Editor's Note: The following POP project was the winner of the 2002 Herman Goldstein Award for Excellence in Problem-Oriented Policing.

Overview

The Problem. Ensuring the safe transportation of the thousands of farm laborers hired to work the fields within the Central Division of the California Highway Patrol (CHP).

Analysis. Analyzing farm labor vehicle collisions proved challenging due to discrepant systems for recording these types of collisions. At a minimum, however, traffic collision reports in Central Division showed an estimated 187 farm labor vehicle collisions, with 20 fatalities and 121 injuries, from 1997 through 1999. On average, traffic fatalities were 42 percent higher in Central Division during the peak harvest months of May through September than during the off-peak months. Statutory and regulatory authority showed room for improvement (e.g., farm labor vehicles were exempt from California’s mandatory seat belt law). Lastly, language barriers and the farm-working culture affected outreach efforts and limited law enforcement’s impact on addressing farm worker safety.

Response. With the support of CHP, the California State Legislature passed two bills to enhance the safety of farm workers and farm labor vehicles. These laws and CHP’s responses included provisions for

- the mandatory use of seat belts for farm workers in farm labor vehicles;
- strengthening safety, inspection, and certification requirements for farm labor vehicles;
- increasing CHP’s personnel strength to work specifically with farm labor vehicles;
- nonpunitive inspection and certification programs;
- strike force enforcement operations throughout Central Division; and
- a coordinated public education and awareness campaign using print and electronic media to announce inspection dates and places and to inform the farming community about licensing and safety requirements.

Assessment. In 2000, for the first time since 1992, there were no farm worker fatalities resulting from farm labor vehicle collisions; in addition, farm labor vehicle collisions dropped 73 percent. Traffic safety in general improved as the total number of traffic fatalities during the five-month harvest season dropped compared to the prior three-year average total for this period. The positive results of the SAFE program continue today. As of July 31, 2002, there still have been no farm worker fatalities from collisions involving regulated farm labor vehicles.

Scanning

It was early morning on August 9, 1999—the peak of harvest season in California’s Central Valley. As in every other summer morning in this hub of the state’s agricultural industry, many of the area’s migrant farm workers were finishing their night’s work, ready to head home. Fifteen farm workers climbed into a 1983 Dodge Ram van. Most of them sat on two carpeted flat benches installed along each side of the van without seat belts. Sadly, 13 of those passengers never made it home.

Shortly after 5:00 A.M., a commercial vehicle driver was making a U-turn on a two-lane road with his truck and two empty trailers. Halfway through this turn, the van carrying the 15 farm workers slammed broadside into the big rig, killing 13 of the van’s passengers. The van, traveling at least 55 miles per hour, left 50-foot skid marks and collapsed like an accordion on impact.

The van’s driver did not have a driver’s license, and his driving privilege had been revoked due to several previous violations. He had been previously cited for not wearing a seat belt and not having a proper license; once, he was arrested for driving under the influence.

The number of lives lost in this one horrific incident was numbing, but unfortunately, collisions among farm labor vehicles were not uncommon in this large farming community. Figure 1 provides an

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The fairly consistent large numbers of collisions involving farm labor vehicles are not difficult to understand when the farm worker population is taken into consideration. According to the Personnel Management Farm Advisor for the Central Valley counties of Fresno, Kings, Madera, and Tulare, about 300,000 farm labor jobs are available during the peak harvest season (May through September)—with about two workers per job. During the "off-peak" months of October through April, there are approximately 100,000 farm labor jobs, again with about two workers per job (see Figure 2). The three-fold increase in the population of farm workers during peak harvest season brings with it increased concerns about traffic safety. These include increased traffic and congestion, driving under the influence violations, rules of the road infractions, and operating safe vehicles.

CHP was actively involved in the farm worker community prior to the August 1999 crash. Its focus up to that point, however, primarily was on traffic safety education within the Hispanic community, which included much of the farm worker population. Other than specified regulatory responsibility for farm labor vehicles, little proactive enforcement involving CHP officers took place; in fact, farm labor vehicles were exempt from California’s safety belt laws.

The severity of the collision that August morning prodded CHP and the surrounding community to improve farm worker and farm labor vehicle safety. Local media and community action groups also demanded a thorough review of safety concerns as they pertained to farm workers and farm labor vehicles. Although the problem of farm worker safety was genuine and extremely serious, the factors contributing to the problem covered a wide spectrum, requiring a broad-based response: the Safety and Farm Labor Vehicle Education (SAFE) Program.

Analysis

Central Division, with its large rural landscape, leads all CHP divisions in the number of traffic fatalities. Two-lane rural state highways, two high-speed freeways connecting northern and southern California and dense, deadly fog are but a few of the major contributors to this unfortunate distinction. The increased threat of traffic collisions during peak harvest months is an additional factor, as indicated in Figure 3.

The average number of fatalities for the years 1997 through 1999, in general, was higher during the peak harvest months. Moreover, a comparison of traffic fatalities during the five-month harvest season with those during off-peak months reveals a disturbing trend, as shown in Figure 4.

On average, fatalities during the peak harvest months for these three years were 42 percent higher than during the off-peak months. This is not to say the higher number of fatalities is due strictly to or involves only farm workers, but the harvest season typically appears to be a more dangerous driving period.

Farm Labor Vehicle Collisions

Prior to the SAFE program, documenting collisions specifically involving farm labor vehicles was problematic. When completing a collision report, officers classify the type of vehicles involved by specific numeric identifiers; however, proper coding was inconsistent due to uncertainties about how farm labor vehicles were defined.

To obtain accurate collision statistics See CHP on Page 5
These collision numbers represent the minimum number of farm labor vehicle collisions and fatalities that occurred prior to the SAFE program. In addition to these statistical estimates, the following anecdotal information from newspaper accounts and other media sources further supports the magnitude of this problem.

August 24, 1993: Thirteen people were injured in a collision; the driver of the farm labor vehicle that caused the collision fled the scene.

September 3, 1993: Thirteen people were injured in an early morning collision where the driver of the farm labor vehicle was unlicensed.

September 17, 1993: Two people were killed and 10 injured in an early morning collision. The driver of the farm labor vehicle was unlicensed.

August 2, 1994: One person was killed and 23 injured in an early morning collision. Although the driver of the farm Labor vehicle was not at fault, he did not possess the required license.

August 23, 1995: Three people were killed and seven others injured in a vehicle operated by an unlicensed driver. Since the "at-fault" vehicle was not a certified farm labor vehicle, the incident was not recorded as a farm labor vehicle collision.

However, subsequent investigation revealed the vehicle was being used as a farm labor vehicle and, therefore, the driver was in violation of proper licensing and certification statutes.

May 15, 1996: Six people were killed and four injured in an early morning collision involving farm workers.

July 24, 1996: One person was killed and 13 injured in an afternoon solo vehicle collision. The driver was unlicensed, and the vehicle had just left the fields prior to the collision.

July 30, 1996: Five farm workers were killed and eight injured in a fiery collision. The driver of the vehicle was unlicensed, and all had just left the fields prior to the collision.

April 29, 1997: Twenty-one people were injured in an afternoon solo vehicle collision involving a farm labor vehicle.

September 15, 1997: Fifteen people were injured in an early morning collision. Although the driver of the farm labor vehicle was not at fault, he did not possess the required license.

From 1992 through 1999, available statistics indicate the majority of traffic collisions involving farm labor vehicles occurred during early morning hours (4:00 A.M. to 7:00 A.M.) and in afternoons (2:00 P.M. to 6:00 P.M.), often in rural areas. The majority of these collisions occurred on weekdays (Monday through Friday).

**Statutory Issues**

Prior to the SAFE program, California’s mandatory seat belt law exempted farm labor vehicles. Of those vehicles in which
nine or more passengers were often uncomfortably and dangerously crammed, none were required to have proper restraints. The danger of that exemption was tragically realized in the August 1999 collision.

CHP’s primary enforcement role with farm labor vehicles before the SAFE program was limited to inspection and certification, as required by the California Vehicle Code. Inspection and certification were administered via an off-highway program administered by non-uniformed personnel within the department’s Motor Carrier Safety Units. Enforcement was limited to a few strike forces conducted during summer months and organized at the local command level. These strike force operations were not widespread and focused primarily on driver’s licensing issues, rather than on vehicle equipment and vehicle safety. During these operations, it was not uncommon for officers and inspectors to observe vehicles with inoperable headlight, balding tires, and other mechanical concerns. Also, drivers would cover the bed of a pick-up truck with a camper shell and fill the bed with 10 or more farm workers. As a farm labor vehicle, the truck was exempt from the state’s safety belt law.

Cultural Issues

The migrant farm worker population often experiences significant cultural barriers, primarily language and educational hurdles, that contribute to a less-than-positive relationship with law enforcement. While many farm workers have a Spanish-language background, indigenous groups from, for example, the southern Mexico states of Oaxaca, Chiapas, and Michoacan often speak some native dialects-compounding existing language barriers.

Many farm workers have little or no formal education. Parents often depend on their children for sources of income and thus place work as a priority over education. Illiteracy within native languages is common, making understanding a foreign language such as English even more difficult.

In their homeland, many workers are unable to afford their own vehicles, which, limits their driving ability and understanding of traffic laws. They often travel to work in crowded vehicles, likely with no available seats or safety belts. Already accustomed to these conditions when they arrive in California, they find similar situations acceptable. Without a license or vehicle of their own, they are at the mercy of the raitero, or driver, who knows the workers have no alternatives and will not complain about riding in substandard or dangerous vehicles. In fact, growers and transporters commonly established exclusive relationships, making it a condition of employment to use the services of a specific driver.

In the workers’ homeland, law enforcement tends to revolve around themes of corruption, extortion, and lack of training and professionalism. Additionally, many workers fear contact with law enforcement, as they are often undocumented and believe they will be deported. As workers immigrate to California, they bring this wariness, which fosters an avoidance philosophy.

Stakeholder Meetings

Farm workers were not the only group holding a stake in the issue of farm labor vehicle and farm worker safety. The United Farm Worker Union, growers, transporters, emergency service providers (doctors, paramedics, etc.), local and state elected officials, local law enforcement, and various civic groups and leaders also were touched by this issue.

As part of its analysis, CHP publicized and convened town hall meetings, bringing together all involved parties in an attempt to reach a realistic and satisfactory resolution to this problem. The first meeting brought thousands of participants, requiring the use of microphones and speakers so the overflow crowd gathering in the streets could follow the proceedings. After a contentious beginning, CHP was able to build a consensus among the many groups about how best to enhance the safety of farm workers and the vehicles in which they travel. The information gathered from these meetings became the foundation of CRP’s SAFE program.

Response

The SAFE program’s broad-based approach was developed to address three major areas of concern identified in the problem analysis: statutory and regulatory issues; limited enforcement and inspection; and limited public education and awareness. The response to each of these concerns is described below.

Statutory and Regulatory Changes

After the town hall meetings, CHP brought together representatives from the farm

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AB 1165 carried the most pivotal change in law. This bill expanded the definition of a motor vehicle to include farm labor vehicles and required each passenger position to be equipped with a safety belt. The bill also prohibited any person from operating a farm labor vehicle unless that person and all passengers were properly restrained by seat belts. Other provisions of this bill included:

- requiring all farm labor vehicles to display an "FLU" certification sticker with the annual inspection date;
- requiring CHP to develop and implement a toll-free telephone reporting program for observed violations of farm labor vehicle requirements; and
- funding for 10 additional CHP officer positions specifically to enforce laws prohibiting the illegal transportation of farm workers.

AB 555 included provisions:

- requiring CHP, in cooperation with county and local farm bureaus, to provide a program to educate growers, farmers, and farm labor vehicle owners and drivers about farm labor vehicle certification requirements, including requirements for drivers;
- placing responsibility for obtaining proper farm labor vehicle inspections on vehicle owners;
- enhancing penalties for the illegal operation of a farm labor vehicle; and prohibiting the operation of a farm labor vehicle on a highway unless both headlamps are lighted, regardless of the time of day.

With strong support from CHP, the legislature passed these bills; Governor Gray Davis signed them into law as urgency statutes. They each took effect on October 1, 1999—only two months after the August 9 collision.

Enhanced Enforcement and Inspection

AB 1165 and AB 555 allowed CHP to implement a comprehensive inspection and enforcement program to maximize the safety of farm labor vehicles and the workers they transport. The 10 additional officer positions provided by AB 1165 formed the backbone of the SAFE program; these officers became responsible for establishing training programs for CHP officers, farm labor contractors, growers, and farm workers. They also developed an inspection and enforcement program that included the following elements:

- Officers well versed in farm labor vehicle requirements provided training to CHP personnel on farm labor vehicle laws and regulations and on the proper transportation of farm workers.
- To encourage drivers to comply with new laws, CHP officers conducted regular, nonpunitive inspection and certification operations throughout the farming regions. These operations also provided opportunities to ensure drivers were properly licensed, notify drivers about safety defects needing correction, certify that corrections had been made, and, if necessary, prevent unsafe vehicles and drivers from transporting passengers. CHP Motor Carrier Units expanded the number of sites from two to eight. This allowed more accessibility to inspections by limiting the driving time from any point in Central Division to no more than 30 to 45 minutes.
- CHP deployed enforcement strike forces during the peak harvest season to ensure farm labor vehicles were complying with safety laws and workers were being transported safely. During these operations, CHP personnel issued citations and, when appropriate, impounded vehicles. Workers riding in impounded vehicles were provided safe transportation to their places of employment. Currently, three to four strike force operations are conducted per week on a year-round basis.

Public Education and Awareness

The SAFE program's public education and awareness effort operated hand-in-hand with the inspection and enforcement element. Supported by the provisions of AB 555, the SAFE program continued the outreach efforts begun during the town hall meetings and while crafting the new legislation. A major goal of the education and awareness phase was building a bridge between the largely migrant farm worker culture, CHP, and the surrounding community. To deal with language and educational barriers, along with workers' inherent reluctance to interact with law enforcement, the following elements were vital to the success of this mission:

- Bilingual Officers. Seven of the 10 SAFE officers were certified bilingual in English and Spanish and were familiar with the cultural differences among the farm worker population. The officers' ability to read, write, and speak Spanish helped them relate the more technical aspects of farm labor vehicle requirements in a manner that could be understood by workers and drivers alike. The officers distributed easy-to-read brochures that explained laws and regulations related to farm worker safety. Laws and regulations were explained carefully and in layman's terms, using visual aids to ensure the message was understood.

- Inspection Notifications. CHP officers from the SAFE program passed out flyers and notifications...
about when and where routine farm labor vehicle certification and inspection operations would take place. As mentioned earlier, these notifications were made among all target audiences involved with farm workers. Nonpunitive operations were useful in encouraging compliance and identifying deficiencies in farm labor vehicles. Vehicles passing inspections were certified as meeting all applicable laws and regulations governing the transport of farm workers.

• Media. The electronic and print media were extremely useful in making sure the message of farm worker safety was delivered to the proper audience. In addition to distributing flyers and printed announcements, bilingual SAFE officers regularly appeared on both English and Spanish television and radio programs informing viewers and listeners about upcoming inspection operations and important safety tips concerning farm labor vehicles and farm worker transportation. Many of the officers became quasi-celebrities among members of the farm worker community, easily recognized by their viewing and listening audiences.

• Educational Seminars. CHP officers from the SAFE program became familiar faces in various migrant camps, schools, health fairs, and other community events. These events were helpful in educating workers about driving laws in California, using seat belts and child safety seats correctly, and farm worker rights and responsibilities concerning riding in farm labor vehicles.

• 1-800-TELL-CHP. CHP publicized this toll-free telephone number throughout the region to encourage farm workers and other citizens to report violations of laws and regulations relating to farm labor vehicles and the transportation of farm workers.

SAFE program officers’ primary concerns were the safety of farm workers and the vehicles in which they traveled. The program was not designed to prevent workers from working or from getting to work, and immigration status was not an issue during SAFE operations. Once farm workers and the surrounding community understood these objectives, SAFE officers were able to establish a rapport with the farm worker community and effectively communicate this message to all involved parties.

Assessment

Once operational, CHP’s SAFE program achieved great success. The statutory changes, the inspection and enforcement operations, and the concurrent public education and awareness elements worked together to place farm worker and farm labor vehicle safety at the forefront of the local farming community’s attention.

Farm Labor Vehicle Collisions

Although CHP did not have funding authority to fill the 10 SAFE officer positions until July 1, 2000, SAFE operations during that year facilitated a dramatic and immediate reduction in farm worker fatalities. In 2000, there were no farm worker fatalities from farm labor vehicle collisions—the first time since 1992 this had happened (see Figure 6). Moreover, this level of improvement has continued; as of August 31, 2002, no farm worker fatalities occurred.
from farm labor vehicle collisions have occurred since 1999.

As the SAFE program became a steadfast member of the Central Valley’s farming community, its impact on farm worker injuries was clearly visible. The year prior to the SAFE program saw a minimum of 37 injuries to farm workers from collisions involving regulated farm labor vehicles. During SAFE’s early operational period in 2000, as officers joined the program and more accurate recording procedures were established, total injuries were counted at 48. Due to prior uncertainties with accurate collision recording, it is not clear whether this was an actual increase. After the SAFE program became fully operational, the most current data for 2001 shows total farm worker injuries dropping to 12, a decline of 75 percent. Since 2000, CHP has been able to separate collision data involving properly registered farm labor vehicles and farm labor vehicles operating illegally. In 2000, 31 farm workers were injured in collisions in legally registered farm labor vehicles.

That number dropped to 5 in 2001, a decline of 84 percent. In injury collisions involving illegal farm labor vehicles, the number of farm worker injuries fell from 17 in 2000 to 7 in 2001—a drop of 59 percent. This result is particularly indicative of the SAFE program’s impact on ridding the roadways of farm labor vehicles operating illegally. Figure 7 (previous page) displays these emerging trends. The number of collisions involving farm labor vehicles during the first year of the SAFE program also dropped a considerable 73 percent, as shown in Figure 8. Farm labor vehicle collisions in general crept slightly higher in 2001, as shown in Figure 9. Of the 24 recorded collisions, however, only 6 involved injuries—thereby continuing the decline in farm worker injuries.

The SAFE program and the increased presence of CHP personnel on roadways and in the media also had a side benefit on traffic fatalities in general throughout Central Division. The number of traffic fatalities in the division during the five-month peak harvest season dropped in comparison to the prior three-year average totals for the same months (from 243 to 237).

Inspections and Enforcement

The changes in statute assisted SAFE program officers in making thousands of contacts related to farm labor vehicle safety. Figure 10 (next page) illustrates the major activities during the SAFE program’s operations in 2000. Of the 3,060 farm labor vehicles inspected, 17 percent (521) were taken out of service for being unsafe.

In addition to the activities shown above, SAFE officers and other experts in farm labor vehicle laws and regulations trained 213 uniformed CHP personnel. The diligence of these officers in taking appropriate enforcement action was instrumental in making the inspection and enforcement elements such a success.

Public Education and Awareness

The broad-based education and awareness effort reached a vast audience. During 2000, SAFE team members made 195 presentations to more than 38,000 members of the surrounding farm labor communities within Central Division. Team members also participated in more than 80 local television and radio interviews. In addition, during the first year, Fridays were declared "media days," where farm workers and other citizens could count on hearing from SAFE officers on radio and television about where inspections were taking place, the importance of the SAFE program, farm worker safety, and the safety of farm labor vehicles.

Community Acceptance

The success of the SAFE program has not been lost on the community. In March 2001, Assembly Member Dean Florez and See CHP on Page 10
the California State Assembly issued a resolution recognizing the positive contributions made by the SAFE program and its officers. In addition, groups from surrounding farming interests have expressed their appreciation for the participation of SAFE officers and for bringing the message of safety to the area.

Program Expansion

Farm labor vehicle safety is not an issue limited to California’s Central Valley. Agricultural centers throughout the state face similar problems with safely transporting laborers to work the surrounding fields. The success of the SAFE program was the impetus behind establishing similar programs in CRP’s other field divisions. Also, a SAFE unit was established in CHP Headquarters that provides coordination at the state level and communication with state officials interested in this important issue.

Cost vs. Benefit of SAFE

By far, the primary cost associated with the SAFE program is the $75 million for 10 additional officer positions. This cost, however, is clearly outweighed by the lives saved due to comprehensive laws, enforcement, and public education and awareness. The U.S. Department of Transportation estimates that the year 2000 economic cost of a single traffic fatality is $2.65 million. Farm worker fatalities have dropped from 14 in 1999 to 0 in 2000, 2001, and (so far) 2002, the economic and human benefits are clear.

Continued Vigilance

Besides expanding the program, CHP remains vigilant in seeking additional statutory changes to enhance farm labor vehicle safety. As of March 31, 2002, farm labor vehicles are no longer able to have or use side-facing wooden benches in vehicles, even if they have seat belts properly installed. Farm labor vehicles are now required to have forward-facing seats, meeting original equipment manufacturer specifications, for all passengers.

CHP also strives to ensure farm labor vehicle problems are not displaced, creating new areas of concern. Specifically, CHP personnel follow collision trends among farm workers riding in passenger vans. Apart from safety belt use, vans carrying up to eight passengers are not required to comply with regulations governing certified farm labor vehicles. Officers want to make sure transporters are not skirting the law by using unregulated passenger vans to transport farm workers.

Conclusion

In 1999, the issue of farm worker and farm labor vehicle safety demanded attention and CHP responded. The SAFE program launched a three-pronged effort to strengthen laws and 14 regulations, enhance enforcement and inspection operations, and build upon community relationships with farm workers and the surrounding farming industry and other interest groups. It dropped farm worker traffic fatalities to zero, not only in the first year of operations, but through August 31, 2002.

The success of Central Division’s SAFE program, and the expansion of the program throughout the state, are telling signs this concept can be successful in other states where large populations of seasonal farm workers may pose a traffic safety concern. California’s SAFE program has helped foster positive relationships between CHP and all members of the farming community. In turn, these relationships have helped generate the program’s positive results. These two outcomes testify to the impact a community-based approach to problem solving can have on a significant public safety issue.

'California has a July-June fiscal year. Although the bill authorizing the 10 positions became law on October 1, 1999, funding authority was not available until July 1, 2000.

'U.S. Department of Transportation, Federal Highway Administration, "Technical Advisory on Motor Vehicle Accident Costs." Costs have been updated to 52,000 using the Gross Domestic Product (GDP) figure provided by the U.S. Department of Commerce, Bureau of Economic Analysis.

For more information on this project, contact CHP Assistant Commissioner J.A. Farrow P.O. Box 942898, Sacramento, CA 94298.
Superintendent, State of New Jersey

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