

## EPILOGUE

# MANAGING IMPERFECTION

The reader might by now be more than taken aback by the litany of law enforcement mistakes and debacles featured in this book. And if the reader happens to be a law enforcement officer aspiring to higher rank, he or she might well be rethinking those plans. For who would want to manage and lead law enforcement organizations that this book portrays as veritable minefields where, if that simmering problem over there doesn't explode, the one over here likely will?

The citizen-reader should not despair, and neither should future law enforcement leaders now in the ranks. The diagnostic categories used in this book were developed for a general analysis of organizations. This book could just as easily have been written about corporations, or non-profit firms, or public sector agencies in general. I have been developing cases in those areas for years. There are more than enough cases of corporate, non-profit and public sector failures to populate each of this book's diagnostic categories more densely than I have for law enforcement agencies.

This book, I hope, will point the way towards making our law enforcement organizations run better by illuminating the nature of the mistakes agencies make. Mistakes are learning tools, for individuals to be sure, but also for organizations. Unlike an individual, whose mistakes usually generate direct feedback and clear signals about needed behavior changes, organizational mistakes generate diffuse feedback in every direction, both within and beyond the organization. Signals regarding corrective action can easily, and even deliberately, be missed. This book's purpose has been to make the reader more attuned to danger signals, quicker to recognize exactly what is wrong, and more ready to mount an appropriate response.

The "normal accident" framework is appropriate for an initial scan when things go awry in a law enforcement setting. If flaws are revealed whose remediation will substantially or completely solve the problem, as happened with Minnesota's lethal police vehicles, much good comes from a straightforward analysis.

The "structural failure" framework can reveal problems that may call for major organizational surgery, such as was performed on the Immigration

and Naturalization Service (INS) in the wake of 9/11 when it was split in two with its enforcement arm ending up in the Department of Homeland Security.

“Oversight failure” analysis brings quality control problems into sharp focus and, if conducted early enough (which also means regularly enough), most problems arising from inadequate oversight can be cured by organizational self-therapy that rehabilitates the suspect monitoring systems. When oversight mechanisms are misused or neglected, however, even an organization like the NYPD can find itself in a very painful relationship with legislative committees, prosecutors and investigative commissions aggressively exposing how things have gone wrong.

A “cultural deviation” analysis is as necessary as it is unpalatable, not unlike a test for cancer. Such an analysis may discover renegade units eating away at the organization and cutting out the rot frequently requires a very public and embarrassing operation. But in the final analysis, organizations like the LAPD or the New Orleans Police Department are better off uncovering and fixing their own deviant cultures before investigative reporters, prosecutors or the U.S. Department of Justice come in to do the job.

Many executives—indeed, most employees—are incapable of making an “institutionalization” diagnosis for their organizations. They are too close to recognize the disease, and may well themselves be part of the problem. And when this happens, what should be second opinions—those of legislators and the media and chief executives—end up defining the problem and setting the agenda for reform. Agencies that would prefer to avoid the beating taken by the FBI Lab or the New Jersey State Police should, without prompting, conduct periodic, serious self-exams. And top-level executive, legislative and judicial policy-makers ought to be ready to remove the leadership of any criminal justice agency gripped by institutionalization since, as we saw in the Luzerne County courts, the condition delegitimizes government in general.

Scanning for “resource diversion” ought to be continual and, in a healthy agency, should be conducted by oversight units that cast a skeptical eye on both the organization’s control systems and how employees interface with those systems. The scan should not skip anyone, not the tough commissioner who is the mayor’s favorite and not groups of rank-and-file officers armed with union contracts and retaliatory instincts. Despite their power—indeed, because of their power—these actors, when caught picking the taxpayer’s pocket, instantly become high-profile co-stars, alongside their agencies, on *Eyewitness News* hidden videos, on the front page of the local paper or, like Bernie Kerik, on a brightly lit national stage.

## When Organizational Failures Have Multiple Causes

With few exceptions, such as the defective police vehicles in Minnesota, the cases we have looked at in this book have exhibited symptoms from several diagnostic categories. As noted at the start of this book, each case was categorized based on the author's assessment of the primary dysfunction besetting the agency. This allowed us to explore each failure category, which was the principal aim of this book. As a practical matter, however, if an organization can identify and target the primary dysfunction, substantial improvement is likely even if secondary causes remain to be addressed.

But this doesn't mean managers shouldn't run multiple tests on the problems that beset their operations. The overtime abuse in the two Ohio police agencies was facilitated by rank-and-file cultures frequently at odds with the efficiency goals of their organizations. As we saw very clearly in Parma, foreclosing overtime opportunities to stop the resource bleeding seemed only to crystallize concerted employee action that severely diminished enforcement efforts. With the resource diversion problem substantially resolved, a cultural deviation issue moved to the top of the list.

The Chief who remodeled his home with labor and equipment borrowed from the New York City Department of Correction was diverting resources, and that's how prosecutors approached the case. However, the fact that employees blew the whistle to a TV outlet that had little problem making incriminating tapes raised the issue of oversight failure in the agency. One problem was solved, but another potential problem still warranted review.

Oversight failure was also a residual issue after federal oversight and internal reforms were prescribed for the institutionalization that helped perpetuate racial profiling in the New Jersey State Police. The Attorney General's Office in New Jersey, if not complicit in allowing profiling to continue—which it denied—was woeful in its oversight of a police agency under its jurisdiction. In fact, the Attorney General did become an object of intense official scrutiny.

How does a law enforcement agency decide what to address when the problematic situation exhibits multiple symptoms that qualify for more than one diagnostic category?

Sometimes one symptom can drown out all others. In the JonBenet Ramsey case, the Boulder Police Department was hampered by both resource inadequacy and hierarchical/inter-agency friction. But the friction was fueling struggles that made it hard to look clearly at resource issues. The police chief and the district attorney should have firmly addressed the rapidly escalating

struggles early on but did not—an abdication of leadership that hampered an already difficult investigation and ultimately caused the Governor of Colorado to step in.

Sometimes, when multiple symptoms suggest the presence of two or more types of failure, the highest treatment priority should be given to actions that quickly make significant progress against major elements of the problem. The FBI Lab, like its parent agency, struggled with institutionalization, a chronic condition requiring long-term, holistic rehabilitation. Yet there was also a lack of qualified oversight of the Lab that could have been addressed more quickly and cleanly by a commitment to accreditation review. While the FBI Lab held off accreditation until 1998, it would have made a difference at least a decade earlier.

When the FBI Lab was certified, critics noted that more work was needed to excise the Lab's "prosecutorial bias,"<sup>1</sup> an institutionalized mindset harder to eradicate. Indeed, the FBI has been prominent among our cases, thanks to institutionalization which creates fault lines throughout the agency. Like the San Andreas, any one fault can slip at any time. For this reason, if you study law enforcement organization and management as I do, the FBI is always worth watching. As good a job as it does day to day and year to year, the earthquakes are inevitable.

In general, vulnerabilities to failure arising from normal accidents, oversight failure and resource diversions are more easily targeted and quickly addressed than vulnerabilities arising from structural failure, cultural deviation and institutionalization.

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We are now going to look at one last organizational case that underscores how deep-rooted, multi-faceted organizational problems can persist, defying remediation and putting the lives of public safety officers at risk.

### *The Needless Sacrifices of 9/11*

The events of 9/11 killed more public safety officers than any event in U.S. history. Thirty-seven Port Authority police officers died,<sup>2</sup> as did twenty-three NYPD officers<sup>3</sup> and 343 New York City Fire Department (FDNY) personnel.<sup>4</sup> They died as heroes, but some of these heroes died needlessly due to failed equipment and ill-considered organizational structures that left them too long in buildings on the verge of collapse.<sup>5</sup>

The death toll for firefighters was by far the highest, and their deaths were due partially to the inability of their radios to connect them to the command post.<sup>6</sup> The FDNY's radios were not well suited for the distances and terrain of the World Trade Center. The towers were over a quarter mile high, the Trade

Center complex stood on sixteen acres, and the Center's millions of tons of steel and concrete were a formidable impediment to effective transmissions to and from handheld radios.

The police radio system operated much more effectively. The NYPD, whose officers went on vertical patrols in housing projects and other high-rise buildings and worked widely separated from each other on the street, had a radio system whose boosted signals were better suited for the conditions at the World Trade Center.

The FDNY radio system had been upgraded in the wake of the 1993 World Trade Center bombing, when radio communications had broken down between firefighters, and between the Fire Department and other first responders, notably the NYPD. A repeater system that boosted the range of FDNY radios had been installed in the World Trade Center after the 1993 bombing. New radios were ordered. The city had also purchased another set of radios that would allow FDNY and NYPD commanders to communicate with each other and with the city's Office of Emergency Management during catastrophes.<sup>7</sup>

Despite these efforts, 9/11 looked much like 1993. Most firefighters had the same old radios; the new ones had been taken out of service almost immediately after their introduction because a transmission failure nearly killed a firefighter.<sup>8</sup> Some firefighters, scrambling to the World Trade Center after the end of their shift, had no radios. Other personnel were tuned to un-boosted channels. The repeater system, which needed to be turned on in an emergency, apparently had not been activated in one of the Twin Towers.<sup>9</sup> All of this might have been less of a problem if firefighters and their chiefs were privy to more accurate intelligence coming over the police airwaves, but the radios carried by police officers and firefighters were not inter-operable and the special radios designed to keep Fire Chiefs and Police Commanders on the same page in an emergency had been gathering dust for years.

The NYPD and FDNY on-scene commanders were also operating at a physical distance. Fire command posts were established in the lobby of each tower, and on the street just to the west of the complex.<sup>10</sup> Coordination between the several fire command posts was also hampered by radio difficulties and, at one point, a runner was sent with updates from one post to another.<sup>11</sup> While FDNY commanders were working on the west side of the World Trade Center complex, as well as inside, NYPD commanders were blocks away, at the northeast corner of the complex, directing emergency service units and other personnel.<sup>12</sup> This physical separation of police and fire command structures only compounded the communications problems.

Because the police radio system was more reliable, police commanders more effectively translated intelligence about the state of the two towers into

orders designed to move officers out of harm's way. Police commanders radioed their personnel to evacuate just after the first tower collapsed at 9:59AM.<sup>13</sup> Not only was that message transmitted successfully, but almost immediately thereafter that message was reinforced because officers could directly monitor transmissions from police helicopters which were reporting that the remaining tower was buckling. That was twenty minutes before the tower fell, and most police officers were making a beeline towards the ground floor as unaware firefighters kept trudging upwards.

FDNY commanders were completely unaware of what the police helicopter pilot had reported. Some Port Authority personnel and police officers that were evacuating urged firefighters to join them. But firefighters, most of whom heard no orders to evacuate from their chiefs on their radios, stayed in the building. Though FDNY commanders had given orders to clear out after the first tower collapsed, firefighters with non-working radios had heard nothing. Other firefighters were switching channels trying to make sense of the flood of transmission traffic and, for some reason, though an evacuation had been ordered, apparently no commander transmitted a "Mayday" to cut through the babble.<sup>14</sup>

When the first tower fell, most firefighters in the remaining tower did not even realize what had occurred. Some continued searching for any remaining civilians on floors that had been radioed in as fully evacuated by Port Authority and NYPD officers. When the second tower collapsed, firefighters were still gathered in staging areas, or were paused on floors where they had taken a breather. They died having no idea that the building had been teetering above them, that some of the jobs they were doing had already been done, and with little sense of their impending doom.

### **Saving Tomorrow's Heroes**

Multiple organizational failure modes hampered the police and fire response at the scene of the atrocious attack on the World Trade Center.

The radios that the fire fighters were carrying worked perfectly fine for 99% of what they did, which was to fight fires in relatively small areas with tight teams whose members were never very far from each other. The glitch ready to express itself in high-rise buildings was always lurking in the radio system but did not capture serious management attention until the 1993 World Trade Center bombing. This is the kind of technological wake-up call generated by a normal accident. Steps were taken to boost fire department radio signals so that they would be more reliable. The events that transpired on 9/11 revealed further shortcoming in the system. Firefighters now have their new radios,

which can switch to police channels and access common channels for better coordination in emergency situations.

Structural failure is implicated in the minimal amount of communication that NYPD and FDNY commanders had with each other on 9/11. There were separate NYPD and FDNY command posts, some distance apart, with virtually no cross-communication. This lack of communication was not just a function of poor radios; the police and fire departments in New York City historically had little inclination towards a unified command for anything. Though the city's Office of Emergency Management made plans for a joint and coordinated police-fire response to various contingencies, in practice the police and fire departments did their own thing, even in situations where both were involved.<sup>15</sup>

Cultural division also played a role in the uncoordinated responses of 9/11. The division was based on function, to be sure—police officers fought crime and firefighters fought blazes. But beyond that, the Police and Fire departments had for years circled each other warily. The NYPD has emergency service responsibility that, in most jurisdictions, belongs exclusively to the Fire Department. As a practical matter, NYPD Emergency Services and FDNY Rescue duties overlap, and both may show up to handle the same emergency. When the FDNY took over New York City's Emergency Medical Services, one of the first things it did was eliminate the police band from the medics' radios.<sup>16</sup> In April 2005, the City of New York designated the NYPD as the lead agency at hazardous materials disaster sites, which the FDNY not only opposed vigorously through the policy development phase but which Fire officials continued to criticize publicly after the policy had been finalized.<sup>17</sup>

The World Trade Center bombing of 1993 did as much to exacerbate police/fire hostility as it did to enhance their coordination in emergencies. Rooftop rescues from the World Trade Center by police helicopters in 1993—grandstanding as far as firefighters were concerned, set off a turf war in which the FDNY wrested a "lead agency" designation for aerial rescues.<sup>18</sup> In practice this meant little, since the helicopters still belonged to the police, no one had much taste for joint training, and emergencies provided perfect excuses not to wait for anybody else before taking off. So the police helicopters carried only cops on 9/11, just as they had in 1993. The new hi-tech radios for commander-to-commander coordination between the NYPD and FDNY gathered dust for years before 9/11 because the protocols for their use hadn't been figured out. In a real way, each agency was ready to work with the other, as long as it could be the boss.

The interagency hostility also expressed itself in bad blood between officers in both departments. Cops and firefighters were dispatched to the same incidents—a car wreck, a medical emergency—and friction was sometimes

intense.<sup>19</sup> Each force cast a suspicious eye on the other's pay package. The respective union leaders made contract demands that, at minimum, demanded police-firefighter pay parity and, at maximum, demanded that any disparity favoring their workers continue. Firefighters groused when police got an edge. And police, for their part, felt that even parity was unfair since, as far as they were concerned, firefighters sat around the firehouse most of the time doing nothing.

The uncoordinated approach of the two departments on 9/11 had as much to do with structural failure and a cultural divide as with the unprecedented circumstances being confronted. It is instructive that, even though NYPD and FDNY hand-held radios have been inter-operable since shortly after 9/11, the new system "had never been used at an actual emergency" as of May 2005,<sup>20</sup> and Fire Department EMS units were not brought into the interoperable system until July 1, 2008.<sup>21</sup> As with most problems in socio-technical systems, the technical is much easier to fix than the social/structural/cultural.

These problems must be solved. If it requires imposing more coordinated plans of action on the two departments, as has been done in New York, so be it. So be it also if radical surgery is performed to shake up an institutionalized culture. New York's Mayor Michael Bloomberg did this after 9/11 by replacing the fire commissioner (who had previously headed the firefighters' union) with someone whose entire administrative career had been spent outside the department. Not incidentally, Bloomberg's police commissioner had most recent served as U.S. Customs Commissioner, where by necessity he had to work with other agencies—INS, FBI, DEA—in combating cross-border crime.

The tragic events of 9/11 have helped policy makers overcome some of the reluctance to dismantle defective structures and challenge entrenched dysfunctional cultures in law enforcement.

But still today, in all too many instances of organizational dysfunction, executives who should act back off: the structure seems immovable, the incumbents appear too militant, and the culture is known to be intractable. Law enforcement executives retreat behind a poisonous fallacy: if everything has been OK so far, it will probably stay OK for the foreseeable future. Inaction and self-delusion are serious and sometimes lethal mistakes, as we have seen in this book and as 9/11 so clearly demonstrates.

Scores of firefighters and law enforcement officers who died in the collapse of the World Trade Center had taken classes or earned degrees at John Jay College of Criminal Justice, where I have taught for thirty years. One fire fighter who died on 9/11 was an adjunct faculty member in my department. Not one of the 403 fallen heroes deserved to die because their organizations failed



them, but some certainly did. My hope is that this book will make law enforcement and public safety managers more aware of, and proactive about, dysfunctions that lurk within their organizations. Rooting out potential failure points is not just some management exercise; it is the right thing to do so that the good men and women who put their lives on the line for our public safety do not fall victim to the mistakes of their organizations.

## Coda: From Organizational to Policy Dysfunction

Some of the cases analyzed in this book had much to do with public policies that limited or prohibited the agencies involved from taking actions that might have headed off trouble.

The 9/11 related cases—“Welcome Wagon at the INS” and “The First 9/11”—are typical. One way we made sense of what went wrong was to consider the “subordination of law enforcement” where law enforcement units had to knuckle under to other organizations having less interest in aggressively pursuing potential or already committed terrorist crimes. Border enforcement at airports prior to 9/11 took too much of a back seat to FAA and airline preferences that passengers be moved along quickly. In the investigation of the USS Cole bombing in Yemen led by John O’Neill, the State Department’s preferences regarding smooth diplomatic relations with the Yemeni government prevailed over the FBI’s desires to move fast and hard before the trail grew cold.

The failure potential in these cases went up significantly because policies and policy interpretations favored a less aggressive enforcement approach that softened the up the country for 9/11’s heinous crimes. These limiting policy positions were, and are, supra-organizational—agencies may jockey for position within the parameters the policies set forth, but there is only so far they can go.

Similarly, in “Winning the Disability Lottery,” public policy was a culprit in encouraging police officers to jump at the chance for a disability pension mid-career or earlier, because the deal was far better than if they retired in due course. We saw that, when legislatures were considering liberalized police disability policies, municipal officials warned that the result would be a rush for the exit by officers who would otherwise have served their full careers. Those mayors and city managers turned out to be right.

Indeed the consequences of short-sighted public pension policies in general are now coming home to roost. Pension costs eat up an ever larger hunk of state and local budgets, pushing some jurisdictions to and beyond the brink of bankruptcy.<sup>22</sup> And, in bankruptcy, some jurisdictions have legally reneged on pension commitments to police and firefighters, including those already retired.<sup>23</sup> The policy boomerang is on the way back and public employees are at ground zero.

This book has been about the dynamics of organization, rather than public policy. However, students who have not yet studied criminal justice policy would be well-advised to do so as a follow-up to the lessons in this book.

As an entrée to that next step in your education, or as a refresher for your existing awareness of policy, we will end with a 2012 case whose legal outcome will be up in the air for some time after this book is published—the killing of Trayvon Martin. What is not up in the air, as far as police professionals and many public policy researchers are concerned, is the degree to which the job of the police is made harder by ever more liberalized policies regarding the sale, ownership and use of firearms.

### *Walking with Your Hood up*

Starting from the house in the gated-community where he and his father were weekend guests, seventeen-year-old Trayvon Martin took a walk to the local 7-Eleven early on the evening of February 26, 2012. At the 7-Eleven Martin bought Skittles and iced tea. He ambled back towards the residence, entering the gated community either through the main gate or through a commonly used shortcut.<sup>24</sup> Trayvon Martin was wearing a hooded sweatshirt, and he had the hood up: It was raining.

Enter George Zimmerman. A member of neighborhood watch for the gated community, Zimmerman was driving in his car when he spotted Trayvon Martin. Zimmerman, first in his car and then on foot, started tracking Martin. Zimmerman called 911 to tell police he was following an individual “up to no good” or “on drugs or something.”<sup>25</sup> Zimmerman’s initial wrong assumption was eerily similar to the one police made that led to Amadou Diallo’s death and the similarity didn’t end there: Zimmerman, early in the 911 call, went on to describe Martin’s “hand in his waistband” and next said Martin was coming towards him with “something in his hands.”<sup>26</sup>

The police dispatcher took that in, as well as Zimmerman’s remarks about “these assholes, they always get away” and “these f---ing punks”<sup>27</sup> and told Zimmerman that “we don’t need you” on Martin’s tail, having already advised him that officers were on the way.<sup>28</sup> Zimmerman, according to the probable cause affidavit filed by investigators for the State Attorney, still followed Martin.<sup>29</sup> Zimmerman, towards the end of the 911 call, reported that Martin was out of his sight.<sup>30</sup> Though exactly who then moved to where is not at all clear, Zimmerman and Martin were soon in an encounter.

Zimmerman was armed. Martin was not.

Witnesses, for the most part, only heard the encounter—sounds of struggle, fear and anger, screams for help and then a single gunshot. One witness told CNN he saw some of the struggle but darkness made it difficult to determine who was doing what to whom.<sup>31</sup> The encounter ended with Martin putting a nine millimeter bullet into Trayvon Martin at close range.

When police arrived, Trayvon Martin was face down and unresponsive.<sup>32</sup> Standing near Martin was George Zimmerman, his gun holstered inside his waistband.<sup>33</sup> Zimmerman was disarmed by an officer, who noted Zimmerman had a bloody nose and blood on the back of his head.<sup>34</sup> Paramedics arrived, pronouncing Martin dead at 7:30PM.<sup>35</sup>

Zimmerman was taken to Sanford Police headquarters for questioning. He was released five hours later, since he claimed to be acting in self-defense, which stopped police in their tracks. Florida has a robust “Stand Your Ground Law.” That law says that anyone “not engaged in an unlawful activity ... who is attacked in any ... place where he or she has a right to be” and reasonably believes they face serious harm cannot be arrested, detained, charged, prosecuted or sued civilly for causing “death or great bodily harm” to the attacker.<sup>6</sup>

Trayvon Martin soon became a cause célèbre’—nationwide. His distraught parents, helped by civil rights leaders, began a media offensive. The media, once alerted, ran with the story. Trayvon Martin was young, black, unarmed and belonged where he was. Zimmerman was Hispanic white, armed and his misreads had set the incident in motion. Mounting pressure forced a focus on whether the deadly encounter resulted from provocation on George Zimmerman’s part, one of the few circumstances under which the immunities of Florida’s “Stand Your Ground Law” do not apply.

In a busy few weeks, the Sanford Police Chief temporarily stepped down amid critiques of Zimmerman’s quick release and the department’s perfunctory investigation.<sup>37</sup> The prosecutor for Seminole County, where Sanford is located, also stepped aside.<sup>38</sup> A special prosecutor was then appointed from outside Seminole County.<sup>39</sup> Her preference was for a direct investigation by prosecutorial staff, as opposed to a slower track grand jury inquiry.<sup>40</sup>

On April 11, 2012, six weeks after Trayvon Martin was killed, George Zimmerman was arrested and charged with second-degree murder.<sup>41</sup> The judicial proceedings, including any trial, threatened to eclipse, as a media event, the murder trial of Casey Anthony in nearby Orlando that Time Magazine just a year earlier had nominated as the “social media trial of the century.”<sup>42</sup>

## When Public Policy Is a Problem for Policing

Protesters directed significant outrage at the Sanford Police Department over its inaction following the death of Trayvon Martin. The police chief, who

soon took leave to help calm the storm, contended that the hands of the police were tied. Taking leave was a responsible act, and the chief's contention was pretty much on the money.

In Florida, the legislature had for years been expanding citizens' rights to carry concealed weapons, capping off those efforts in 2005 with a first-in-the-nation "Stand Your Ground" statute so broad that opponents, including New York's Mayor Mike Bloomberg, have called it the "license to murder" law.<sup>43</sup> However, thanks to the muscular gun lobby and the endorsement of "stand your ground" by the well-financed American Legislative Exchange Council (ALEC) that pushes conservative-agenda "model legislation" from state to state, similar laws have been passed in at least sixteen additional states since 2005.<sup>44</sup>

And "stand your ground" is just one facet of an across-the-board gun de-control push that makes the job of the police harder and more dangerous, stymies prosecutors and accelerates an arms race among both criminals and the law-abiding, who may just end up, fearful and minimally trained, on neighborhood watch carrying a weapon. But, much as the liberalization of pension policies proceeded apace until they collapsed the finances of government jurisdictions, it appears that "guns anywhere, anytime" policies will also proceed apace—despite the Trayvon Martins, Virginia Techs and urban Uzi shootouts that kill innocents—until some as yet unknown critical mass is reached that restores sensible gun controls as a realistic policy option.

That may not be soon.

In Florida, Stand Your Ground proponents are seemingly undaunted by the Trayvon Martin case. The state legislator who introduced Florida's Stand Your Ground law was anticipating that a successful prosecution of George Zimmerman would actually prove the law's worth, validating the exception from immunity for individuals who provoked and/or pursued the victims.<sup>45</sup> And, presumably, if George Zimmerman is acquitted, that too will show that the law is good.

In Virginia, on February 28, two days after Trayvon Martin was killed, the governor signed into law a bill removing the one-gun-a-month limitation on gun purchases.<sup>46</sup> In so doing, Virginia reverted back to the "all-you-can-buy" approach to gun sales that had been in place until 1993, when other states, especially to the north, pleaded for limits to reduce "straw purchasers" buying dozens of guns at a time and heading up to Philadelphia, New York or Boston to sell the Virginia guns on city streets to local felons.

So the gospel of zero gun control is resisted by many local governments, nowhere more strongly than in the large cities of Northeast. New York handgun owners, for instance, face strict licensing, carry restrictions and a limit on the number of guns that an individual can purchase.<sup>47</sup> Philadelphia has fewer

firearms restrictions but about as many as state law allows. The city does require prompt reporting of lost guns to help identify “straw purchasers” who tend to “lose” a lot of guns to their criminal customers.<sup>48</sup> But even that did not sit well with Pennsylvania’s pro-gun legislators, who introduced bills in 2012 that would further eat away at local gun regulation.<sup>49</sup> As the furor over Trayvon Martin was peaking, Philadelphia’s Mayor Michael Nutter was on his way to Harrisburg, the state capitol, along with several other mayors, to try to head off that legislation.<sup>50</sup>

Law enforcement officials and prosecutors were, for the most part, even more vehemently opposed to “stand your ground” and guns aplenty laws. Former Miami Police Chief John Timoney called ‘stand your ground’ a “recipe for disaster,” a stance he and other Florida police officials had taken prior to the law’s 2005 enactment.<sup>51</sup> They correctly envisioned “road rage” killings and drug rival shootouts where the survivor walked after claiming self-defense.<sup>52</sup>

Prosecutors also don’t like stand your ground laws. As former South Florida US Attorney Kendall Coffey noted, “It becomes ... very difficult ... to get any kind of homicide conviction beyond a reasonable doubt ... In Florida, since the stand your ground law was enacted ... generally people don’t even get prosecuted. When they have attempted to prosecute these claims of self-defense, there have almost always been acquittals.”<sup>53</sup>

It is hard not to conclude that stand your ground “ties the hands ... of prosecutors and police,” who “should be rising up against that law,” given the burdens it imposes on them.<sup>54</sup> In the end, Sanford’s Police Department did not fail in the Trayvon Martin case nearly as much as Florida’s gun policies failed law enforcement, criminal justice, Trayvon Martin and others struck down—all victims of pro-gun policies gone wild.

As I noted at the start of this section, I hope you continue on to, or revisit, the study of how public policy impacts the operations of the criminal justice system generally, and law enforcement organizations in particular. You should have learned enough in this book to diagnose and fix many of the problems that arise from within law enforcement organizations. But learning about the public policies that handicap or enable law enforcement organizations is also critical, particularly if you aspire to the highest ranks of law enforcement. At that level you will be as much a player in the public policy arena as you will be a leader of your organization.

Even if a law enforcement career is not your aspiration, knowing more about the public policies that affect you, and how to influence them, is a critical competency. Laws emerge daily from the legislative labyrinths that affect your health, your safety and even your ability to participate in the shaping of the law itself.

“Stand your ground?” That’s not the only “model law” pushed state-to-state across the country by the American Legislative Exchange Council (ALEC). “Voter ID” laws are another pre-fabricated product ALEC had pushed into state legislative hoppers across the country. “Voter ID” laws disproportionately disenfranchise poor, minority and urban voters less likely to have, or get, the strictly regulated forms of photo identification these laws require.

Another “Voter ID” target? Look in the mirror.

Many voter ID laws erect barriers against students voting in their “college town.” Want to vote? Go back home on Election Day, or get yourself an absentee ballot. Also—getting back to guns—gun advocates are pushing to end prohibitions against carrying concealed firearms on college campuses,<sup>55</sup> never mind the college shootings that keep occurring and the potential for more with armed individuals at the Friday night frat party.

So whether or not you end up in criminal justice, public policy matters to *you*. And you, along with others, can make a difference. The mobilization over the Trayvon Martin killing proved this, and not just in Florida.

On April 17, 2012, ALEC announced that it was disbanding its Public Safety and Elections Task Force—the very body that had worked to spread “stand your ground” and “voter ID” laws across the country.<sup>56</sup>

Hope you enjoyed, and got a lot out of, this book.

## Endnotes

1. National Association of Criminal Defense Lawyers, “Statement of Larry S. Pozner, President, on FBI Laboratory Accreditation,” News Release, Washington, DC, September 22, 1998.

2. The Port Authority Police Department Memorial (Online) <http://www.panynj.gov/AboutthePortAuthority/PortAuthorityPolice/InMemoriam/> (Accessed May 1, 2005).

3. NYPD Memorial of the September 11th Attack on the World Trade Center (Online), <http://www.nyc.gov/html/nypd/html/memorial.html> (Accessed May 1, 2005).

4. FDNY Memorial (Online), <http://www.nyc.gov/html/fdny/html/memorial/index.shtml> (Accessed May 1, 2005).

5. Jim Dwyer and Kevin Flynn, *102 Minutes: The Untold Story of the Fight to Survive Inside the Twin Towers* (New York: Times Books, 2005) In general, this book chillingly illustrates that entrenched organizational dysfunctions can have fatal consequences.

6. National Commission on Terrorist Acts upon the United States, *The 9/11 Commission Report* (New York: WW Norton, 2004): 297–99.

7. Dwyer and Flynn, *102 Minutes*, 60.

8. *Ibid.*, 55.

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