on both sides of the argument, what is gleaned from his statement is that the future is approaching and changing how policing agencies view released prisoner management may be a valid contemporary consideration.

Currently, local policing agencies are only indirectly involved in managing released prisoners. Parolees are allowed to reenter their communities of residence upon agreement to certain conditions. If a parolee violates a condition of his or her parole, then the parolee will return to prison after a CDCR due process hearing. A local policing agency can arrest a parolee if it becomes aware of a violation of parole conditions either passively or proactively. Police departments do not monitor parolees or participate in other aspects of assimilating a parolee into the community. The overwhelming intent of a police officer and parolee contact is to send that person back to prison. On the contrary, CDCR parole agents incorporate rehabilitative protocols into their assessment of parolees.

New housing tolerances forced by court decisions may also force a new approach to how local, county, and state policing agencies manage released prisoners. Low-level non-violent offenders are being released back to their communities of origin without previously accepted parole conditions, many with only the equivalent of summary probation. County probation offices will assume the managing role of these released prisoners. Due to their summary probation status, many parolees will enjoy a nonrevocable parole status. Revocable parole status has been a significant tool in local law enforcement's repertoire to solve gang member issues that sometimes plague a community. The new system of releasing prisoners will substantially affect many Los Angeles County communities that have high concentrations of parolees.

This impact will be exacerbated when a released prisoner who was serving a sentence on a nonviolent commitment offense reenters the community where his or her arrest charge was a violent offense. More concisely, defendants who plead to lesser, nonviolent offenses will meet the release criteria when, in fact, a violent offense had been committed. In theory, perpetrators of batteries, robberies, and some sex offenses will be released back into the community because their commitment offense was a nonviolent drug charge. Without proper monitoring, the released prisoner must commit

and be convicted of another offense in order to be placed back into prison.

Lastly, the county probation system may be overextended with the new workload. One may assume that the rehabilitative services formerly provided by the State may not follow the transition of prisoner management from the State to counties. The social service system may become overwhelmed with prisoner reentry. Gaps within an overwhelmed criminal justice and social service system may be correlated with increased residential burglaries and strong-arm street robberies. Due to limited social service resource capacities for a released prisoner population which has poor job skills, a typical released prisoner may find fencing stolen property more economical. This generalization may not apply to the majority of released prisoners. However, even a small uptick in certain crimes will be dramatic in communities that live with a perception of fear. These and other factors will be motivating forces in society's desire to find ways to limit the impact of violent crime and to control offenders effectively. While it is too early to tell how the privacy issues, effectiveness of implant technologies, and social acceptance might impact the concept, the ability to end violent crime as we know it is a compelling vision. Actualizing that vision, although contentious, is a goal worth pursuing.

Conclusion

Certainly, there are a myriad of other issues to be addressed as science opens the doors of possibility. A surgically implanted behavior modification device could fill the gaps in the current model of public safety and could exploit emerging technology to enhance traditional behavior changing methods.

Prison populations have increased to a maximum point in some states, and the violent behaviors of some of the released prisoners have not improved while in prison. In fact, some behaviors have worsened, causing significant concern for the general public and government agencies sworn to protect society.

The increased population of released prisoners will significantly influence local policing agencies. Developing new methods to mitigate the behavior and actions of persons posing a violent threat to society is a call to duty for all policing experts. If a biomedical device alters the mood and motor functions of patients, then can the same device alter their level of (or absence of) aggression? The concept of using brain-altering devices to control behavior may be one future solution for society, and it continues Huxley's investigation to its logical end.

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Defending Enforcement Action: Technological Documentation of Officer Activity

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Recently, a university student who has been a police officer for five years was voicing his concern about new department regulations that require issued video and audio recording devices activated during “any citizen contact.” My response as his professor and a senior officer was met with, “I wish I could be a street cop like you back in the ‘80s.” After stunned consideration, I realized he had a point. Law enforcement officers and agents in my “era” fronted the concept of painting the honest picture through reasonable officer perception, considering the totality of the circumstances known at the time of the incident through *articulating* in our police reports (*Graham v. Conner*, 1989; *Tennessee v. Garner*, 1985; *Terry v. Ohio*, 1968; Westrick, 1995). The story was ours to tell.

Well-meaning, rights protecting officers are concerned about how they are “captured” on departmental recording devices. These recordings are then released to the public who only view the “snap-shot” of the (usually) violent encounter. There is little doubt the public often misinterprets the officers’ actions and that the politics inherent in policing can lead to officers facing discipline, termination, civil action, and criminal charges. Not to mention that imagining what their actions look like through the “third eye and ear” can cause hesitation that can result in further violence, injury, and death. Officer recording technology is here to stay and can be beneficial to all. The concept of officers recognizing their proper role is not new to social science or police action and neither is the conditioning that must take place during training (Grossman, 2008; Klugewicz, 2002; Westrick, 1998). With the increased utilization of citizen police review boards (working with Internal Affairs) and subsequent interrogation of “suspect” officers by supervision, the departmental use of recording devices can

undoubtedly lead to the (political) demise of good officers’ careers.

Police force incidents are very polarizing to the public and government public servants. The recording of these events is important to the pursuit of justice. However, without agreement between the officers and administration on the review and reporting of incidents, discontent, biased enforcement, and increased liability can result. Omnipresent in these incidents with the threat to record or face termination are the rights of officers as noted in the 5th Amendment (*Garrity v. New Jersey*, 1967; Guido, 2005). Recording of police action by departments is a valuable tool, but it should not be yielded as a hammer over well-meaning officers. Consideration must be given by administrators to officer concerns when there is a policy mandating recordings of “all citizen” interactions.

Experience and research has shown there are three basic ways to combat extraordinary police action during extremely violent incidents. With the recording of these incidents, the “third party” perception of the police action becomes the primary interpretation of the event in the “eyes of the public.” To protect officers, the steadfast ways to curtail extraordinary police force are still the same: training, officer partnerships, and articulation of action (particularly preventive strike). An understanding of policy and reinforcement of proper police action (in the eye of the “camera”) are a must to instill officer confidence and ensure optimal officer safety. The best way to instill officer confidence and competence is providing clear, concise, and reinforcing training.

Training and an understanding of the police role and actions are important on at least three levels. Officers should be educated on the department’s overall *philosophy* of citizen and police

contacts in the context of the recording devices. The practical wisdom of recording police action is evident for the department. The overall reasoning that it is for the good of the individual officer and the role(s) he or she plays needs to be articulated by the department and understood by the officers. How do the recordings of citizen encounters enhance the mission of the organization? The *strategy* of recording deployment needs to be clearly explained to the law enforcement team. What is the plan for using the recordings? Under what circumstances are the recordings to be utilized? *Strategy* is the plan of the department that is written in policy for all members. The *tactics* (actions) that officers actually utilize with citizens must be examined and rehearsed, understanding the “third eye” perspective of the recording is in one stress free zone of time and space. It is an undeniable truth that officers must be conditioned to be cognizant of the recording device presence and its (nonhuman) objectivity and the subjectivity of the humans that will eventually view it.

Giving fellow officers “permission” to intercede in officer actions that are viewed to be excessive is even more important with modern recording technology. Other officers have differing perspectives than the officer who is immediately engaged. Recognizing the different perspectives of officers, recordings, suspects, and others is difficult, but it is the height of the vocational law enforcement standard. Allowing other officers to intercede to de-escalate situations is as important as escalation of force. Since officers should be held accountable when they stand by and overlook adverse action, positive action by team members must be recognized without discipline to the engaged officer if possible. Recordings should assist reasonable officers who are cast into split-second decisions that are urgent, in that they are not invited, and very open to the public, especially with recording devices (Fyfe, 1989). When other officers engage in de-escalating an in-custody (safe) situation, the department should view the action as a team effort. This type of administrative action breeds a police culture of safety and violence prevention, showing officers that the department understands street officer mindsets.

Officers can be trained and brought to understand the capabilities and vantage points of the recording equipment to help alleviate injury through preventative action. A thorough understanding of the recording hardware and software can assist officers in analyzing and targeting suspicious suspect behavior. If the officer can articulate the reasoning to detain or arrest a suspect, he or she must be able to access and analyze the actions recorded coupled with the understanding of those actions. The author (Westrick, 2004) has stated that a good law enforcement use-of-force event has the officer taking action last. Law enforcement officers rarely start the problem, but if all goes well, they end it. With the above in mind, it is important to record the end of the force action and the subsequent “in-custody” law enforcement action. It must be the policy of the department to let officers work with the records to help (them) interpret evidence, keep the peace, and pursue justice.

Adverse understanding and use of officer/ citizen street-recorded encounters can greatly jeopardize officers. If departmental policy dictates that all citizen encounters must be recorded, then all these incidents should be preserved and accessible to the officers for review (just as with traditional police reports). Officers should build a technological portfolio of work that they and their team see as positive for review for their personal, official record. Positive reinforcement of this recording technology is not possible if officers only witness negative administrative action toward them as a result. Dedication to an objective mandatory recording policy that is seen as assisting officers builds confidence and competence in the law enforcement team.

All police (force) action has a *before*, *during*, and *after*. The *before* begins with the training the department offers and mandates. Intelligence, approach, communications, and other key factors can all be monitored and recorded. The department must not allow the recording of a few seconds of a force event to overshadow the *before*, accurate reasonable officer interpretation of the *during*, and the actions of the in-custody event including aid given to suspects *after*. Officers should be trained to utilize the

recording technologies to condition themselves to act more professionally and to build their cases. The perspective of the *totality of circumstance* can be captured if the department cooperates with officers and works in concert to show reasonable officer action and not cite officers' reasonably excusable actions that take place in street encounters. Police administrators should implement sound policy that reinforces proper police action (no matter how forceful) and recognizes the officer's role in the "eye" of the recording. The consensus among most officers is that their departments will use recordings to only discipline what they perceive as "bad" conduct. Policy must be implemented to train, allow access to (for documentation and evidentiary purposes), and document positive officer/citizen encounters by the administrators who oversee the officers and the recordings. The recording of police action can build officer confidence and competence with proper department action.

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Influence of Stress on Decisionmaking During a Crisis

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Author's Note: The initial draft of this paper was written while the author worked for the Department of Defense. No classified or sensitive material appears in this version.

Introduction

After the terrorism events in 2001 and Hurricane Katrina in 2005, preparedness for crisis events has been a paramount issue. Since this time, there has been an increased focus by practitioners and academics on resources, contingency planning, and response efforts relating to crisis management. However, there has been almost no examination of the psychological impact on decisionmaking due to the crisis at hand.

Before decisionmaking can be examined, it is imperative to understand when a situation is perceived as a crisis and not just an emergency.¹ Perception plays a key role in identifying a situation as a crisis. Generally, a crisis involves three factors: (1) threatening aspects of high value, (2) restrictions in the amount of time in which decisions can be made, and (3) the situation presenting itself in an unexpected manner. Whether or not such a situation is viewed as a crisis is influenced by perception-based factors such as personal experience, framing, culture, and individual tolerance (Seeger & Gouran, 2002; also see Billings, Thomas, & Schaalman, 1980; Hermann, 1963).

Influence of Stress

It is not the crisis itself that has an effect on decisionmaking, but, rather, the stress that comes with it. The threat aspect of a crisis enhances stress levels so much that at times it leads to negative behavior. In fact, "when faced with severe time pressures, some individuals respond with a kind of decisional paralysis and are simply

unable to make choices" (Gouran, 1982, as cited in Seeger & Gouran, 2002). Consider this: A naval officer who served in Vietnam defined his experience with stress by saying, "Stress can override your faculties. You see what you want to see and hear what you want to hear" (Trainor, 1988, p. A1). If this is how stress can influence a well-trained military professional, just imagine the potential damage that it could do to the decisionmaking abilities of a civil servant or government official.

Group Dynamics

Typically, in government, task forces are brought to life in order to deal with a crisis that is occurring. Such groups are more effective at decisionmaking in situations in which there exist complex issues involving vast amounts of information to be processed (Seeger & Gouran, 2002). With these task forces come similar group dynamics that exist with more constant decisionmaking bodies that act at times of crisis such as the National Security Council (NSC). Major Kenneth L. Robinson (1997), U.S. Army Retired, argues that the group dynamics of the NSC, which during peacetime are useful, provide a negative effect during a time of crisis.² However, Robinson is unable to support this claim other than with personal experience. Overall, the task force environment has both pros and cons to its implementation, but that will not be discussed here as it is not within the scope of this report.³ What is important to note is that task force members are often overworked and do not get enough sleep, which leads to a buildup of stress. In order to prevent this stress buildup, it is important to have the task force work in shifts. This discipline does not work with senior-level officials as they "rarely adhere to the discipline of shifts" and at times even refuse to delegate to other officials (Post, 2004, p. 119).

Direct Effects of Stress

Interestingly enough, “the early stress response has been demonstrated to improve performance; but as stress mounts [and reaches a threshold], performance degrades” (Post, 2004, p. 119). In addition, Dr. Post writes, “although moderate levels of stress usually improve the performance of most individuals, at least initially, *human frailties are magnified at the individual, group and organizational levels when acute, prolonged stress and fatigue are experienced* (emphasis added) (p. 121). The day-to-day functions of a senior official likely cause just enough stress to ensure proper performance, meaning stress levels stay below the threshold. A true crisis could easily lead to a quick buildup of stress, however, eventually surmounting the threshold (Hermann, 1979). In addition, situations in which stress acts to increase performance only occur when there exists no emotional attachment to the situation (Hermann & Hermann, 1998, p. 215).

Physiologically, stress elicits the discharge of adrenal hormones causing a natural high. This release of hormones will “convey a feeling of being at the height of one’s powers, even when objective performance measures demonstrate the contrary” (Post, 2004, p. 118). Therefore, a decisionmaker under extreme stress is unlikely to realize or believe that their decisionmaking abilities have been affected by the crisis.

Dealing with Crisis Decisionmaking

Some might think that decisionmaking is not affected during a time of crisis, but they would be wrong. The ability to make decisions is affected so much so that the Federal Emergency Management Agency (FEMA) (1999), through state emergency management offices and other

agencies, offers a class on how to “shift gears from normal office to crisis environments for making decisions”; it even covers “identifying impediments to good decision-making during emergencies”⁴ (Table 1). The course also provides an analysis of the differences between decisionmaking during times of normal or day-to-day policy analysis as compared to making decisions and policy during a time of crisis (Table 2).

Table 1. Impediments to Good Decisionmaking

-
- Time pressure
 - Political pressures
 - High or low blood sugar
 - Caffeine
 - Fatigue
 - Lack of information
 - Conflicting information
 - Uncertainty
-

Seeger and Gouran (2002) present a set of guidelines to be followed in order to improve decisionmaking during a time of crisis in their paper *Functional Decision-Making Under Crisis Conditions* that has been summarized as follows:

Planning for would be crisis situations, including presetting decision criteria, prioritizing those criteria, and then determining basic contingent responses, allows decision making during a time of crisis to flow more smoothly. In addition the use of the incident command structure (ICS) and defining authority relationships can ensure the right people are in the right position to make important decisions. This type of pre-crisis coordination leads to a reduction in uncertainty. Combined with the ability to maintain flexibility, allowing for the accommodation

Table 2. Characteristics of Decisionmaking

Normal Policy Analysis	Crisis Policy Analysis
<ul style="list-style-type: none"> • Time to think • Opportunity to test alternatives • Objective and candid exchange of opinions • Option to gather a wide range of facts and information 	<ul style="list-style-type: none"> • Highly compressed time frame • High stakes/life safety issues • Unpredicted events • Intense imagery = distorted view of reality • Tough choices: morally, politically, psychologically • Unfolding dynamics “shrouded in fog”

of change among plans, this will help reduce stress and make the situation easier to manage. Increased situational awareness is also important. Information must be available for evaluation as a decision-maker must be able to monitor and adjust to dynamic situations.

While these guidelines are not the only authority on the subject, they do provide a comprehensive set of ideas that can be implemented to allow for decisionmaking during a crisis situation more in line with day-to-day decisionmaking.

Conclusion

Henry Kissinger once said, "In a crisis only the strongest strive for responsibility; many hide behind a line of consensus that they will be reluctant to shape; others concentrate on registering objections that will provide alibis after the event" (Shrum, 1979, as cited in Robinson, 1997, p. 44). While this may be true, understanding how a crisis, with all of its stress, can affect decisions will allow leaders to be prepared for the consequences. This knowledge can be combined with effective preparation to provide strength for leaders in decisionmaking capacities during a time of crisis.

Endnotes

- ¹ Emergencies are generally considered day-to-day problems or situations that are unintended but not out of the ordinary for the person perceiving the situation. For example, a heart attack is a medical emergency for an EMS responder, while the same event would be perceived as a crisis for the person having the heart attack.
- ² Major Robinson's experience and membership in the Military Intelligence Hall of Fame allows for his opinion to be considered credible.
- ³ For more issues regarding the pros and cons of group decisionmaking, see Benne and Sheats (1948), Billings et al. (1980), Cartwright and Zander (1968), Gouran (1982), and Janis (1982).
- ⁴ The complete class is available from www.au.af.mil/au/awc/awcgate/fema/247, courtesy of the Air War College and Maxwell-Gunter AFB.

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Russian Organized Crime and the Existing Measures to Combat It

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Introduction

Along with the positive opportunities created by the collapse of the USSR, a vacuum of the legitimate authority developed that has led to a rapid growth in criminality in the former Soviet Republics as well as new types of criminal activity. As new governments began grappling with the awesome problems of developing laws, regulations, and business practices to govern emerging private businesses and economic activities, organized criminal groups have exploited both new economic and political opportunities and the absence of comprehensive legal structures. In particular, Russia's efforts to privatize the economy have been fertile ground for criminal exploitation.

Widespread corruption at many levels has facilitated the growth of organized crime as well. Corruption enables the reinforcement of criminal organizations, expanding their spheres of influence. Russia has been engrossed in an unusual debate about the links between state structures and organized crime. The debate was prompted by a November 5, 2010, massacre of 12 people, including four children, in the Krasnodar region village of Kushchyovskaya. Prosecutors investigating the murders have concluded that local officials have been aiding a criminal group headed by a local businessman. This criminal group has been terrorizing the village for 15 years. In January 2011, the special commission of the General Prosecutor's Office canceled 1,500 regulations on refusal to initiate criminal proceedings and restored 242 crimes, which had been hidden by Kushchyovskaya's police (Chayka, 2011).

In February 2011, Russian President Dmitry Medvedev defined a list of the major challenges

facing the police: fighting terrorism, extremism, corruption, and organized crime. According to him, in some regions, criminal gangs have become a growth on the structures of government and business. "It is almost impossible to distinguish between criminal groups and business or local power structures," stated the President. He urged regional governments to cooperate more actively with the police in combating crime (*Transcript*, 2011).

Criminal Situation in Russia

Russian organized crime represents a qualitatively new level of professional group crime. This is reflected not only in its high level of criminal sophistication and the well-developed network of corruption links, but also by the broad scale of its activities and influence exerted on a considerable portion of the economy and the organs of power.

Russian organized crime is assumed to be one of the most powerful organized crime organizations in the world; and on the scope of activities, it surpasses even the legendary Italian Mafia (Abadinsky, 2009; Galeotti, 2007; Grennan, 2006; Liddick, 2004; Lyman, 2003). However, given such estimates, foreign authors rely on subjective assessment of Russian politicians, NGOs, and media publications, rather than on reliable statistical data and materials of criminal cases.

Given the lack of reliable methods of assessing the level of organized crime in a country, we will analyze existing approaches to the study of this problem. Professor Jan Van Dijk (2007) has developed a Composite Organized Crime Index (COCI) that is constructed combining data on the perceived prevalence of organized crime, unsolved homicides, grand corruption,

money laundering, and the extent of the shadow economy. The COCI, based on data for 1997 through 2003, covered 156 countries. The explorative analysis shows that among the 15 countries with the worst scores, Russia took 7th place.

The annual reports of the World Economic Forum (WEF) on global competitiveness should be analyzed to assess the current state of organized crime. Based on various official statistics and surveys among CEOs of larger companies, WEF analysts assess the condition of the economies of 140 countries on various criteria, including the level of harm caused by the business of organized crime. The study showed that the level of organized crime in Russia was one of the highest, not only in Europe, but also in the whole world. Among the 133 countries included in this criteria, Russia took 96th place with an index score of 4.4 (WEF, 2010). But now Russia ranks 119th out of 142 countries with an index score of 4.0 (WEF, 2011).

Along with this, we cannot forget to mention the *2010 Failed States Index*, compiled by analysts of the influential journal *Foreign Policy* and the Fund for Peace. This rating reflects the ability of key public institutions (i.e., political leadership, army, police, judiciary, and civil service) to monitor the integrity of the territory as well as the demographic, economic, and political situation. One of the 12 monitored indicators for viability of the state is the level of lawlessness and criminalization. It refers to widespread corruption, opacity of decisionmaking, distrust of state authorities, and the increasing number of criminal organizations. According to the *2010 Failed States Index*, among the 177 countries on this indicator, Russia took 80th place with an index score of 8.1. In 2009, Russia had taken 52nd place with an index score of 8.0.

Despite this pessimistic assessment of the level of organized crime in Russia, the most unfavorable situation in this respect has developed in South America, Africa, and Central Asia. The population of Russia is weakly preoccupied with this issue. Our conclusion is confirmed by the results of recent sociological research. In a survey of 1,500 people by Romir Monitoring (2012), only 7% of Russians believe that real power belongs

to organized crime. In 2004, these respondents were 13%. According to most respondents, sources of power in the country are the bureaucrats and the oligarchs.

Likewise, according to the Strategy of National Security of Russia, before 2020, already approved by Presidential Decree on May 12, 2009, organized crime will be one of the major threats to internal security. In addition, in accordance with the concept of Russian foreign policy, approved by Presidential Decree on July 12 2008, foreign policy efforts should be focused in particular on combating organized crime.

The discrepancy in the estimates of risk of organized crime may be explained by the fact that it infringes on the State's interests in the economic sphere.

There are a number of causes posited for the development and continued presence of organized crime in Russia. The reasons include the following:

- The lack of success of economic reforms and the unevenness and corruption of the privatization process—both of which have contributed to dividing the population into widely disparate “haves and have nots”
- Failures of legislative reform and economic regulation
- Corruption and weak governmental controls in vulnerable areas
- The absence of special legislative tools to combat organized crime and corruption
- The people's lack of trust in law enforcement and consequent unwillingness to report crimes and participate in the criminal justice process
- Lack of coordination and cooperation among law enforcement authorities and their general ineffectiveness

Present criminal developments in Russia include the following:

- The intensive consolidation of organized crime groups at both the regional and federal levels

- The active penetration and capture of key positions in different industries in the economy
- The penetration of representatives of organized crime into the organs of power (i.e., the legislature) as a means of lobbying for their interests
- The growth of transnational criminal activity, especially involving smuggling goods/aliens and money laundering

The statistics of the Ministry of Internal Affairs (MIA) for 1997 to 2004 show that the number of criminal associations and their size are constantly changing; however, the number of criminal associations remain under 100. This fact indicates the presence of favorable conditions for their continued reproduction. One reason for this is the lack of legislation to combat the leaders of organized crime. During previous years, not more than 2,500 organizers of criminal associations were involved in criminal proceedings or 20% of the total number of identified members of criminal associations. For some types of crimes, this figure is even lower.

According to the Concept of Improving the Police in Combating Organized Crime, from 2005 to 2010, the traditional division of criminal structures in organized groups and criminal associations was eliminated. Thus, a new term was introduced—criminal organizations—the characteristics of which are as follow:

- Presence of at least 10 members
- The duration of criminal activity (not less than two years)
- The existing system of criminal activity has a negative impact on the criminal situation
- Accumulation of money and other proceeds of crime activities
- Availability of controlled objects of economy and the desire to expand its financial base
- Common criminal purpose, intentions, well-established communications, financial basis, conspiracy, common rules of relationships, and hardware
- Striving to penetrate the government and the formation of positive public opinion;

the presence of controlled media and corrupt ties

- The wide publicity of committed crimes

During the period from 2006 to 2011, the number of criminal organizations and their total membership decreased from 450 to 124 and 12,000 to 2,467, respectively.¹ These figures should be treated as only a broad approximation. The creation of new organizations, the merging of organizations, or the collapse of some may not always be promptly recorded by law enforcement.

Most of the criminal organizations have interregional and wide corruption ties. Some of them are created on an ethnic basis. The most dangerous of these are Georgian, Azerbaijani, Uzbeks, and Tajiks. The greatest concentration of criminal organizations is said to be in the Central, Southern, Privolzhsky, and northwestern federal districts of Russia (see Figure 1).

Figure 1. Geography of Organized Crime in Russia



Source: The Ministry of Internal Affairs

The organizational structure of criminal organizations ranges from those with defined leadership and subordinate roles to those that are small and loosely structured with no set hierarchy. The size also varies from one to another. Their crimes are said to be mostly in the economic sphere, with others involved in extortion, robbery, car theft, drugs trafficking, and prostitution.

The most established criminal organizations are headed by so-called “thieves-in-law.” Usually, they don’t commit crimes; rather, they provide social support for their membership, maintain

criminal traditions, and arbitrate disputes. An important responsibility of the “thief” is maintaining an illegal fund or *obshchak*, which is used to carry out new crimes, to support imprisoned members, and to bribe public officials. There are some 150 “thieves-in-law” in Russia. The majority of them are natives of the Caucasus, mostly Georgians.

Annually, about 20,000 crimes committed by organized crime groups are registered in Russia.² The majority of these are economic/violent crimes and narcotics. Compared to 1991, the number of such crime increased sevenfold (see Table 1).

In evaluating the statistics, the high degree of latency of organized crime should not be forgotten, which is expressed in the incompleteness of its official registration. In this regard, special attention should be paid to “artificial” latency caused by serious deficiencies of the existing system of registration and recording of crime and poor law enforcement efforts. The latter of which is to some extent due to the increased volume and complexity of the job, the decline of discipline and professionalism of personnel, and serious institutional failures. The consequence of all this has been the growth in the number of crimes hidden by police. For the period from 2004 to 2010, the number of unregistered crimes identified by prosecutors has increased 1.3 times (from 104,343 up to 136,420).

In addition, do not ignore the “natural” latency when victims of crime do not go to the police. According to the Levada Center’s survey, 34% of citizens were satisfied with the service provided by law enforcement; whereas a majority (56%) claimed to be dissatisfied with how the police work. Moreover, the public view of the ability of the police to protect them and their relatives from criminals with considerable pessimism. Over half (58%) of those surveyed do not regard the police as capable of protecting their lives and property.

The vector of public opinion is largely dependent on the state of law and the discipline of the police, low levels of which becomes evident. So, during the period from 2005 to 2010, the total number of acts of misconduct committed by policemen has tripled (from 44,753 to 125,000).³ Police leadership involved in various types of liability has increased tenfold.

In response to growing criticism, President Medvedev launched a large-scale reform of the police in December 2009, including cutting the number of policemen and increasing salaries. In February 2011, Medvedev signed into law a bill introducing reforms intended to improve the image of the country’s law enforcement system. The law, which changes the name of Russian law enforcers from the *militsiya* to *police*, came into force on March 1, 2011. According to the law, the number of Russian policemen will be lowered by 20% by January 1, 2012. Also,

Table 1. Number of Registered Crimes Committed by Members of Criminal Organizations in Russia

Years	2003	2004	2005	2006	2007	2008	2009	2010	2011
Total number of crimes	24,096	29,431	28,604	27,715	31,005	30,763	24,202	15,789	11,473
Murder, including murder for hire	267	240	216	148	136	73	67	41	30
Health harm	134	93	116	111	68	49	42	14	16
Kidnapping	80	96	81	63	84	53	34	40	7
Extortion	623	752	822	613	513	535	302	277	202
Armed robbery	1,424	1,510	1,266	962	656	475	387	236	175
Theft	4,475	4,286	3,098	3,097	2,964	2,751	2,166	1,250	1,000
Economic crimes	8,812	12,774	12,797	12,954	16,518	18,363	12,899	7,703	5,336
Narcotics	4,175	5,186	5,817	5,073	6,247	5,495	5,464	3,462	2,497
Fire arms	1,226	1,292	1,048	947	783	479	411	277	209

Source: Ministry of Internal Affairs (2011)

recruits will undergo more intensive screening, police will be freed of bureaucratic functions, and the force's new emphasis will be on crime prevention. About 217 billion rubles (\$7 billion) will be allocated from the Russian budget for police reform in 2012-2013.

Organized crime has gained control over a significant share of the nation's economy. The lack of laws, lax regulation, corruption, and extreme forms of violence have enabled criminal organizations to make substantial inroads into several lucrative economic sectors, including gas and energy, metallurgy, construction, banking, fisheries, retail trade, and liquor production/sales. The MIA (2012) estimated that there were 982 legitimate companies engaged in different activities that were controlled by criminal organizations.

Criminal organizations are also earning considerable profits from a myriad of criminal activities, primarily fraud schemes.⁴ A significant portion of these proceeds are transferred and laundered through overseas bank accounts or shell companies, including many incorporated

offshore. According to the Russian Central Bank, for the period from 1991 to 2009, the pure outflow of private capital has generated \$2.5 trillion, half of which has been illegally wire transferred. Some of this money is returned to Russia at a very favorable exchange rate, where it is invested in other criminal schemes or used to purchase real estate, privatized enterprises, and banks. As a result, many criminal leaders make up a significant proportion of the new wealthy class. Their economic activities are intertwined with those of legitimate businessmen.

Widespread corruption at many levels of government in Russia feeds the rapid growth of organized crime. Corruption facilitates the reinforcement of criminal organizations, the expansion of their sphere of influence, and the establishment of their inter-regional and international connections. In the opinion of some experts, they spend up to 50% of their profits on bribes and other forms of corruption as a normal business expense.

Many members of the elite who influence economic and political decisions are directly

Figure 2. Money Laundering Scheme



Source: Europol (2008)

involved in illicit activities, which brings them into contact with criminal organizations. Corrupt officials provide criminal front companies with licenses and quotas, customs exemptions, budgetary funds, and municipal and state property, and they help eliminate their competitors. Law enforcement and security services officials provide criminals with protection from prosecution.

Two recent criminal cases against senior officials reflect the current corruption situation. In January 2011, Lieutenant General Alexander Bokov, director of the CIS (Commonwealth of Independent States) Bureau on Organized Crime and Other Dangerous Crimes, was arrested in a \$46 million fraud case. Promising assistance in buying a majority stake in a transportation company, he allegedly received 265 million rubles (\$9.8 million) from a businessman. An investigation revealed that Bokov, whose 2009 registered annual income was 1 million rubles (about \$33,000), lived in a four-story mansion near Moscow filled with collections of guns, jewelry, antiques, and art. He also owned at least five apartments in downtown Moscow as well as real estate in Cyprus and London (RIA Novosti, 2011b).

In February, federal authorities reported breaking up an illegal gambling ring⁵ in the Moscow region that was protected by at least three top-ranking officers of the regional police and influential regional prosecutors. The 18 illegal gambling halls were located in 15 cities in the Moscow Region, where 1,200 slot machines were seized during the search. The investigators claimed that the corrupt regional prosecutors received at least 15 million rubles (over \$535,000) in bribes for the period from 2009 through 2011. This investigation resulted in open confrontation between the General Prosecutor's office and the Investigative Committee (RIA Novosti, 2011a).

One of the main threats to the internal security of Russia is the merging of criminal organizations with government authorities, the impact on the political and legal processes, and access to the management of the state and the regions. The statistics of municipal and regional elections, which took place in 2006 through 2008, indicate new trends for the involvement of organized crime.

First, the number of criminal figures running for deputies or elective posts has been reduced considerably. Now, they either offer promising candidates their financial assistance in election campaigns, or they prepare their own "clean" protégé who does not have a criminal record or has not been compromised by links to the underworld. Second, given the increasing role of political parties in the electoral process, the most important task of organized crime is control of the existing political parties (the regional branches) and the promotion of their representatives in municipal or state bodies.

During the election process, criminal organizations usually use the following methods: bribery or blackmail of the leadership of political parties or their regional offices, members of electoral commissions, judges, and/or law enforcement officials; dissemination of compromising information on opponents; bribery of voters or forcing their delivery at polling stations; destruction of property (e.g., arson of premises, transport, public receptions, and campaign headquarters of candidates); and violence against political opponents and their families.

During the elections in March and October 2009, police conducted a set of measures to prevent infiltration of representatives of organized crime in state bodies or regions: 197 candidates were excluded from the lists, including 20 members of criminal organizations.

Having already established a strong foothold in Russia, the most powerful criminal organizations have expanded their activities overseas. According to the National Bureau of Interpol, there are 500 Russian criminals active abroad (ITAR-TASS, 2011). Their main activities are fraud, trafficking in women for sexual exploitation, illegal immigration, smuggling, and money laundering (see Figure 2).⁶ They have shown particular flexibility in working with other established criminal organizations such as La Cosa Nostra (fraud schemes), Colombian and Mexican drug cartels (cocaine and arms trafficking), Yakuza, and Triads (smuggling of marine resources, timber, and stolen vehicles, and counterfeiting goods).

Speaking of the transnational aspects of Russian organized crime, three important facts should be considered. First, a relatively small number of the existing criminal groups has access to the international arena. Second, the presence of a Russian organized crime group (OCG) in a foreign country does not indicate the distribution of its influence nor the presence of certain interests. Third, their activity is mediated. This is explained by the fact that all of the most profitable areas, as a rule, are divided between local gangs and are tightly controlled by them.

Geopolitical, economic, social, and technological changes within the last two decades have allowed some Russian/Eurasian criminal enterprises to become increasingly active worldwide. In response to this growing threat, the FBI's (2012) Organized Crime Program established a Eurasian Threat Focus Unit (ETFU) to develop a comprehensive understanding of existing and emerging Eurasian organized crime threats both domestically and internationally. The ETFU is staffed by tactical and strategic intelligence analysts, forensic accountants, and supervisory special agents who are focused exclusively on obtaining and synthesizing intelligence from various sources. These sources include, but are not limited to, FBI field offices, legal attachés (LEGATS), international law enforcement and intelligence partners, and the U.S. Intelligence Community (USIC). In an effort to further promote and leverage the ETFU's efforts, the FBI recently forward-deployed several supervisory special agents internationally to work hand-in-hand with international law enforcement agencies and intelligence services that are committed to addressing and combating Eurasian organized crime.

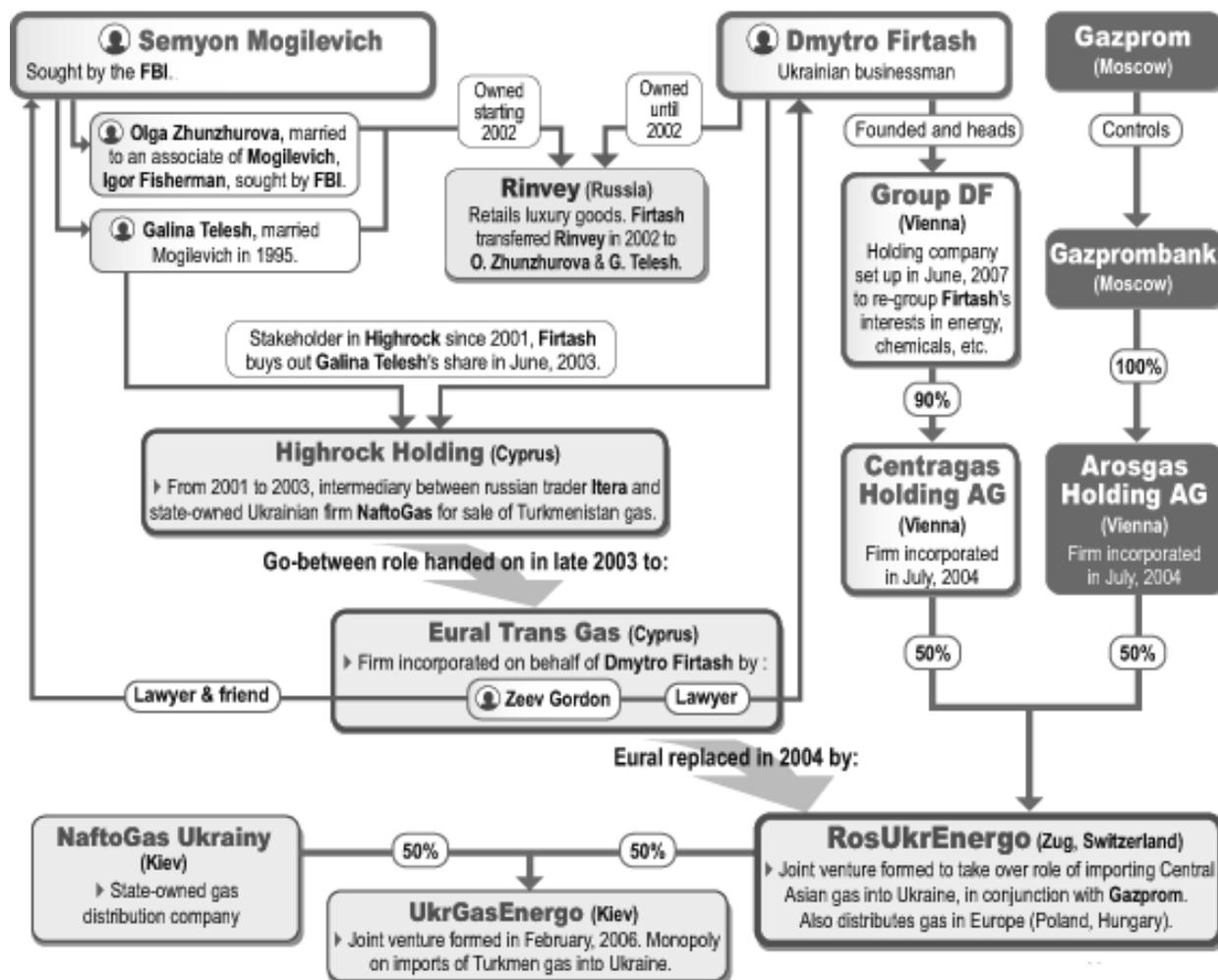
The ETFU targets Eurasian criminal organizations to include the Semion Mogilevich Organization, the Brothers' Circle Organization,⁷ and the Izmailovskaya and Solntsevs-kaya criminal enterprises. All of these organizations/groups are very powerful, and with varying degrees of success, have compromised and/or manipulated the domestic and international banking industry, energy industry, and strategic resources. In addition, due to the immense wealth of some of the members of

these organizations, political influence on all levels has been identified, corroborated, and documented.

Ukrainian-born businessman Semen Mogilevich (alias Sergey Schneider) is charged with swindling Canadian and U.S. investors out of \$150 million in a complex international financial scheme. It centered on a firm called YBM Magnex International Inc., which purportedly made magnets in Hungary. This scheme involved preparing bogus financial books and records, lying to Securities and Exchange Commission officials, offering bribes to accountants, and inflating the stock values of YBM. In 2003, he and his associates were indicted on 45 counts of racketeering, securities fraud, wire fraud, mail fraud, and money laundering. The FBI believes Mogilevich moved on after YBM and began manipulating international energy markets: he had control or influence over companies involved in natural gas disputes between Russia and Ukraine (see Figure 3). Mogilevich's alleged brutality, financial savvy, and international influence have earned him a slot on the FBI's Ten Most Wanted Fugitives list, though he has lived and operated from Moscow for years. Mogilevich's Russian citizenship is the chief obstacle for extradition. Article 61 of the Constitution prohibits Russia from extraditing its citizens for criminal prosecution abroad.

In February 2012, the U.S. Department of the Treasury announced its first designations pursuant to Executive Order 13581, a key component of the President's Strategy to Combat Transnational Organized Crime, which is a broad-based initiative announced last July to tackle this increasingly serious threat to American economic and security interests worldwide. EO 13581, the Transnational Organized Crime (TCO) EO, takes aim at transnational criminal organizations by imposing economic sanctions against four key transnational criminal organizations, including the Brothers' Circle. These designations are intended to protect the U.S. and international financial systems from the activities of these groups and to disrupt their criminal infrastructure. Drawing on this authority, the Treasury is identifying seven key members and associates

Figure 3. Mogilevich's Connections



Source: *The Tip of the Mogilevich Iceberg* (2008)

of Brothers' Circle, freezing any assets the designated persons may have within the jurisdiction of the U.S. and prohibiting any transactions with them by American citizens. Among them were two Russian "thieves in law" Vladislav Leontyev and Vasily Khristoforov from Nizhni Novgorod. Both have been involved in criminal activities, including fraud and narcotics trafficking.

Despite the circumstances discussed above, the Russian OCG did not exert any significant effect on the crime situation in other countries, including the U.S. This conclusion is confirmed by the data of the Consular Department of the Russian Foreign Ministry. As of December 2010, 5,902 Russian citizens were under investigation

or serving sentences overseas, 112 of them in America.

Serious concern for law enforcement in the U.S., Western Europe, and Australia is caused by the activities of the Russian cyber-gangs. They pilfer online bank accounts, swipe Social Security numbers, steal credit card data, and peek at e-mail log-ins and passwords. Via viruses, criminals create "botnets" to infect massive numbers of computers in foreign lands to spread spam, distribute denial-of-service (DDOS) attacks, or send other malicious programs. A DDOS attack floods a website with inquiries, forcing its shut-down. Using a large network of contacts in the cyber underground, they steal millions of dollars. According to experts of the international

company Group-IB, in 2010, Russian-speaking hackers earned about \$2.5 billion. This is almost a third of the global turnover of cybercrime, estimated at \$7 billion (Vovchenko, 2011).

Legislative Measures to Combat Organized Crime

Combating organized crime is a complex, difficult, and lengthy task. This is because of its surreptitious nature, because of the fact that major figures such as criminal bosses are often hidden and buffered from any connections with specific criminal acts, and because criminal organizations use corruption and violence both to carry out their crimes and to protect themselves from investigation and prosecution. In general, the characteristics of organized crime that make it difficult to combat domestically are compounded when it moves to the transnational level. As the criminals move across national borders, the opportunities for criminal involvement are multiplied as are the entities and mechanisms involved in enforcement and control.

The first set of legal tools for confronting organized crime are those at the national level. In 1996, Russia added Article 210 to its *Criminal Code*. This article criminalizes the creation of or participation in “a criminal association (‘criminal organization’) [established] for the commission of serious or especially serious crimes.” However, only a couple dozen cases have actually been prosecuted under this statute. The ineffectiveness of this article appears to be the result of several factors. Article 210 provides no workable definition of “criminal association.” A commentary to this article refers to Article 35, which provides little help and states only that “a crime is considered to have been committed by a criminal association (‘criminal organization’) if it’s committed by a unified criminal group (organization), which

has been created for the commission of serious or especially serious crimes.” In other words, the Russian *Criminal Code*’s definition of “criminal association” is entirely circular. It is no wonder that the statute is difficult to use.

The note to Article 210 provides that “an individual who voluntarily terminates his participation in a criminal association . . . is freed from criminal liability if his actions do not contain the elements of another crime.” But it is difficult to imagine that a member of such an association is not involved in the commission of any crime.

Thus, Russian law enforcement focused on solving individual crimes and prosecuting individual defendants rather than pursuing a broader, long-term approach focused on the entire criminal organization.

But in November 2009, President Medvedev signed a law strengthening criminal liability for a connection to organized crime (see Table 2). According to amendments to Article 35 of the *Criminal Code*, a crime is considered a criminal association (criminal organization) if committed by an organized group or structured association of organized groups operating under a unified leadership whose members are united to jointly commit one or more serious or especially serious crimes to receive direct or indirect financial or other material benefits. This law covers the organization of a criminal association (criminal organization) or the leadership of such an association (organization) or within its structural units, as well as the coordination of criminal activity, the creation of sustainable relationships between the various organized groups that are operating independently, development plans, and the creation of the conditions for committing crimes by such groups, or the division of spheres of influence and the criminal proceeds

Table 2. Number of Persons Arrested and Convicted for the Creation of or Participation in a Criminal Association (Criminal Organization)

Years	2003	2004	2005	2006	2007	2008	2009	2010
Arrested	188	412	392	509	787	733	934	613
Convicted	17	20	44	52	54	98	164	190

Source: The Ministry of Internal Affairs and Supreme Court for 2003 through 2010

of crime between them, committed by a person using his influence on members of organized groups, as well as participation by the meeting organizers, the managers (leaders), or other representatives of organized groups (see also Article 210).

The law increased the minimal term for a member of a criminal organization who committed a serious crime from seven to 12 years, and the maximum from 15 to 20 years. The leaders and coordinators of criminal organizations can be sent to prison for life. The criminal liability of corrupted officials, who are members of criminal organizations, has also been toughened. The minimal prison term for them has been raised from 10 to 15 years. Membership in a criminal organization is punishable by up to 10 years in prison. It should be noted that under Article 210 of the *Criminal Code* rules out the possibility of persons convicted under this act applying for probation. Federal law also provides that persons convicted of such crimes must serve no less than three quarters of their sentences before they have the right to apply for parole or to substitute the unserved part of their punishment with a milder punishment.

According to the Federal Penitentiary Service (FSIN) (2012), as of January 1, 2012, there were 85 so-called “thieves in law,” 523 “criminal authorities,” and 1,743 leaders and active participants of groups in the prisons. As a result of the FSIN’s work, 146 criminal leaders have been debunked (abandoned their status), including three “thieves in law,” and 239 groups that were unwilling to rectify or obey the rules were eliminated.

Plea bargaining has been a useful tool for combating organized crime. With the Federal Law No. 141-FZ, which came into effect on July 14, 2009, an agreement between the prosecutor and the defendant has been implemented into Russian criminal law. The system of pre-trial arrangements is a fundamental change. The new *Criminal Code* provides for a process of taking guilty pleas in lieu of trial in less serious kinds of offenses (Chapter 40, Articles 314-317). This procedure allows for the development of plea bargains in which the prosecutor and defendant,

with the mandatory assistance of a defense attorney, agree that the defendant will enter a guilty plea in exchange for a recommendation of a specific lesser sentence. Article 316, paragraph 2, provides that the sentence imposed after a guilty plea cannot exceed two thirds of the maximum penalty prescribed for the committed offense. For the crimes whose penalty is life imprisonment or the death penalty, those provisions do not apply. However, there is one other major incentive to a criminal defendant to enter a guilty plea under the new *Criminal Code*: no procedural costs can be assessed against a defendant who enters a guilty plea (Article 316, paragraph 4).

In order to improve the prosecution of members of criminal groups, an office for the security of persons subject to state MIA protection was formed. Its mandate is to protect witnesses in criminal cases as well as law enforcement and judicial officials. This office is mainly guided by two federal laws: Federal Law No. 119-FZ, “On state protection of victims, witnesses and other participants in the criminal justice [system]” (August 20, 2004) and Federal Law No. 45-FZ, “On state protection of judges, law enforcement officials and regulatory authorities” (April 20, 1995). The MIA has received 700 million rubles (\$22 million) or about half of the State program’s five-year budget of 1.6 billion rubles to protect witnesses around Russia. On average, one witness’s protection costs the state about 100,000 rubles (\$3,000) a month. However, it is still too early to evaluate its effectiveness. According to the MIA, currently, there are more than 2,200 witnesses and victims in criminal cases, over 500 judges, and about a thousand investigators and detectives under the state protection program. This process requires popular trust in law enforcement—something that is still lacking in Russia.

At the international level, there are a number of legal agreements between Russia and 67 foreign countries with respect to criminal procedures. These include a memorandum of understanding (MOU) between law enforcement and Mutual Legal Assistance Treaties (MLAT) for cooperation in criminal law matters between

governments. Law enforcement agencies can obtain international cooperation through their attachés posted in their embassies overseas and through liaison officers posted to foreign embassies or consulates in their own countries. They can also use Interpol, which facilitates cross-border police cooperation and currently has 188 member countries.

Given the high degree of public danger due to organized crime, it seems necessary to pursue the following:

- Accelerate the adoption of the law and the federal program to combat organized crime.
- Adopt the federal law, “On regulation of lobbying activities in the organs of power.”
- Restore the confiscation of property as a form of punishment for crimes with the introduction of sanctions in the relevant articles of the special part of the *Criminal Code*.
- Fix the corruption rules contained in the federal laws “On placing orders for delivery of goods, works and services for state and municipal needs” and “On privatization of state and municipal property.”
- Strengthen control over targeted and effective spending of budgetary funds and the use of public (municipal) property.
- Simplify the procedure for prosecution of persons with special legal status, who often support criminal organizations.
- Intensify the fight against corrupt senior officials in law enforcement.
- Ensure appropriate control of the proceeds of state (municipal) employees, other officials, and members of their families.
- Improve mechanisms for cooperation and coordination of regulatory and law enforcement.
- Improve the international legal framework for cooperation (including the timing of execution of requests, extradition, and confiscation of criminal proceeds).

Endnotes

¹ It is important to note that Russian organized crime is roughly two times larger than the

current membership of the La Cosa Nostra (LCN) families operating in the U.S.

² In the opinion of some criminologists, the actual levels of organized crime may be three or four times higher than this figure.

³ The number of corruption-related crimes is 5% of the total number of offenses.

⁴ Trade-related fraud is facilitated by the exploitation of transport and logistics companies, the vulnerabilities of the application of the current VAT (value added tax) system in the European Union, disparities in the various national legislations and tax regimes, and differences in trade-related jurisdictions.

⁵ In 2009, Russia ordered the closure of all gaming establishments except in four specially designated areas: in the Baltic exclave of Kaliningrad, south Siberia’s Altai Territory, Primorye in the Far East, and the Azov Sea coast in southern Russia. According to official reports, the gambling industry was thriving, with turnover estimated at \$6 billion in 2008. Casinos paid almost \$1 billion in taxes that year.

⁶ At least two trillion rubles (\$66.2 billion) or 4% of the country’s GDP left Russia in 2011 in apparent money laundering schemes, First Deputy Prime Minister Viktor Zubkov told an inter-departmental working group that had started to work under his guidance to combat illegal financial operations. About one trillion rubles (\$32 billion) was siphoned off from the country through shell companies registered in such countries as Cyprus, St. Lucia, and the Federation of St. Kitts and Nevis. The sum included doubtful operations reported by banks to Russia’s Federal Financial Monitoring Service.

⁷ The Brothers’ Circle (f.k.a. Family of Eleven and The Twenty) is a multi-ethnic criminal organization composed of leaders and senior members of several Eurasian criminal groups largely based in countries of the former Soviet Union but operating in Europe, the Middle East, Africa, and Latin America. Many Brothers’ Circle members share a common ideology based on the “thief-in-law” tradition, which seeks to spread their brand of criminal influence globally. This organization serves as a coordinating body for several criminal networks, mediating disputes between the individual criminal networks and directing member criminal activity globally.

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