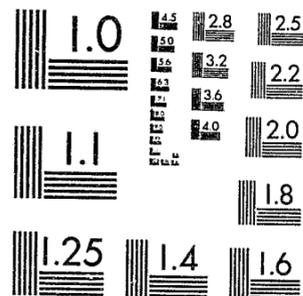


National Criminal Justice Reference Service



This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART  
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

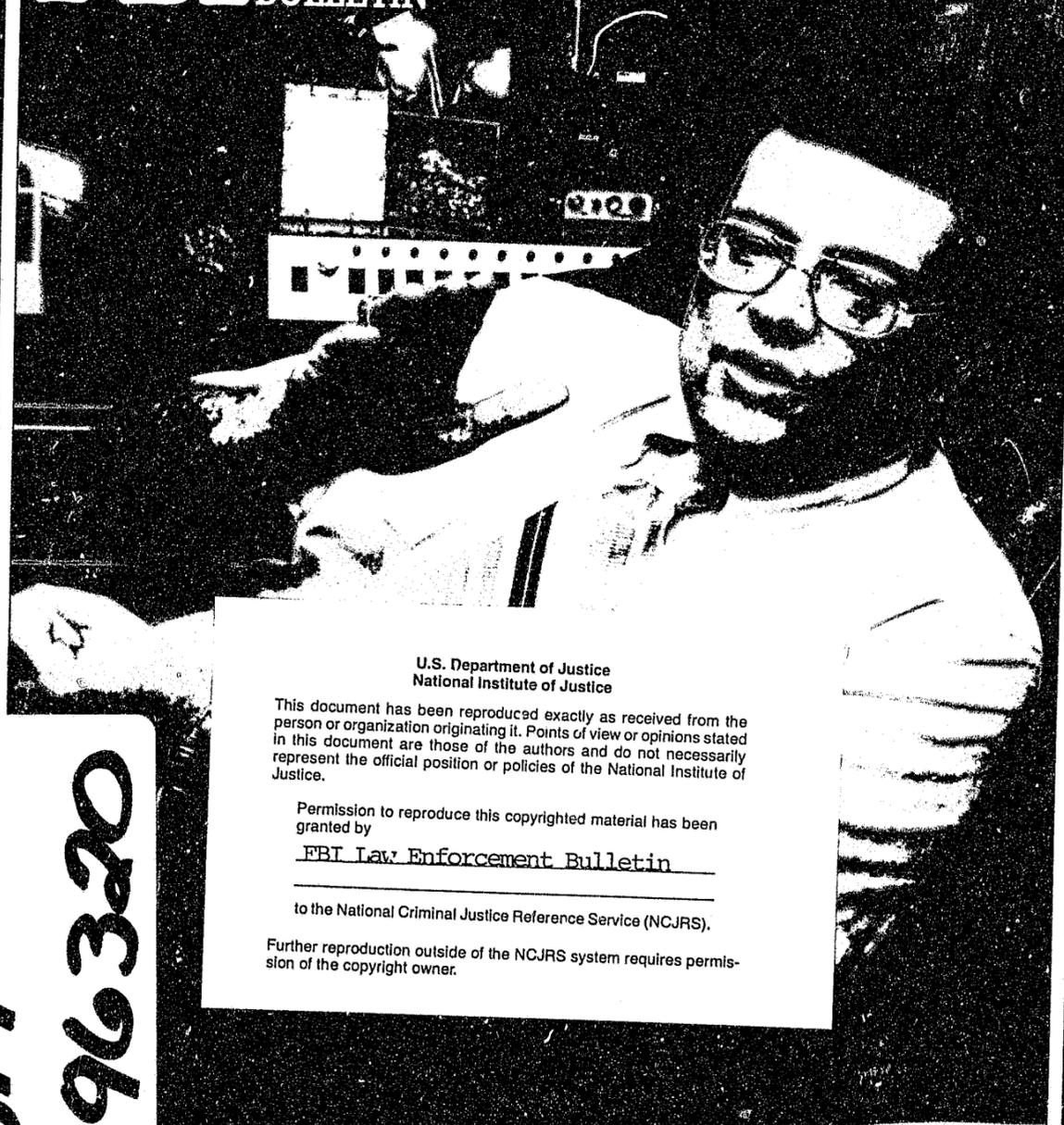
Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice  
United States Department of Justice  
Washington, D. C. 20531

12/11/85

# FBI LAW ENFORCEMENT BULLETIN

NOVEMBER 1984



U.S. Department of Justice  
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

FBI Law Enforcement Bulletin

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

96317 -  
96320

Employee A

ogram

# FBI LAW ENFORCEMENT BULLETIN

NOVEMBER 1984, VOLUME 53, NUMBER 11

NCJRS

DEC 11 1984

ACQUISITIONS

EMA

## Contents

- Personnel** 2 **Peer Counseling: An Employee Assistance Program**  
By F. L. Capps
- Management** 9 **Management/Labor Cooperation Performance-based Compensation**  
By Jerald R. Vaughn
- Narcotics** 13 **Exploiting the Financial Aspects of Major Drug Investigations**  
By Richard J. Mangan
- Police-Community Relations** 16 **Alexandria's Citizen Awareness Program**  
By Joseph M. Seiffert
- Communications** 21 **Mobile Computer Terminals**  
By James Caldwell
- The Legal Digest** 25 **Freedom of Speech and Law Enforcement Employment—An Analysis of *Connick v. Myers* (Part I)**  
By Daniel L. Schofield
- 32 **Wanted by the FBI**



The Cover: Peer counselors are proving to be effective in helping employees through stressful periods in their lives. See article page 2.

Federal Bureau of Investigation  
United States Department of Justice  
Washington, D.C. 20535

William H. Webster, Director

The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget through June 6, 1988.

Published by the Office of Congressional and Public Affairs,  
William M. Baker, Assistant Director

Editor—Thomas J. Deakin  
Assistant Editor—Kathryn E. Sulewski  
Art Director—Kevin J. Mulholland  
Writer/Editor—Karen McCarron  
Production Manager—Jeffrey L. Summers  
Reprints—Marlethia S. Black



ISSN 0014-5688

USPS 383-310

## Director's Message

The FBI has historically regarded legal training as a necessary and important facet of the law enforcement profession. In addition to the legal training afforded our own Special Agents, since 1935 we have furnished legal training to law enforcement agencies of all jurisdictions through the FBI National Academy, as well as through guest appearances of FBI legal instructors.

Such training of sworn officers continues to be an important part of our ongoing programs; however, the complexity of legal issues encountered by law enforcement officers, managers, and administrators in recent years highlights the need for each law enforcement agency to have ready and continuous access to a qualified legal advisor.

Efforts to meet this need have been made in a variety of ways. For example, some agencies rely on city attorneys or retained counsel from the private sector for legal advice and assistance. Others now have full- or part-time legal advisors, and many more are actively seeking such help. In order to foster the growth of this concept and to assist those who already serve in this capacity, this Bureau has established the FBI National Law Institute.

The institute, which will be held at the FBI Academy in Quantico, VA, will consist of an intensive 1-week program addressing such topics as the role of the law enforcement legal advisor, organization and management of the legal advisor's office, current legal problems facing law enforcement agencies, recent developments in constitutional criminal procedure, labor relations

issues in law enforcement management, first amendment freedom of speech and press, constitutionally based employment rights, and race, sex, and age discrimination matters. The institute will feature well-known guest lecturers and will include a trip to the U.S. Supreme Court for a tour, explanation of the history and function of the Court, and attendance at oral arguments scheduled for that day.

Two 1-week institutes have already been scheduled. The first is being held this month at Quantico, and the second has been scheduled for March 1985. It is anticipated that succeeding programs will be scheduled at 6-month intervals. Each session will accommodate 50 attorneys with the FBI funding all cost for travel, room, and board. Further information concerning the institute and applications for attendance can be obtained from the Principal Legal Advisor assigned to the FBI field office in your area.

Apart from the direct benefits of the institute, our hope is that the program will foster a spirit of cooperation among legal advisors from different agencies so that information and problems will be shared on a continuing basis. As evidenced by the FBI National Academy and other multi-agency programs, continuing cooperation and assistance can only serve to enhance the overall professionalism of the law enforcement community.

William H. Webster  
Director  
November 1, 1984



## Peer Counseling An Employee Assistance Program

**"A peer counseling program gives concrete evidence to employees that management does care."**

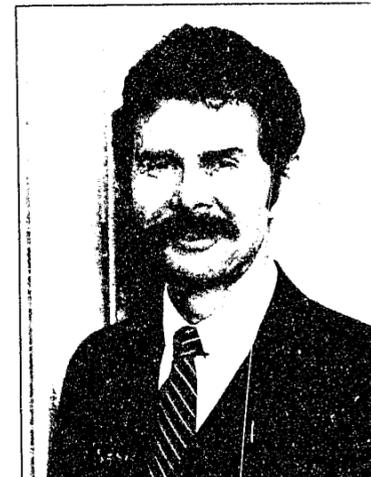
By  
F.L. CAPPS  
*Special Agent  
Federal Bureau of Investigation  
Los Angeles, CA*

A primary challenge to law enforcement in the United States today is employee occupational stress overload. In a recent survey of U.S. law enforcement agencies conducted by the FBI's Training Division, the top 10 training priorities were identified. First among them was "personal stress."<sup>1</sup>

Stress affects us all—in the public sector, in private life, in the ranks of law enforcement, and at the

top. In a 1982 interview, Los Angeles Police Chief Daryl Gates revealed that like his officers, he too feels stress. Gates called the nearly 4 years he has served as chief as "the most frustrating, discouraging period in my life."<sup>2</sup>

Stress is a major problem affecting law enforcement administrators today. Its overt effects can be seen in the high percentage of officers who



*Special Agent Capps*

have experienced stress-related illnesses and in its other critical socio-cultural manifestations, such as increased alcohol use and a high rate of divorce.<sup>3</sup>

There is a large volume of research material available today on the occupational stresses police officers face. Roger Depue, Chief of the Behavioral Science Unit at the FBI Academy, points to the following major problem areas which impact on occupational stress: Ambiguity in the role of the police officer in today's complex society; problems adapting to the work environment when it involves a subculture, ethnic group, or lifestyle different from his own; conflict in separating his on-duty activities from his personal life and maintaining a balance in allocating time to both; and the situational crisis brought on by the trauma associated with a death, serious injury, or a shooting incident. In addition, Depue points to the frustration of numerous "organizational factors," including poor equipment, lack of administrative support, and departmental disciplinary action.<sup>4</sup>

A 1975 study of police officers in Virginia found that the typical officer is exposed to an injured adult three times each month, a severe assault victim every 45 days, and a dead person every 3 months.<sup>5</sup>

A National Institute of Occupational Safety and Health study reported that 37 percent of the police studied had serious marital problems, 23 percent had serious alcohol problems, and 10 percent had significant drug problems. The study went on to note

that policemen have a significantly higher rate of early death than the general population and rank third among all occupations in suicide.<sup>6</sup>

### EMPLOYEE ASSISTANCE PROGRAMS

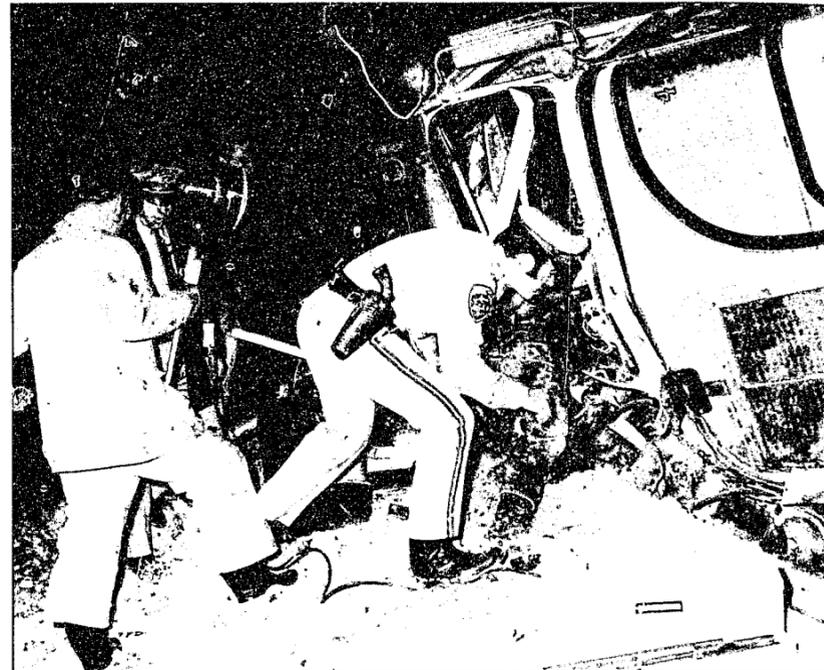
#### Corporate Programs

Programs that provide various types of assistance to employees are not new to either the public or private sectors of the United States. About 1 out of 5 of the Fortune 500 companies now have some sort of stress management program. Many of these programs are restricted to top executives even though studies have shown that the most stressed workers are in middle management. In addition to facing the pressures of climbing the corporate ladder, these workers are caught in a perilous bind—a lot of responsibility but little control.<sup>7</sup>

Corporate efforts to reduce stress range from the commonplace alcoholism program to on-premise exercise facilities, meditation, and company-sponsored biofeedback classes. At the Equitable Life Assurance Society in Manhattan, employees with frequent stress-related health complaints participated in an inhouse biofeedback program and reduced their average number of visits to the company medical office from 24 to fewer than 6 annually. Equitable saved \$5.52 in medical costs for every \$1 invested.<sup>8</sup>

At New York Telephone, a program involving periodic health exams for all employees and meditation lessons for those with stress-related symptoms has helped cut the corporate hypertension rate from 18 percent—about average for U.S. firms—to half that amount. New York Telephone estimates that it is saving \$130,000 a year from reduced absenteeism alone.<sup>9</sup>

**"A 1975 study of police officers in Virginia found that the typical officer is exposed to an injured adult three times each month, a severe assault victim every 45 days, and a dead person every 3 months."**



Left: El Centro, CA  
Below left and right: FBI Academy, Quantico, VA



#### FBI Employee Assistance Programs

In the FBI's New York Office, a pilot program was established in 1977 for alcoholism and related problems. The program offered confidential assistance to employees who had alcohol problems that may be causing declines in job performance. The program used voluntary assistance from recovering alcoholics among New York Office employees and achieved great success in eliciting self-referral by employees suffering alcoholism problems. In 1981, about 45 employees sought assistance from the New York Office program. Of this number, 27 were self-referrals and 18 were management-initiated referrals. By the end of the year, 28 had been restored to full performance; only 3 had failed to respond favorably.<sup>10</sup> Based upon the success of the New York pilot program, the program was implemented Bureau-wide.

In a continuing effort to recognize and respond to employee needs, the FBI in early 1982 established a contractual agreement with two mental health professionals, Dr. David A. Soskis, M.D. and Dr. Carole W.

Soskis, M.S.W., J.D., who provide psychiatric assistance to FBI employees who voluntarily seek help and psychological service consultation in administrative and operational matters. These two professionals handle a wide range of individual employee psychological problems either personally or by a system of referrals to psychologists who practice in the area where the employee resides. They also identify stressors that negatively affect job performance and design programs to impact on stress management. Employees may seek psychological assistance or be administratively referred by a supervisor.

A second entity within the FBI which provides psychological services is the Behavioral Science Unit at the FBI Academy. This unit coordinates psychological services in the areas of training and operational support matters. This would include crime analysis, criminal profiling, personality assessment, and occupational stress awareness and management.

Recently, the FBI implemented two new programs designed to impact an area where psychological prob-

lems have surfaced. Dr. David Soskis and Dr. Carole Soskis, in coordination with members of the Behavioral Science Unit and Institutional Research Unit, developed psychological guidelines for the supervision of undercover operations. These guidelines were developed to reduce the anger, resentment, and potential for acting out that can accompany prolonged undercover assignments. A second program, which addressed the trauma associated with shooting incidents, was initiated in late 1983. This program provides intervention at the shooting scene, as well as training in prevention and long term followup.

#### The Los Angeles Police Department Peer Counseling Program

The Los Angeles Police Department (LAPD), like many large city departments, has full-time psychologists on staff, in addition to several of the employee assistance programs discussed above. They have also taken the lead in the initiation of a program of peer assistance or peer counseling. The LAPD is the first department in

the country to develop and implement an integrated and fully department-supported peer counseling program using regularly employed officers and

civilians on a large scale.<sup>11</sup> It defines peer counseling as "a group of employees who have been to a three day school and have volunteered to give direct, simple support to people who are hurting."<sup>12</sup> Their program has been in existence for 2 years and has a proven track record. It began during the summer of 1981 in response to the major psychological trauma suffered by two LAPD officers as a result of their involvement in shooting incidents. It is important to note, however, that the program goes far beyond providing assistance to officers involved in shootings. Monthly statistics indicate that the majority of counseling time—70 percent—is spent on issues involving personal relationships, discipline, and career problems.<sup>13</sup>

#### Program Goals

There are several goals of a counseling program of this type, including:

- 1) To help fellow employees through the temporary crisis situations that are a common part of our lives;

- 2) To develop a readily accessible network of employees trained and willing to be of service to their fellow employees who have expressed a need for assistance;
- 3) To develop an awareness among employees that they are not alone, that people are willing to listen to them, and that others care about them and their problems;
- 4) To develop among employees an awareness of the self-help alternatives that are available to them;
- 5) To develop a system of referrals which can provide, in more serious cases, appropriate professional care; and
- 6) To increase the availability of employees, thereby increasing organizational efficiency, through a program of intervention which can assist in defusing problems before they reach a point of crisis and result in the loss of worktime.

Figure 1

Month	January 1984
Number of Counselors.....	69
Number of Counseling Hours.....	469
Number of Clients.....	191
Counseling Issues:	
a. Personal Relationships (Family stress and divorce).....	54
b. Employee alcohol and substance abuses.....	15
c. Financial.....	11
d. Bereavement (Death and dying, illness).....	20
e. Job Discipline.....	19
f. Career Advancement Problems.....	68

**"Improved employee morale is considered by many to be the most important benefit derived from such programs."**

**Officer Reaction**

Professional inhouse psychological services have been available at LAPD and other larger law enforcement agencies for years. However, many police officers who experience psychological problems do not consider obtaining professional help. This is seen by some to be a reflection of the officer's stereotypical belief that people who seek professional help are seriously ill, out of control, unmanly, or unfit for work.<sup>14</sup> Because police organizations tend generally to be close-knit, officers experiencing personal problems often feel more comfortable discussing these matters with a fellow officer rather than a mental health professional.

**Peer Counsel Training**

It is often believed that the counseling process requires extensive training and can only be conducted by specialists with advanced degrees. The opposite, however, appears to be true. The effectiveness of the minimally trained paraprofessional versus that of one who has received formal training in the mental health profession is considered in a 1979 paper by Joseph Durlak.<sup>15</sup> Professional mental health training does not appear to be a necessary prerequisite. Paraprofessionals are rated by the studies reviewed at least as effective and often better than professionals.

LAPD's training program for peer counselors is conducted over a 24-hour period by a team consisting of a licensed psychologist, an experienced peer counselor, several guest speakers, and role players. Topics include reflective listening, general assessment skills for distinguishing chronic from short-term problems, problem-solving skills, alcohol and drug abuse problems, the issue of death, dying

and relationship termination, suicide risk assessment and management, and when and how to refer.<sup>16</sup> New counselors are given instruction in crisis counseling with maximum emphasis on the practical application of a simple but effective model designed to assist the employee in solving his own problems. During training sessions, new counselors assume alternately the roles of counselor and employee, first with classmates and later with trained, experienced peer counselors who take the role of an employee in need of help. By participating in these work counseling situations, the new counselor is able to see his own strengths and weaknesses, and with coaching, improve his skills.

**Problem-solving Model**

A three-phase crisis counseling model is presented to the new counselors. In the first and most important phase, the hurting employee is given as much time as is necessary to express his feelings. The counselor is taught to provide a nonjudgmental, emotionally supportive atmosphere using simple, positive listening skills to facilitate the employee's full discussion of the problem. In the second phase of this model, the counselor assesses the problem presented by the employee and verbally summarizes the points he has heard. This ensures that the counselor has fully heard the employee and that they are in agreement on all of the issues. In the last phase, options are discussed. In most cases, these options are selected by the employee who also makes his own decision concerning which option seems to be best.

**Role of Management**

The role of supervisors and ad-

ministrators in this program is extremely important. They should be aware of how the program operates and must believe it to be beneficial to both their subordinates and the organization. Employees involved in counseling will need support and sometimes guidance from supervisory personnel, making it imperative that management at all levels be familiar and supportive of the program. It is also crucial that managers recognize that this program belongs to employees. Its success at LAPD is, in part, due to the fact that it was organized at the "grass roots level" by employees for employees and is not a management tool used to control employees or a conduit for information to be passed to management. In an interview, Chief Gates addressed this issue, saying, "I must tell you I'm kind of letting this thing grow on its own. I haven't reached down and tried to direct it because I think I could very quickly ruin the whole program just by saying, 'Okay, now I'm going to take control over it and we're going to do it my way.' I may not have the intention but it might appear that way. I've let it develop on its own."<sup>17</sup>

**Confidentiality Issue**

Peer counselors have no legally protected privilege of patient confidentiality as do most members of the mental health profession. Even without this legally recognized privilege, a high degree of confidentiality in a program of this type is necessary for its success. The regulations that govern the operation of the LAPD's Peer Counseling Program state that counselors have a responsibility to insure the confidentiality of their communications with employees, with the exception of situations involving criminal acts or violations of departmental reg-

Jacksonville, FL



**"Employees who experience short term crises need to be heard, need to have the opportunity to feel understood, and need to receive peer recognition of the extent of the problems they face."**

ulations. This limited confidentiality is considered central to the effectiveness of the program.<sup>18</sup>

#### Conclusion

The time between when an employee begins to experience the minor problems caused by the daily stresses of life and those problems developing to the point where the employee must seek help from a mental health professional is vast. During this period, the employee experiences pain and may make many bad decisions. It is also during this period that a network of peer counselors, acting as paraprofessionals, can step in to give early aid in assisting the employee in resolving his problem, or in severe cases, refer the employee to appropriate professional assistance.

Many acts committed by employees that require a disciplinary response from management are "cries for help." These acts may include shoplifting, drug abuse, alcoholism, or other equally undesirable activities. While peer counselors would be expected to refer these more complicated problems to full-time professionals, they are in a position to detect them early. Early detection and referral has the obvious benefit of preventing major problems later on.

Alcoholism programs involving peer counseling focus on one major issue—alcoholism. With a peer counseling program of the type the LAPD instituted, the focus is expanded to include a wider range of employee problems. These programs can increase productivity, reduce absenteeism, reduce grievances and the need of the disciplinary action, and improve employee morale. Improved employee morale is considered by many to be the most important benefit derived

from such programs. A peer counseling program gives concrete evidence to employees that management does care.

Informal peer counseling is common among employees in law enforcement as well as other professions. Employees discuss their problems with their peers, from the most insignificant daily issues to the major life traumas. A study of officers involved in shootings indicates that "a significant phenomenon is that every police officer interviewed was, within 48 hours, back at the station to speak with his fellow officers."<sup>19</sup> Without proper training, however, the results of these peer contacts can be less than desirable. A Salt Lake City study showed that officers involved in shootings talk with their fellows 85 percent of the time.<sup>20</sup> Results show that fellow officers without proper training were reported to be of assistance in 59 percent of the cases, and in 41 percent of the cases surveyed, other officers were reported to be major source of aggravation.<sup>21</sup>

Employees who experience short term crises need to be heard, need to have the opportunity to feel understood, and need to receive peer recognition of the extent of the problems they face. Peer counseling offers a means of effectively providing this support to employees who are under stress. With careful planning and implementation, an organization can provide a workable support network of peer counselors at a low cost to support fellow employees and the organization as a whole in resolving significant problems with a resulting increase in organizational efficiency and employee well-being.

FBI

#### Footnotes

- <sup>1</sup> Robert G. Phillips, Jr., "State and Local Law Enforcement Training Needs," *FBI Law Enforcement Bulletin*, vol. 53, No. 8, August 1984, p. 9.
- <sup>2</sup> Beth Ann Krier, "How Chief Gates Copes With Pressure at the Top," *Los Angeles Times*, February 4, 1982.
- <sup>3</sup> James D. Sewell, "Police Stress," *FBI Law Enforcement Bulletin*, vol. 50, No. 4, April 1981, p. 11.
- <sup>4</sup> Roger L. Dupue, "Turning Inward—The Police Officer Counselor," *FBI Law Enforcement Bulletin*, vol. 48, No. 2, February 1979, p. 9.
- <sup>5</sup> Eric Nielsen and Dean L. Eskridge, "Post Shooting Procedures: The Forgotten Officer," *Police Produce News*, July 1982, p. 41.
- <sup>6</sup> D. Bracy, "Police Stress—The American Response," *England Police Journal*, vol. 51, No. 3 July-September 1979, p. 263.
- <sup>7</sup> Claudia Wallis, "Stress: Can We Cope?" *Time*, vol. 121, No. 23, June 6, 1983, p. 54.
- <sup>8</sup> *Ibid.*, p. 54.
- <sup>9</sup> *Ibid.*
- <sup>10</sup> "Did 'Ya Hear About Harry?'" *FBI Agent*, vol. III, No. 2, Spring 1983, New Rochelle, NY, p. 4.
- <sup>11</sup> Nels Klyver, "Peer Counseling for Police Personnel: A Dynamic Program in the Los Angeles Police Department," *The Police Chief*, vol. L, No. 11, November 1983, p. 66.
- <sup>12</sup> Jerry L. Powell, "Peer Counseling Guidelines," *LAPD Peer Counseling Newsletter*, Los Angeles, CA, November 2, 1982.
- <sup>13</sup> *Ibid.*, October 3, 1983.
- <sup>14</sup> *Supra* note 11, p. 66.
- <sup>15</sup> Joseph A. Durlak, "Comparative Effectiveness of Paraprofessional and Professional Helpers," *Psychological Bulletin*, vol. 86, No. 1, 1979, p. 80.
- <sup>16</sup> *Supra* note 11, p. 68.
- <sup>17</sup> *Supra* note 2.
- <sup>18</sup> *Supra* note 11, p. 68.
- <sup>19</sup> Walter Lippert, "The Cost of Coming Out on Top—Emotional Responses to Surviving the Deadly Battle," *FBI Law Enforcement Bulletin*, vol. 50, No. 12, December 1981, p. 9.
- <sup>20</sup> *Supra* note 5.
- <sup>21</sup> *Supra* note 5.

## Management/Labor Cooperation Performance-based Compensation

**"The Largo Police Department is actively working toward improving the level and quality of police service, while becoming more accountable to the public for our performance."**

By  
CHIEF JERALD R. VAUGHN  
*Police Department  
Largo, FL*

As economic conditions have placed financial restraints of varying degrees on governmental entities, public sector managers have been faced with a pressing challenge. That challenge, to ensure citizens that they are receiving full value for tax dollars expended, is at the forefront of the pursuit for an improved level of productivity by public employees. The Largo Police Department is actively working toward improving the level and quality of police service, while becoming more accountable to the public for our performance. Evidence of that effort is in the development and implementation of a performance-based compensation system.

The idea of compensating people in direct relationship to their performance is certainly not new. Many employees bring special skills, abilities, and ideas to the department and make significant contributions through their job performance. Those employees should be compensated in accordance with those efforts and contributions.

Of the nearly \$5 million allocated for police operations in the city of Largo, 83 percent is used to cover the cost of personnel. It is imperative that methods of gaining a maximum return on such a sizable investment be aggressively pursued. By adopting a performance-based compensation sys-

tem, the opportunity has been created to manage our human resources more fairly and effectively. We can now financially reward those employees who make the greatest contributions or penalize inferior performance. It requires that personnel develop appropriate knowledge, skills, and abilities while demonstrating their initiative through their job performance.

#### Background

The city of Largo police department consists of 154 sworn and civilian employees. Sworn personnel are represented in collective bargaining by a countywide Police Benevolent Association (PBA), and civilian personnel are represented by a local unit of the Communications Workers of America (CWA). Management, supervisory, and confidential employees are under a separate executive pay classification plan that is not subject to the collective bargaining process. The city negotiation team for collective bargaining is coordinated by a labor relations officer who serves as chief negotiator.

**END**