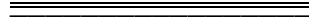


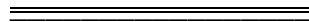
**The Bill Blackwood
Law Enforcement Management Institute of Texas**



Unmarked Vehicles & Law Enforcement



**A Leadership White Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**



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ABSTRACT

With ongoing controversy over whether or not law enforcement vehicles should be marked, it is extremely important to understand both sides of the argument while discovering the true need for some of these vehicles to become or remain unmarked. Some have the attitude that unmarked law enforcement units can create dangerous situations as there are proven reports of individuals who have posed as police officers with intentions of harming others. However, those who are in support of these unmarked units still believe the good outweighs the bad.

Information, citations, and quotes have been taken from various resources, such as articles and websites, that will show how truly important this topic is to all highway motorists. Law enforcement agencies from around the country have used and are using unmarked units for many different reasons, but with the same objective in mind. This objective is to provide the most efficient and productive law enforcement services to their respective communities. All in all, the reader will come to realize that contrary to popular belief, law enforcement officials are not trying to trick people or produce revenue in a sneaky way, but observe and apprehend those law violators who may have not been seen or caught by any other means.

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INTRODUCTION

Numerous law enforcement agencies across the country are adding unmarked and semi-marked police vehicles to their fleet. These unmarked and semi-marked units are utilized in specific divisions and for a variety of reasons. These reasons vary from determining who the aggressive drivers are on the streets and general speed control on the streets, roads, highways, and interstates throughout the country to driving while intoxicated (DWI) detection, deterrence, and apprehension, and on to criminal surveillance from a stealthy standpoint. Law enforcement agencies, throughout the years, have come to the conclusion that the good old black and white, marked unit simply may not be as effective as it used to concerning certain types of enforcement. Some agencies currently utilizing unmarked and semi-marked police vehicle are the following: Metropolitan Nashville Police Department, Seattle Police Department, and Brevard County Florida Sheriff's Office, just to name a few (Nashville.gov, n.d.; Lenemier, n.d.). These unmarked and semi-marked units are netting increased traffic citations, drug arrests, and DWI arrests, along with providing a heightened public awareness (Nashville.gov, n.d.; Lenemier, n.d.). The utilization of unmarked and semi-marked police vehicles is on the rise and for good reason. Law enforcement professionals have a hard enough task taking calls, keeping the peace, breaking up fights, and handling civil situations, etc.

It is about time law enforcement officers take control of the streets and put the word out that enough is enough concerning aggressive drivers, drunk drivers, drug dealers, etc. With so many of the larger agencies in the country using these unmarked and semi-marked units, perhaps the positive results will trickle down to the mid-size and

smaller agencies, so that every community can reap the benefits and see a decrease in their crime rates and traffic issues. Just since unmarked units were put into place in the City of Nashville in 2004, fatal crashes and deaths have decreased on the interstates and highways in their jurisdiction (Nashville.gov, n.d.). Unmarked vehicles are nothing new in the world of law enforcement, but they continue to increase in numbers and prove their effectiveness as they definitely net positive results for law enforcement and their communities. The current use and continued use of unmarked and semi-marked patrol vehicles should send a message to the public that law enforcement agencies throughout the country are using every resource possible not only to deter, but also combat crime (Rhodes, 2003).

POSITION

Unmarked and semi-marked law enforcement vehicles are used by a number of larger agencies and even numbers of mid-size and smaller law enforcement agencies throughout the United States for traffic enforcement and various other reasons, and they are not only getting the job done, but also they are getting it done well. Consider the number of aggressive drivers on the roads today. With these stealthy unmarked and semi-marked law enforcement units out on the prowl, the aggressive motorist may be stopped before they even realize they have been observed.

The utilization of the unmarked patrol unit can simply be compared to the motorcycle traffic unit that is also still in existence with many agencies today. Each have an indirect deterrence whereby the motoring public can remain aware at all times that the officer working traffic enforcement just may be anywhere, and there is no telling what they are driving (Sharp, 1998). There are local and state law enforcement

agencies throughout the nation that utilize unmarked or semi-marked law enforcement vehicles for traffic and aggressive driving enforcement. The Bill Blackwood Law Enforcement Management Institute of Texas (2004) stated, "The more successful include the Arkansas State Police, Connecticut State Police, the Oklahoma Highway Patrol, and the Rhode Island State Police" (Bill Blackwood Law Enforcement Management Institute of Texas, 2004, p. 2).

The Massachusetts State Police seem to truly have an understanding on one of the most efficient ways to utilize these unmarked units for aggressive driving enforcement. They have a specific division they like to refer to as the "3D Program (Dangerous, Drunk, and Drugged Driving)" (Aggressive Driving, n.d., para. 1).

Basically, their angle is to use uniformed troopers in unmarked units for the purposes of videotaping the aggressive or impaired driving. Once the violation has been recorded by the stealthy unmarked unit's camera system, the operator of that unmarked cruiser calls in the marked units to make the traffic stop (Aggressive Driving, n.d., para. 1).

Each state has their own individual laws pertaining to whether or not law enforcement agencies can utilize unmarked or semi-marked vehicles. Just this year, the Alliance, Ohio police department has begun using an unmarked Dodge Charger for this type of traffic enforcement. The unit was purchased and equipped with grant money, and this was a release put out by the agency just prior to its use: "The Alliance Police Department will begin an augmented traffic enforcement program in targeted areas based on traffic fatalities, accidents and documented high-speed areas utilizing an "unmarked" police traffic cruiser to help reduce these incidents" (Alliance, Ohio, n.d., para. 1). The Alliance Police Department (n.d.) also stated the primary reason of this

particular unit is to lower speeds that relate directly to fatalities, as well as the department's goal to "improve safety with this cruiser" (Alliance, Ohio, n.d., para. 1).

Another superior purpose and use for the unmarked or semi-unmarked law enforcement unit is for stealthy DWI detection and apprehension. As the typical intoxicated and dangerous motorist glares in his rearview mirror, he/she may see a vehicle behind them, but it is very unlikely they will give any efforts toward trying to straighten up their driving act if there is no detection of a light bar or reflective markings. In addition to this, consider the deterrence and how the word will spread when other motor vehicle operators witness in passing, the intoxicated individual on the shoulder of the road as he is placed in handcuffs with an unmarked unit parked behind him with interior lights flashing.

Law enforcement detects intoxicated motorists in various ways. While on the streets and highways patrolling, they are always aware of their surroundings. For further affirmation by Tomeo (2012), he stated that the first requirement for any law enforcement officer is to observe the moving vehicle. The law enforcement officer's attention could have been drawn to a number of various infractions. This could be anything from "a moving traffic violation, an equipment violation, an expired registration or inspection sticker, unusual driving actions, such as weaving within a lane or moving at a slower than normal speeds, or "evidence of drinking" or drugs in the vehicle" (Tomeo, 2012, para. 2)

Recently, the Winston-Salem Police Department announced their use of a fleet of unmarked law enforcement units. Assistant Chief Alonzo Thompson said unmarked units are challenging to detect so it gives law enforcement officers the upper hand when

surveillancing traffic offenders; this, in turn, allows officers to correct more traffic infractions (Garms, 2012). Some citizens dispute this, but as most law enforcement would say, “That’s the reason why we do it, because we can keep the roads safer by having these vehicles nondescript. It ain’t about being sneaky, it’s about being able to take effective measures to ensure safety for motorists and pedestrians” (Garms, 2012, p.1).

A third point to be made about the unmarked or semi-marked law enforcement unit is the ability for police agencies to conduct surveillance in high-crime areas of their jurisdictions. These high-crime areas could be where known drug-dealers or pushers have been known to hang out, or maybe where a high volume of domestic disturbance calls have been taken by marked units, etc. It can also include areas where there have been reported prowlers, burglaries, and other various types of felony crimes. When marked police units pass down the streets of a high-crime area, there is only so much they are able to witness as the dark elements will go into hiding until they are gone. On the other hand, should burglars, sellers, dealers, etc. fail to realize that law enforcement are right at their front door, more suspects can be apprehended and, therefore, removed from the streets: “In other words, the police in the states are trying to catch crooks and criminals in the act – not warn them into hiding until they pass” (Casiano, 2011, p.1).

Concerning the issue of surveillance and unmarked units, some agencies are moving toward adding certain pieces of surveillance equipment to these units. So, not only are there unnoticeable eyes on a given situation, but also, now, through technology and grants, there is more substantive evidence in the court room. In fact, just this year,

the Massena, New York police department is stepping up its efforts by using, an unmarked law enforcement vehicle and surveillance equipment. A \$5,000 federal grant will be what is used to provide the agency with the new equipment. New York State Senator Joseph A. Griffo announced “The \$5,000 grant will be used to install 360-degree video surveillance on and unmarked police vehicle” (Hayden, 2012, p.1). In most cases, the officers operating these unmarked law enforcement units for the purposes of attending to high-crime areas are investigators or detectives who focus on these higher priority crimes in the first place. A main example of this could be found in the City of Walnut Creek (n.d.), “Detectives work normal business hours, wear business attire, and drive unmarked vehicles. They are classified as police officers, and have all the discretionary powers to stop, detain, and arrest that uniformed officers have” (City of Walnut Creek, 2012, p.1).

COUNTER POSITION

Those who are opposed to the use of unmarked and semi-marked law enforcement units argue whether or not these tactics are fair. It is said by some that it leaves a “bad taste” in people’s mouths and likens it to “in-the-hole” enforcement techniques by way of concealed or hidden observation (Police vehicles, 2011). Mays Law Office undeniably stated, “If unmarked cars are to be used as a regular component of traffic enforcement, the agency should consider posting signs that advise motorists that the police patrol with unmarked cars” (Police vehicles, 2011, p.1). This particular article goes on to explain the need for agencies to train the officers on how to identify themselves to motorists on traffic encounters, when operating out of an unmarked or semi-marked law enforcement vehicle. More questions arise from other sources, such

as Friend (2012), who stated, “The most important question that needs addressing is: “What is the purpose of unmarked police cars?” Is it to catch drivers committing violations, or to promote traffic safety? In either case, marked cars accomplish both objectives better” (Friend, 2012, p.1).

Though there are many opinions that believe law enforcement should advertise their intentions by way of posting signs, or perhaps newspaper articles, etc., there is currently no case law that can be found at the time of this report that would require law enforcement take these types of measures. A large portion of those who claim these tactics unfair also complain about general safety issues for both law enforcement and the motoring public. Mays Law Office stated, “The unmarked vehicle does not immediately project the authority that the fully marked vehicle does (Police vehicles, 2011). Further stated, “This reality may present particular problems in certain situations, such as pursuit, where it is necessary to warn oncoming traffic of the presence of the police vehicle” (Police vehicles, 2011). According to research, many agencies have policy against using unmarked vehicles for pursuit purposes (Lenemier, n.d.).

In recent news, pertaining to citizen concerns for the safety of unmarked or semi-marked law enforcement units, a pastor was shot and killed by a sheriff’s deputy who was in an unmarked law enforcement unit and parked outside the pastor’s residence. As Schmadeka (2011) stated, “In August of 2010, he (the pastor) went outside at night to investigate a suspicious car that was trespassing upon his property at the Plant Farm Nursery. The car was an unmarked police cruiser driven by Deputy Brian Hirzel” (Schmadeka, 2011, para. 1). It goes on to state, “Pastor Creach had no way of knowing that, however, until after Hirzel had seen him approaching while armed. Creach put his

weapon away, but the situation ended with the pastor's death" (Schmadeka, 2011, para. 2).

Even though this situation was tragic, review processes are now complete, and the shooting of the pastor in Washington has been ruled as justified (Schmadeka, 2011, para. 2). The late pastor had contacted law enforcement earlier in the day to complain of prowlers outside the nursery that he owned (Hannan, 2010). This could have merely been an issue of the unmarked vehicle or perhaps a matter of poor communication between the caller and the law enforcement agency as to their plans to look into the complaint. As some may suggest, it would be rather uncommon for the law enforcement agency to let the caller in on what tactics will be used to suppress the issue at hand.

Another issue, and oftentimes a very controversial issue from the opposing side, is unmarked law enforcement vehicles and their relation with individuals who pose as law enforcement for the purposes of committing criminal acts. In May of this year, Mississippi authorities responded to two separate highway shootings. Both shooting incidents resulted in death for the drivers. In both of the incidents, the motorists had been pulled to the side of the highway and upon investigation, no mechanical issues were found with either (Corbin, 2012). As Corbin (2012) stated, "Both victims were shot after they pulled over on the highway, and police suspect the killings may have been the work of someone posing as law enforcement" (para. 5) As well as going on to state, "On May 8, Thomas K. Schlender, 74, of Raymond, Neb., was found shot to death in his car in the median of southbound Interstate 55 in Panola County shortly after 1:30 a.m., the Mississippi Bureau of Investigation said" ("Police search for gold," 2012, para. 2).

The also article also tells us that “Lori Anne Carswell, 48, of Hernando, was also shot to death. She was found about 2:15 a.m. Friday near her car, which was on the shoulder of Mississippi 713, near Interstate 69 in Tunica County” (“Police search for gold,” 2012, para. 8). Corbin (2012) also stated, “What happens when there’s a police officer behind you? You pull over, none of us – ever – give it a second thought...You trust a police officer” (para. 13). As of the time this article was released, law enforcement was still not 100% convinced these killings were definitely that of an impersonator. Drivers, who have serious concerns about pulling over for a vehicle who is flashing red and blue lights, simply need to make a call to 911 on their cellphone and ask the dispatcher whether or not they are being stopped by an actual law enforcement officer. Then, they can activate their flashers to let the law enforcement officer know they have seen them, move to a safely lit area and listen for the dispatcher to confirm the stop (Winter, 2012).

Another good tip comes from Autos.AOL.com. Their take on the matter is that if one should look in the rearview and see the lights flashing from behind, they definitely need to go ahead and stop while remaining securely in the vehicle where hands should be located on the wheel. When one is in this position, keeping the windows remained rolled up and the doors locked securely is always a better way. Then it would be best if one can find a way to politely ask the officer if he can produce some type of identification or credentials. The article also notes to “stay calm, and be polite” (AOL Autos Staff, 2012). In 2008, USA Today presented an article titled: “Police officer impersonation is common crime.” This article discusses various ways that individuals have been found impersonating law enforcement officials. It speaks of men preying on their victims by causing the victim to let their guard down by thinking the imposter is a

law enforcement official (Long, 2008). Long (2008) claimed, "Officer impersonation is a nationwide crime, and it has flourished in recent years with brazen criminals sometimes going to great lengths to pull off their ruse" (para. 4). Dr. Berrill, a psychologist who runs the New York Center for Neuropsychology and Forensic Behavioral Science said, "You wave a badge at someone and tell them to pull over and you'd be amazed at how many people are going to obey" (Long, 2008, para. 4). As Long (2008) found, "They disarm their victims by appearing to be cops." - "More than a costume, the crime is about attitude" (para. 4).

As the psychologist stated, this crime is more of an attitude and like any other crime, needs to be fought against by law enforcement, until the word gets out that they can, indeed, be caught and prosecuted. Recently, a Florida police detective was driving his unmarked patrol unit through a neighborhood in his jurisdiction. He knew he had the only unmarked car in this area at the time when he saw another vehicle which was unmarked, but lights were flashing and it seemed to be attempting to make a traffic stop. When the officer, "Brandon Spillings," investigated further, the matter turned into a high-speed pursuit with the "fake car," and eventually resulted in an arrest for impersonation (AOL Autos Staff, 2012). This one incident that occurred in Florida may not have been detected if the law enforcement officer had not been operating out of an unmarked police vehicle.

RECOMMENDATION

Based on the information covered, there is no doubt that unmarked and semi-marked vehicles are used across the United States by many law enforcement agencies, and for numerous purposes. From DWI detection to criminal surveillance and all the

way to detecting and removing those aggressive drivers from our streets, these unmarked units surely have an edge. In fact, those individuals who choose to drive impaired or aggressively, will be detected, recorded, and cited or arrested by the use of unmarked and semi-marked vehicles before they realize it. This also goes for those individuals who choose to engage in criminal activities like drug dealing, etc. out on the streets. These individuals have just as much of a surprise coming as the intoxicated or aggressive drivers.

The information contained within, explains in detail why and how the positives of unmarked units heavily outweigh the negatives. Like anything else, if one looks close enough, he/she can come up with negative things to say, but if further read, there are many more benefits to society by allowing law enforcement to continue utilizing these stealthy vehicles. If a criminal is going around robbing banks, dressed like a law enforcement officer, law enforcement officers should not be expected to stop wearing uniforms. Citizens should understand these methods of patrol are just another tool in the law enforcement officer's tool box. Law enforcement, on the other hand, needs to be aware of all criminal activity and when they utilize these unmarked units, have some compassion and understanding, and most of all, be professional.

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