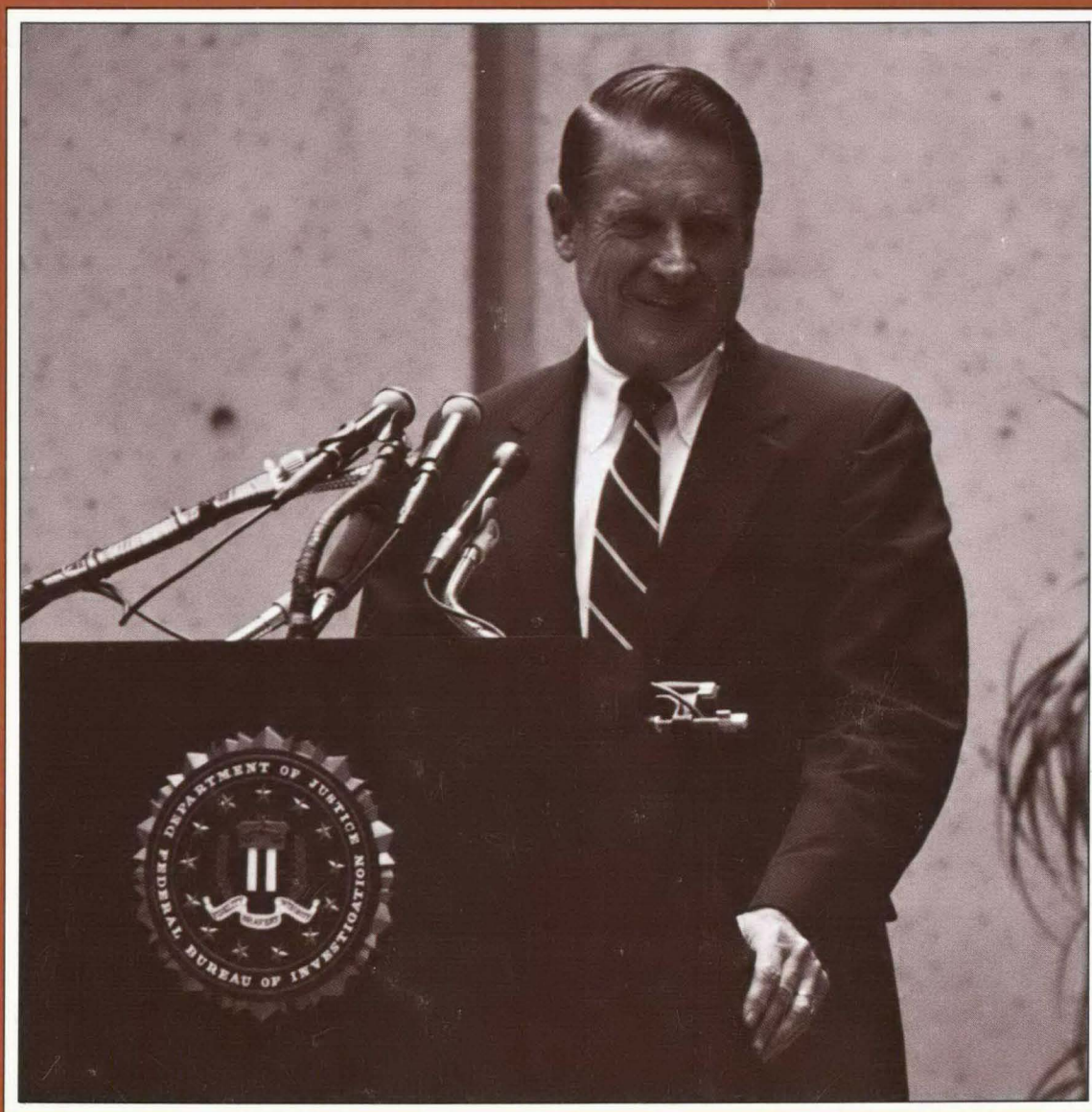




FBI

August 1987

Law Enforcement Bulletin



***FBI Director Webster's Impact
on Law Enforcement***

Contents

August 1987, Volume 56, Number 8

- | | | |
|-------------------------------|----|---|
| Police History | 1 | FBI Director Webster's Impact on Law Enforcement
By Thomas J. Deakin |
| Law Enforcement
Role | 8 | Integrity: The Cornerstone of Our Tax System
By C. Arnold Decker |
| Crime Problems | 11 | Boating And Alcohol: A Crucial Law Enforcement Issue
By Franklin I. Wood |
| | 15 | Book Review |
| Physical Fitness | 16 | Health/Fitness and Professional Education: An Innovative Course at the FBI Academy
By Gerald M. Smith and Francis R. Dunphy |
| Police-Community
Relations | 22 | Detroit's Proactive Approach to Law Enforcement
By Nathaniel Topp |
| Legal Digest | 26 | The Inventory Search (Part I)
By John C. Hall |
| | 31 | Wanted by the FBI |

FBI

Law Enforcement Bulletin

United States Department of Justice
Federal Bureau of Investigation
Washington, DC 20535

John E. Otto, Acting 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 Public Affairs
Milt Ahlerich, *Acting Assistant Director*

Editor—Thomas J. Deakin
Assistant Editor—Kathryn E. Sulewski
Art Director—John E. Ott
Production Manager—Mark A. Zettler
Reprints—Carolyn F. Thompson

The Cover:

Director Webster bid farewell to FBI employees on May 27th in the courtyard of FBI Headquarters. His impact on law enforcement is assessed in an article, p.1. Photograph by Mark Allen.

The FBI Law Enforcement Bulletin (ISSN-0014-5688) is published monthly by the Federal Bureau of Investigation, 10th and Pennsylvania Ave., N.W., Washington, DC 20535. Second-class postage paid at Washington, DC. Postmaster: Send address changes to Federal Bureau of Investigation, FBI Law Enforcement Bulletin, Washington, DC 20535.



FBI Director Webster's Impact on Law Enforcement

By
Thomas J. Deakin, J.D.
Editor
FBI Law Enforcement Bulletin

FBI Director William H. Webster was the longest serving Director of the FBI after J. Edgar Hoover. Like Mr. Hoover, and former Director Clarence M. Kelley, Judge Webster was educated as a lawyer. He served as a Federal judge and brought his reverence for the law to the office of Director of the FBI.

FBI Director Webster was nominated by President Reagan as Director of Central Intelligence on March 3, 1987, and was sworn in on May 26, 1987. The Chairman of the Senate Intelligence Committee praised the nomination and described Judge Webster as "widely respected, both for his high standards of personal integrity and for his professional ability."¹

An overview of Director Webster's 9 years at the FBI provides a recapitulation of our progress toward professionalism, both in the FBI and in the law enforcement community as a whole. This decade has been marked by, first, research efforts at the FBI Academy in the behavioral sciences at the National

Center for the Analysis of Violent Crime (NCAVC) and in the Forensic Science Research and Training Center, which have benefited all of law enforcement. The problems of the serial killer which confront local officials has been addressed in a truly cooperative manner that holds great promise for the future.

Second, there have been technological advances in the automation of identification records, including development of the Interstate Identification Index, with parallel development in automating the classification and matching of fingerprints. Third, the application of laser technology to the discovery of latent fingerprints has proven invaluable.

The FBI, under Director Webster, recognized and supported today's concepts of police professionalism, through backing of the FBI programs supportive of professionalism, and the effort to again involve citizens in the job of cut-

ting crime. In the February 1982, issue of the *FBI Law Enforcement Bulletin* Judge Webster noted:

"As fellow members of the law enforcement community, we know that we cannot operate in a vacuum. The problem of crime is too vast today for us to ignore the millions of good citizens who want to help cut the crime rate. We in law enforcement cannot do this alone; fortunately, today we find citizens asking how they can help.

"It is your job, as a police professional, to help plan a strategy that includes the whole community in the battle against crime. We don't need vigilante groups, but we do need vigilant citizens who understand law enforcement, who know our police officers as human beings, who respect us and trust us, who will provide windows of understanding to our communities."

From the beginning of his term, Judge Webster also recognized the



Special Agent Deakin

professional need for minority representation in all law enforcement agencies. First, he set the course in the FBI. During his 9 years at the FBI, minority representation in the Special Agent ranks increased 150 percent and female representation increased over 600 percent, so that today the ranks of the FBI's Agent force are almost one-tenth minorities and an only slightly less percentage of females.

As the Director noted in 1978 in his first message in the *FBI Law Enforcement Bulletin*:

"Minority representation in all law enforcement agencies is equally sound—and equally required by law. It was not a historic accident that in the early days of organized peace-keeping in this country, police forces had heavy ethnic, particularly immigrant, representation. There were economic and political reasons for this, but it was also effective in terms of linguistic and cultural understanding between police and citizens."

In January 1982, the Attorney General gave the FBI concurrent jurisdiction over Federal drug violations with the Drug Enforcement Administration (DEA). Director Webster was tasked with coordinating the general supervision and policy of both agencies and reporting these efforts to the Attorney General. The FBI has specialized in drug conspiracies, especially by organized crime, both traditional and nontraditional groups. "Adding FBI resources in manpower, geographic coverage, and newly gained experience in undercover and organized crime investigations to DEA's wealth of knowledge and experience in the drug

field..." Director Webster noted, would impact on the national drug problem, which is the cause of so much of America's crime problem.² In May 1986, Director Webster approved the FBI's National Drug Strategy which refined the FBI's mission to more clearly focus its investigative efforts and resources on the major trafficking organizations that control significant segments of the illicit drug market.

Three years later, the Attorney General authorized the transfer of DEA Agent training to the FBI Academy at Quantico, VA. This will enhance the excellent cooperation that has developed between the two agencies. As the Director noted, "Training is not an expense, but an investment in the future." The FBI also joined with the DEA in the effort to reduce the demand for drugs, in recognition that enforcement is only half the battle. Director Webster was involved at the inaugural announcement of the FBI/DEA Sports Drug Awareness Program, the concentrated effort to reduce drug abuse among the Nation's youth. The International Association of Chiefs of Police (IACP) is also cooperating in this effort, making it a law enforcement community project to reach high school coaches and professional players, who are role models for youth, in this campaign against narcotics abuse. The January 1987, issue of this *Bulletin* highlighted the positive results of this program.

Since 1935, the FBI has furnished legal training to law enforcement of all jurisdictions through the National Academy. In furtherance of Judge Webster's regard for the law in law enforcement, the FBI established the National Law Institute in 1984 at the FBI Academy to further the education of, and cooperation among, legal advisers of various

“... widely respected, both for his high standards of personal integrity and for his professional ability.”

police departments. Quinn Tamm, while he was Assistant Director of the FBI and before becoming Executive Director of the International Association of Chiefs of Police (IACP), noted more than 30 years ago:

“The greatest evidence that law enforcement can offer to the community that it has come of age as a profession is a rock-ribbed, unwavering preoccupation with and regard for personal rights and liberties.... This is the true mark of the professional officer.”³

This institute has covered current legal problems facing law enforcement, such as recent developments in constitutional law affecting criminal procedure, first amendment rights as they impact on law enforcement, constitutionally based employment rights, and labor relations issues in law enforce-

ment, in the five sessions held since the institute was established.

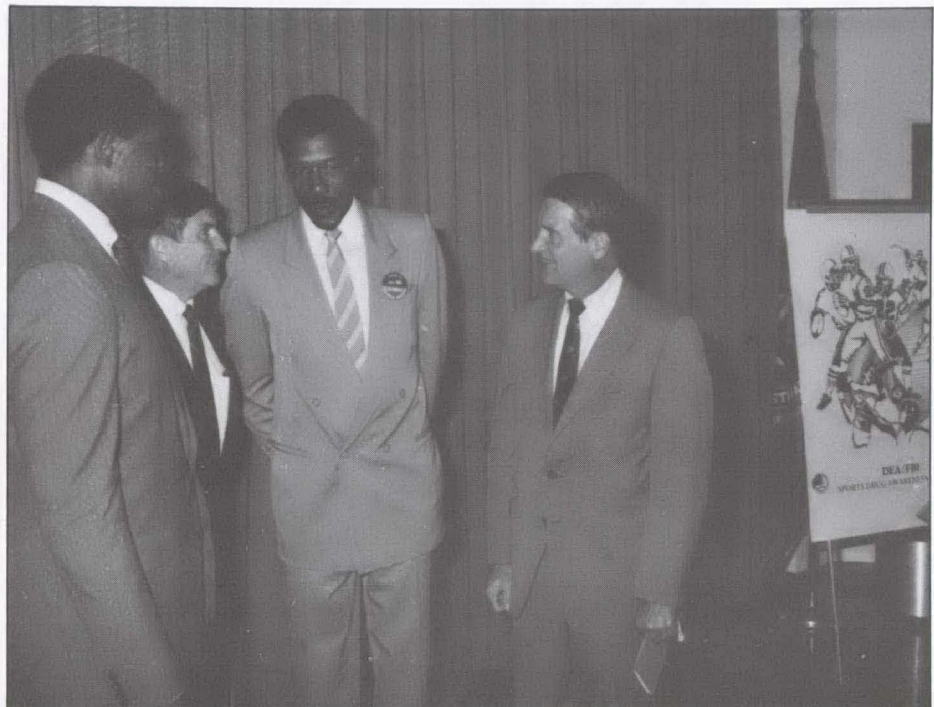
Research

One mark of police professionalism in the last 2 decades has been the willingness of law enforcement agencies to encourage research on policing and the problems that face police. The efforts of the Police Foundation helped spark this revolution in policing. (See the *FBI Law Enforcement Bulletin*, November 1986.) The FBI, in cooperation with State and local authorities, has backed certain research efforts that are already showing great promise in crime control efforts, particularly violent crime. The August 1985, and December 1986, issues of the *Bulletin* helped inform the law enforcement community

of the background on the National Center for the Analysis of Violent Crime (NCAVC) and results of the center's initial research efforts. The center, as Director Webster noted in his December 1986, Message, “is a law enforcement-oriented behavioral science and computerized resource” which coordinates research, training, and investigative support functions regarding the serial violent offender, particularly murderers.

In 1981, the Attorney General established a Task Force on Violent Crime and required each agency in the Department of Justice to outline its efforts to reduce violent crime. The FBI Training Division's Behavioral Science Unit had been involved in research and consultation through its Crime Analysis and Criminal Personality Profiling Program and had completed its first law en-

Director Webster and DEA Administrator John Lawn meet with athletes Julius Irving and Dave Winfield.



"One mark of police professionalism ... has been the willingness of law enforcement agencies to encourage research on policing."

forcement-oriented, behavioral science research project—in-depth interviews of 36 sexually oriented serial murderers. This research project was conducted in cooperation with academic and mental health professionals. Former Los Angeles Police Department Commander Pierce R. Brooks' Violent Criminal Apprehension Program (VICAP) and Dr. David Icove's Arson Information Management System (AIMS) were programs eventually incorporated into the National Center for the Analysis of Violent Crime, which was supported initially by funding from the National Institute of Justice.

The overall goal of the NCAVC has been to reduce the amount of violent crime in American society by serving as a law enforcement clearinghouse and resource center for the most baffling vi-

olent crimes: Serial homicides, forcible rape, child molestation, and arson. The NCAVC collects and analyzes violent crime data and provides assistance to law enforcement agencies in their attempts to solve these crimes. VICAP operates to link these unsolved crimes together from all over the country, providing assistance in the coordination of complex interagency investigations, using the latest advancements in computer engineering with promising results for the future.⁴

Other research in the area of forensic science is taking place at the Forensic Science Research and Training Center, dedicated in June 1981. Several symposia on developments of concern to crime laboratories have been held and training has been afforded to State and local crime laboratory examiners; presently there are 25 separate

course offerings for crime laboratory personnel, in addition to National Academy attendees and FBI and DEA trainees at the FBI Academy. Research has been completed in the area of new, sensitive methods in serology examinations, which has been disseminated to State and local crime laboratories. Other research areas have included polygraph examinations, gunshot residues, and explosive detection. A method to determine the sex of an individual perpetrator from forcibly removed hair was developed. In September 1981, the ninth annual symposium on crime laboratory development was held. For the first time, representatives from Europe and Canada attended.

Education

The second mark of law enforcement professionalism is education, which the FBI has always supported for



Computer terminal used in the FBI's fingerprint automation process.

its own personnel and for police at every level of government. The National Academy Program was expanded tenfold in the 1970's and accreditation for college credit by the prestigious University of Virginia was secured for much of the curriculum. The core faculty of FBI Special Agents, of course, had to have advanced degrees to use accreditation requirements; in 1986 over 82 percent of the Agents at the FBI Academy had post-bachelor academic work or degrees, including 8 doctorates and 51 masters degrees.

Director Webster has been extremely supportive of educational efforts by the FBI Academy, approving construction of a third dormitory at the Academy and personally shaking the hand of every National Academy graduate during his tenure, except for one class when Judge Webster was in Europe for a National Academy retraining session. Judge Webster has summarized the National Academy experience to all National Academy graduates by his words "to you much as been given," this tuition-free, all expense-paid graduate course in police administration, and "from you much is expected," a commitment with the FBI to law enforcement professionalism and leadership.

Identification

The 1980's are going to be known as the computer age, at least in fingerprint identification. The FBI had begun to develop computer hardware to "read" fingerprints as early as 1963. A new method had to be developed to match fingerprints by reading the minutiae position and orientation, where

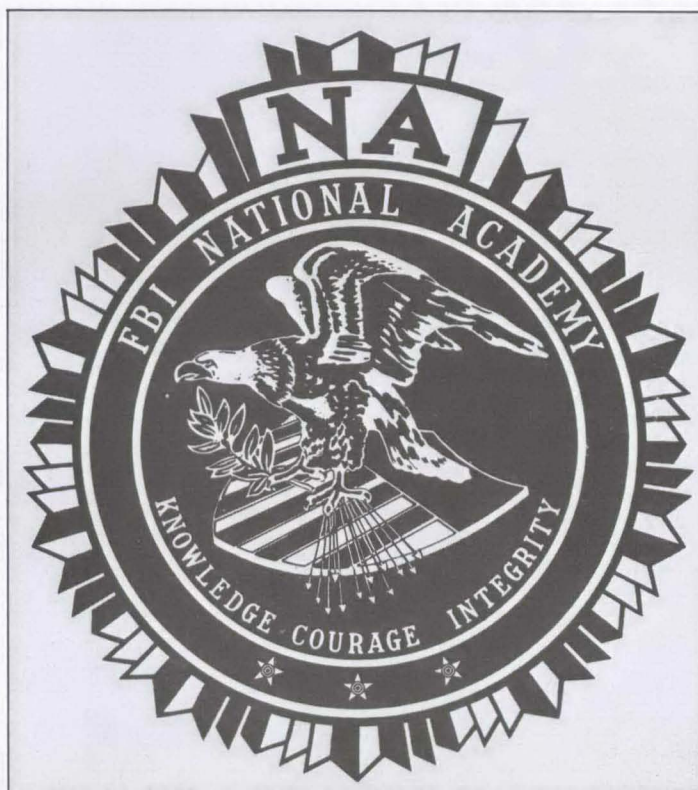
ridges end or split (bifurcations). This was done with the help of the National Bureau of Standards and under contracts with Rockwell International and with Calspan Corporation. By 1979, automation had progressed in other operations of the Identification Division to allow automated name searches to be conducted, to identify incoming fingerprint cards with records already held in the division. In 1983, the second phase of this automation system for identification was implemented, allowing connection with the Interstate Identification Index of the National Crime Information Center (NCIC).

The third, and final, phase of the Automated Identification Division Sys-

tem, when fully implemented next year, will reduce fingerprint work processing from the current 2 to 3 weeks to less than 18 hours for 95 percent of the requests for fingerprint record checks. Development of this fingerprint computer technology has also allowed some States and metropolitan regions to develop automated fingerprint identification systems. Police officials have called this development "the most significant technological innovation in American law enforcement in decades..."⁵

National Crime Information Center

Criminal arrest records on 10.5 million people are today accessible





National Center for the Analysis of Violent Crime staff meets.

through the NCIC. Agencies using this new Interstate Identification Index (III) acclaim it as the greatest new asset since the NCIC was initiated in 1967. The III concept is to decentralize the FBI's record-keeping responsibility, while improving NCIC user access to criminal records. Basically, when NCIC receives an online request for a record, NCIC automatically sends a message to the State computer where the record originated so it can respond directly to the inquirer, or for States that are not yet online, the response is handled by the FBI Identification Division through its computerized files. Some 20 States are involved, providing over 80 percent of the country's criminal records; another 5.6 million are provided by the FBI

(for States not yet in the system—total records include multiple arrests for many individuals).

This program arose out of a concept developed by a working group of NCIC users in April 1978, just after Director Webster's term began. Fingerprint contributors channel fingerprints through State identification bureaus. One card is retained at the State level and one is forwarded to the FBI, unless the contributor is certain the arrested person already has a record with the FBI, in which case only one card is submitted to the State agency for updating the State file. For the NCIC users, requesting a record is simply a

matter of transmitting a message from a terminal and waiting for a response, which usually comes in a few minutes. Transactions are processed at a remarkable rate by the NCIC computer; time required to search the 10.5 million records (more than 20 million names and aliases) is about one-fourth of a second.

There are two side benefits of this system. First, improved data quality is made possible by computer matching of State and national records. Discrepancies between the files were identified and resolved, improving the quality of thousands of records. Second, there was a cost savings realized by State agencies due to the automatic update capability of the State file for newly as-

"It was not a historic accident that in the early days of organized peace-keeping ... police forces had heavy ethnic, particularly immigrant representation."

signed FBI numbers. This eliminated the costly manual matching and data entry previously required.

A long range study of NCIC user needs over the next 15-20 years, NCIC-2000, has begun with a contractor, along with a head-on attack on poor record-keeping practices, with emphasis on the two files most accessed—stolen vehicles and wanted persons.

Other Developments

Another development in fingerprint technology during Director Webster's tenure was the implementation of laser detection of latent prints in April 1978. Use of laser to detect latent prints does not involve alteration of the specimen, which happens with use of some chemical processes. This attribute of the laser process was invaluable in examination of a World War II era postcard that provided a latent print of a naturalized U.S. citizen, who was subsequently deported as a Nazi war criminal. The fingerprint detected by laser was over 40 years old.⁶

Because theft of valuable art works has been increasing in the United States at an alarming rate, the FBI implemented its National Stolen Art File in May 1979. This file serves as a computerized index of stolen and recovered art by both the FBI and local law enforcement agencies. An article in the March 1983, *FBI Law Enforcement Bulletin* invited the whole law enforcement community to participate in this service.

Director Webster supported and refined the FBI's investigative priorities established by Director Kelley before him. He sought to insure that these priorities represented the most serious crime problems facing this country that

were within the FBI's congressionally mandated jurisdictions. He also encouraged the formation of task forces where the FBI and local police had concurrent jurisdiction, such as the New York City Police Department/FBI bank robbery task force, which has eliminated duplication of effort in this field. Judge Webster has endorsed Abraham Lincoln's concept of our society's multi-layered number of governments, that the role of the Federal Government is to do for the States what they cannot do for themselves, or because of lack of jurisdiction or commitment, cannot do as well. He is aware that the FBI, with limited resources (the FBI has only a third as many investigators as New York City has police officers), must have priorities.

On February 23, 1978, the Attorney General presented FBI badge number 3 to Judge William H. Webster, a former prosecutor and a Federal judge in St. Louis. In his remarks at this swearing in ceremony, Judge Webster pledged that in 10 years this badge would be as "bright and shiny as it is today." He further pledged that "with due regard for the rights of all our citizens and with the highest standards of professional law enforcement as our goal, we will do the work that the American people expect of us, in the way that the Constitution demands of us, so help us God."⁷

The Police Foundation presented Director Webster an award in 1985 for law enforcement leadership, echoing the gratitude of the FBI, and all of America's law enforcement community, for his leadership toward professionalism in the last decade.

FBI

Footnotes

¹The Washington Post, 3/4/87, p. A1.

²FBI Law Enforcement Bulletin, August 1982, vol. 51, No. 8, p. 1.

³A.C. Germann, "Education and Professional Law Enforcement," *The Journal of Criminal Law, Criminology and Police Science*, December 1967, vol. 58, No. 4, pp. 603-609.

⁴FBI Law Enforcement Bulletin, December 1986, vol. 55, No. 12, pp. 2-5.

⁵Charles D. Neudorfer, "Fingerprint Automation," *FBI Law Enforcement Bulletin*, March 1986, vol. 55, No. 3, pp. 3-8.

⁶James E. Ridgely, Jr., "Latent Print Detection by Laser," *FBI Law Enforcement Bulletin*, June 1986, vol. 55, No. 6, pp. 1-8.

⁷FBI Law Enforcement Bulletin, May 1978, vol. 47, No. 5, p. 3.

Integrity: The Cornerstone of Our Tax System

"The Internal Security Division of the IRS is a unique criminal investigation organization."

It is not by accident that the United States has the most successful tax system in the world. In an area that is generally regarded as an unpopular aspect of our lives, why are we in the United States able to achieve voluntary compliance with our tax system from the overwhelming majority of our citizens?

There are a number of factors contributing to this; however, without one ingredient, the system as we know it could not function. That ingredient is INTEGRITY. The reputation of the Internal Revenue Service (IRS) is that of an honest organization, free of corruption and intolerant of any standard less than total honesty by its employees.

IRS is an organization of over 100,000 employees who are in contact with millions of taxpayers in the course of the year. The product of this agency is unique—it is the receipt and collection of money. Considering these facts, how is the IRS able to maintain and insure its reputation for honesty?

The vast majority of IRS employees are totally honest. Notwithstanding this fact, the necessity for a system to insure that the integrity of the IRS is maintained at the highest level was recognized by President Truman in 1952. At his direction, the Inspection Service within the IRS was created and charged with the responsibility of "... detecting and investigating any irregularities"¹ within the IRS. It was rec-

ognized then, and is still true today, that it is necessary for IRS management, Congress, and the general public to have the assurance of integrity within the IRS. The IRS Inspection Service independently determines that the principles of honesty and high ethics are, in fact, practiced and insisted upon as the only way to do business with this organization.

The Inspection Service consists of two divisions, Internal Audit and Internal Security. Each has its own program and duties with the detection and deterrence of internal fraud and corruption as its primary goals. It is the responsibility of the Internal Audit Division to conduct reviews and appraisals of Service operations to ensure efficiency, effectiveness, and compliance with regulations. The remainder of this discussion will involve the Internal Security Division.

Internal Security Division

The Internal Security Division of the IRS is a criminal investigative organization charged with the responsibility of conducting investigations to assure the highest degree of honesty in the conduct of IRS employees and to protect the Service against outside attempts to corrupt and threaten employees. The purpose of an internal security investigation is to ascertain complete facts and to report these facts to appropriate officials for criminal pros-

By
C. ARNOLD DECKER
*Director
Internal Security Division
Inspection Service
Internal Revenue Service
Washington, DC*



Mr. Decker

ecution or administrative adjudication. Information contained in an internal security report of investigation is obtained from records or documents, interviews of third-party witnesses and/or the subject of the investigation, or the personal observations of the inspector. Internal security reports contain no recommendation regarding possible disciplinary action.

Internal security investigative reports concerning administrative matters are submitted to the IRS management official who has the responsibility to adjudicate the issues. Investigations involving criminal matters are referred directly by internal security to the U.S. attorney for prosecutive consideration. Activities within the Internal Security Division are divided into several programs to monitor and to ensure integrity.

Background Program

The first effort toward integrity begins before an employee is hired and involves a background investigation, which is required for most employees. Background investigations are conducted in conformance with the Government's personnel security procedures and Executive Order 10450 to determine the suitability of applicants for employment with the IRS. Because of its unique responsibility, the Internal Security Division goes beyond minimum investigative requirements for some positions. This involves verification that all new employees have filed tax returns and satisfied tax liabilities. In some instances, employee's tax returns are audited as part of the initial screening process. Other aspects of the background program involve criminal history checks, verification of claimed education and employments, and contacts with neighbors, references, and social acquaintances.

The Internal Security Division has other programs instituted to detect and obtain information regarding corruption. This corruption can occur from both within the Service and from outside the Service by those attempting to compromise the integrity of an employee.

Criminal Misconduct Program

One of the greatest threats to the integrity of the Internal Revenue Service involves attempts to bribe IRS employees. This remains a significant job hazard for IRS employees. A bribery awareness program survey conducted by IRS disclosed that 18 percent of the employees who responded suspected they are offered a bribe at least once a year.

Exposure of those who would corrupt employees is an integral element of our integrity maintenance program. The identification and prosecution of these individuals sends a clear message of the Service's commitment to integrity and serves to prevent these individuals from attempting to bribe other Service employees in the future.

Although instances involving the solicitation of a bribe by an employee are rare, this offense is particularly damaging, since it tarnishes the Service's integrity image which is a key element in preserving public confidence in the administration of the Federal tax system. Bribe attempt referrals by cooperating IRS employees serve as an important means of identifying prior corrupt acts within the Service. In such instances, if there is an indication that previous corruption has occurred, an investigation is initiated, evidence obtained, and the cooperation of the defendants is sought regarding bribes previously paid.

A significant corruption case recently investigated by the Internal Security Division began when a revenue

"... it is necessary for IRS management, Congress, and the general public to have the assurance of integrity within IRS."

agent reported that he had received a bribe offer from a certified public accountant (CPA), who requested favorable audit results for his client and his client's son. During subsequent electronically monitored meetings between a cooperating employee and the CPA, the CPA indicated that he had knowledge of past corrupt activities by IRS employees and others. The investigation was expanded and the cooperating revenue agent received approximately \$250,000 in bribe payments over a 4-year period. Other evidence developed by the Internal Security Division indicated that corrupt employees accepted about \$400,000 in bribe payments from various other taxpayers or tax practitioners. The additional tax consequences for which these bribes were paid are estimated to be between \$10 million and \$200 million. To date, 20 individuals have been indicted or convicted, including 9 former employees, 4 CPA's, and 7 taxpayers, one being an internationally known dress designer.

Integrity Program

The integrity program consists of detection and deterrent measures of a proactive nature designed to identify and to prevent internal fraud and corruption within the Service. This activity includes regular and periodic integrity probes and tests of those IRS functions considered to be high-risk activities in terms of being susceptible to integrity breakdowns. Information developed from these probes is used to alert managers to potential integrity hazards.

This program also includes providing integrity awareness presentations

to IRS employees. In FY 1986, approximately 900 presentations were made by the Internal Security Division reaching over 23,000 employees. In these presentations, employees are instructed on how to recognize a bribe overture and how to react thereafter. Employees are informed that integrity is the responsibility of each employee and the reputation of the organization they work for hinges on their personal commitment in this regard.

Crucial to establishing an attitude of integrity is the attitude of all levels of management toward integrity. Unless all managers exhibit a continuing aggressive integrity attitude, the organization will be severely hindered in its efforts toward integrity. The Internal Security Division, therefore, provides continuing information and training to management at all levels regarding control breakdowns and integrity breaches. Managers are taught to "think integrity" in their daily activities. Managers are encouraged to prioritize integrity issues before other considerations in their daily activities. Integrity expectations are mandated down from the highest management levels to all managers in the Service.

Thus, it can be seen that the commitment to integrity involves a number of elements—hiring screening, reactive and proactive investigations, an integrity awareness program, management support, a commitment to training, and an intolerant attitude toward integrity breaches.

The Internal Security Division of the IRS is a unique criminal investigation organization. Unlike investigators who conduct integrity investigations in many law enforcement agencies, Internal Security inspectors follow a career path that spans the entire length of their

time as Federal criminal investigators. Thus, this organization has developed training and investigative expertise in this refined area of law enforcement.

Expertise developed by the Internal Security Division has been shared in the Federal sector with many of the Inspector General offices. Numerous State tax bureaus have received training or investigative guidance from the IRS Internal Security Division.

Internal security training covers all aspects of the criminal investigator's career. For example, all internal security inspectors regularly receive the latest in computerized judgmental firearms training. A commitment also exists for automation training to assist the investigator in the management and investigation of complex cases. Automated equipment has been provided to each post of duty, training courses have been developed, and the innovative use of the computer, such as the development of artificial intelligence programs, is encouraged.

Any law enforcement agency or State tax agency that desires more or specific information regarding training, investigations, integrity programs, or techniques used by the Internal Security Division of IRS is encouraged to contact the Director, Internal Security Division, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224. A personal representative will be made available to discuss the needs of any such agency or organization.

FBI

Footnote

President Harry S. Truman, January 2, 1952, Reorganization Plan for the Internal Revenue Service.

Boating and Alcohol: A Crucial Law Enforcement Issue

"Alcohol abuse has been a major contributor to recreational boating fatalities."

By

CAPT. FRANKLIN I. WOOD

*Southern Regional Office
Maryland Natural Resources Police
Upper Marlboro, MD*

Over the past decade, there has been a uproar of public sentiment to reduce the deaths on our Nation's highways. Organizations such as MADD (Mothers Against Drunk Drivers) and SADD (Students Against Drunk Drivers) and growing public concern created a movement of outrage that brought pressure to bear on legislative bodies, judicial systems, and law enforcement agencies to adopt a "get tough" policy with the drunk drivers. Subsequently, new and more-restrictive laws were enacted by the legislature, tougher sentencing handed out by the courts, and special programs established by the law enforcement community designed to combat the Driving While Intoxicated (DWI) problem. However, not until 1983 did alcohol abuse on our Nation's waterways come into *public focus*.

Alcohol abuse has been a major contributor to recreational boating fatalities. While many States had laws against operating a boat while under

the influence or Operating While Intoxicated (OWI), the laws were vague and rarely enforced, for the most part. Only a few States had established per se or presumptive blood alcohol content (BAC) levels.

The National Institute on Alcohol Abuse and Alcoholism and the National Council on Alcoholism reported that alcohol was a significant factor in 65 to 68 percent of all drownings.¹ Since 90 percent of all boating fatalities involve drowning, alcohol should be considered a significant problem. In Maryland, during the period from 1980 to 1982, alcohol was involved in 75 percent of all boating accidents.²

In the spring of 1983, the Maryland General Assembly passed into law a comprehensive Operating While Intoxicated statute to take effect on July 1, 1983. The new statute provided for a chemical test of breath or blood to determine a suspect's BAC, presumptive levels of impairment and intoxication (.08 percent impaired; .13 percent in-

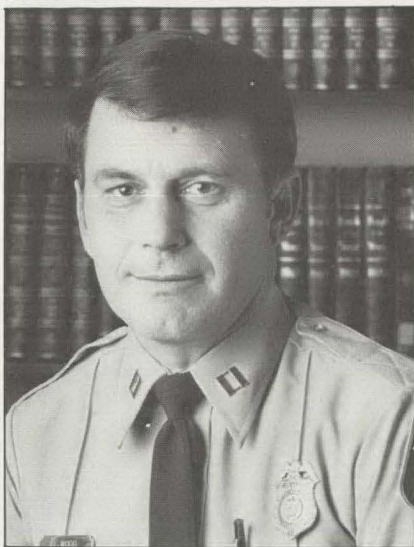
toxicated), and an established evidentiary procedure for handling OWI suspects. In effect, the new law paralleled the State's DWI law, but it was soon realized that there were significant differences in enforcing the laws.

Maryland's OWI Program

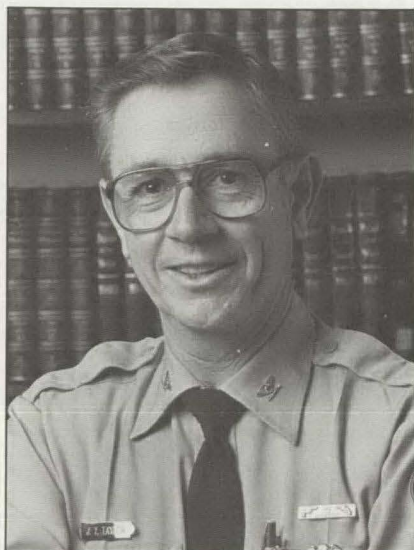
It soon became evident that enforcement of the new OWI law would require establishing a program that would be effective in meeting the ultimate goal of reducing boating fatalities, while addressing the inherent problems associated with marine OWI enforcement. Subsequently, the program focused on three specific needs: Public education and information on the boating and alcohol problem, training of enforcement personnel, and specialized and selective enforcement.

Public Education

In addressing public education and information, the agency took advantage



Captain Wood



Colonel Taylor

of readily available literature and publicity used in the DWI program. In addition, the agency developed specific information on alcohol and boating in the form of brochures, posters, and a slide program. The brochures and posters were distributed throughout Maryland, and the slide program was made available to all public relations assignments. The program attracted widespread media coverage which greatly enhanced the effort of the agency to get the message to the boating public that alcohol and boating are a dangerous combination.

Training

The second condition of the program was to provide effective training for enforcement personnel. Areas covered in the training included the physiological and pharmacological effects of alcohol, how stressors in the marine environment can exacerbate the effects of alcohol in the body, and constitutional and case law related to DWI/OWI enforcement.

All personnel received at least 8 hours of training on how to administer field sobriety tests, since few field sobriety tests established for highway enforcement could be used for marine enforcement. For example, the "one-leg stand" and the "walk and turn" test which had been researched and given a percentage of reliability for DWI were not feasible in a boat. Officers, however, were trained to administer these tests in the event the suspect was to be taken to shore. A battery of field

sobriety tests, which included reciting the alphabet, handpat, finger count, and finger to nose (seated), were also established for use on vessels. In addition, many officers were certified in administering "horizontal gaze nystagmus."³ All field sobriety test training required officers to administer this test satisfactorily to drinking volunteers under controlled conditions.

The three phases of detecting impaired operators involved observing the vehicle in motion, face to face or personal contact, and prearrest screening. The National Highway Traffic Safety Administration developed a set of detection cues for impaired motor vehicle operators. Each cue had a percentage of reliability that a vehicle operator was impaired. Unfortunately, vehicle operation on the highway was much more structured than on the waterways, and most of the cues established for highway driving were not applicable for marine enforcement. Although there has been no percentage of reliability established, there are several indicators such as speeding, failure to yield right of way, and nonuse of navigation lights that have been consistent with OWI offenses. Much of the emphasis on training regarding detection is done in the face-to-face phase. Officers are trained to look for various signs, such as the odor of alcoholic beverages, the demeanor of the operator, impaired psychomotor coordination, and general

"Operation SWAMP ... is a specialized enforcement program, which has as its goal the reduction of boat accidents and fatalities throughout the State."

speech and overall appearance of the subject.

As previously mentioned, many officers were certified in administering advanced field sobriety testing, a battery of tests consisting of the walk and turn, one-leg stand, and horizontal gaze nystagmus. Approximately 20 officers were also trained and certified as preliminary breath test operators using an alco-sensor unit that measures BAC as the primary tool of preliminary detection. This test is currently not admissible in Maryland courts, but has proven to be a valuable tool for officers in determining whether to require further testing or to release the suspect.

Personnel received training in the proper handling of OWI suspects and the subsequent disposition of vessels and property. In many cases, officers must tow the suspect's vessel; therefore, various procedures were established to insure the safety of all persons involved.

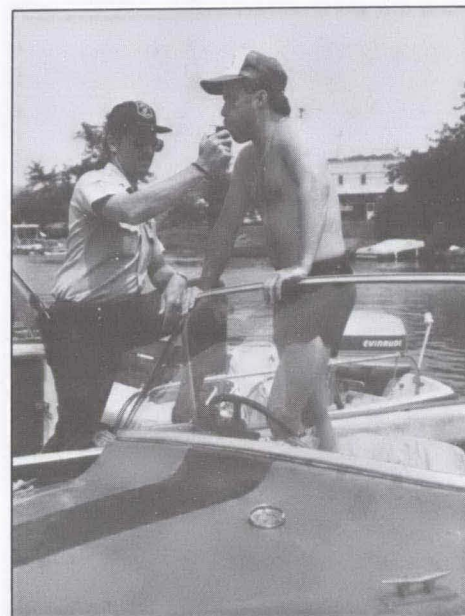
Specialized and Selective Enforcement Strategies

The agency, after compiling data from 1983 to 1985 on OWI violations, boat accidents, and citizen complaints, established a profile of boating and alcohol problems on Maryland waters. Based on these data, a strategy using specialized and selective enforcement was formulated in an attempt to implement the program in the most-efficient and effective fashion given logistical realities. Personnel and material limitations warranted specifically tailored law enforcement projects in order to

achieve maximum impact. This was achieved through specialized training of personnel in specific areas of law enforcement, i.e., alcohol detection techniques, targeting areas of frequent violations and concentration personnel and equipment in those areas, and effectively managing personnel when manpower constraints present themselves.

Operation SWAMP

Operation SWAMP (Safer Waterways through Alcohol Monitoring Patrols) is a specialized selective enforcement program which has as its goal the reduction of boat accidents and fatalities throughout the State. The program was designed to use specialized



Administering preliminary breath test during Operation SWAMP.

enforcement and extensive media coverage in areas of numerous boating accidents and alcohol violations and to identify areas of frequent citizen complaints. However, additional information was needed to complete the profile, such as month, day, and hours of occurrence for the purpose of deploying SWAMP patrols during the most critical periods.

Statistical data indicated that most fatal boating accidents occurred on weekends between Memorial Day and Labor Day between 4:00 p.m. and 12:00 a.m. and involved vessels between 14' to 26' in length. Correspondingly, arrest data compiled from OWI cases during the same period revealed that the majority of cases were made

"The correlation between alcohol and boating has been recognized as a real problem only in recent years."

during the period between Memorial Day and Labor Day, on weekends from Friday thru Sunday between 4:30 p.m. and 2:30 a.m., and involved operator's of vessels from 14' to 26' in length.

The SWAMP patrols consist of three units with two officers assigned to each unit. Officer selection was based on the specialized training the officer had received in alcohol detection techniques. Specifically, officers assigned had to have been trained and certified in advanced field sobriety testing, horizontal gaze nystagmus, and preliminary breath testing units. In addition, officer performance in field arrest of OWI cases was considered.

Once an area for Operation SWAMP had been selected, press releases were made to local papers, radio, and TV. The press release included an explanation of Operation SWAMP and the days the operation would be conducted, as well as the patrol location. This particular aspect of the program proved to be very effective, since it enhanced public acceptance of the program and provided a specific deterrent to reckless boat operation, as well as OWI.

All SWAMP units were placed under the direction of a corporal who was designated as team leader for each operation. Each SWAMP unit officer was given a set of general orders and guidelines for the operation. Specifics of the operation orders included:

- 1) The assignment of a specific target sector of patrol for each unit involved.

- 2) All stops of vessels required either probable cause or reasonable suspicion that a violation of the boating laws was taking place. No arbitrary stops were conducted.
- 3) Each vessel operator was advised of the reason for the stop and given an explanation of Operation SWAMP.
- 4) All stops were recorded on pre-printed forms, which document the type, class, and length of boat, reason for stop, and if a citation or warning was issued.
- 5) Operation reports from each unit were turned in to the team leader, who then submitted a master report of the operation.

In 1986, Operation SWAMP was conducted 17 days between Memorial Day weekend and Labor Day weekend. The operation resulted in 660 boardings, 171 citations, and 22 OWI cases. Forty-nine percent of the 660 vessels boarded had alcohol on board.⁴

More importantly, there were no accidents or fatalities reported in areas where SWAMP operations were conducted. In addition, complaints in those areas were down by 80 percent.

Summary

Since July 1983, when the Maryland Natural Resources Police's alcohol program was established, there have been 145 OWI arrests made, of

which 65 percent were made in 1986. There has been a 90-percent conviction rate and an average fine of \$250 for the first offense.

During the same period of time, there were 80 recreational boating fatalities reported. There has, however, been a steady decline in fatalities each year since 1983. For example, in 1986 there were only 12 fatalities as compared to 26 in 1983, amounting to a 54-percent reduction.

The correlation between alcohol and boating has been recognized as a real problem only in recent years. It is not a new problem, but it has come to focus due to the increased public concern of alcohol abuse in all modes of transportation. Other reasons for the sudden concern is the overcrowding of our waterways due to the increased popularity of recreational boating, as well as the irrefutable evidence of alcohol involvement in the large percentage of boat accident fatalities.

Just as on our highways, laws must be established to restrict the use of alcohol and/or drugs on our waterways in the interest of public safety. Law enforcement agencies responsible for enforcement of boating laws must establish a comprehensive alcohol program in order to be effective in curtailing the boating and alcohol problem. These programs should emphasize education, public relations, training of personnel, and selective enforcement.

Statistical data should be compiled on boating accidents and the role of al-

cohol in those accidents. These data not only substantiate the need for comprehensive OWI statutes but aid in establishing profiles of boating accidents for specialized or selective enforcement programs.

Finally, continuous effort should be placed on establishing additional programs and enforcement techniques intended to counter the dangers of alcohol abuse in recreational boating. It is no longer a secret that alcohol plays a major role in boating deaths. **FBI**

Footnotes

¹John R. Deluca, ed., *Alcohol and Health* (Rockville, MD: National Institute on Alcohol Abuse and Alcoholism, Public Health Service, 1981), p. 83.

²Testimony of Capt. Franklin I. Wood, State of Maryland Natural Resources Police, before the Maryland House of Delegates on House Bill 873, March 21, 1983.

³This is a test which is administered to determine the gaze nystagmus, or jerking of the eyes as they gaze to the side, of an intoxicated person. Most people exhibit some nystagmus, or jerking, as their eyes move laterally. However, as a person becomes more intoxicated, this jerking occurs after less lateral movement and becomes more distinct at extreme angles. Trained officers can detect gaze nystagmus in 1-2 minutes, using a stimulus such as a ball-point pen waved horizontally in front of the eyes.

⁴Maryland Natural Resources Police Alcohol Enforcement Program Annual Report, 1986.

Book Review

Psychological Services for Law Enforcement, edited by James T. Reese and Harvey A. Goldstein, Washington, D.C. Government Printing Office, 1986. Stock #027-000-0126-6-3, \$27.00, 543 pages.

In September 1984, the first National Symposium on Police Psychological Services was held at the FBI Academy, Quantico, VA. (A second, world conference was held in 1985, again at the FBI Academy, the results of which will also be published). As then Training Division Assistant Director James McKenzie wrote, this conference stands as a "vanguard in the new discipline ... it can serve as a reference for those already engaged in the field of police psychology—and as a textbook for those who wish to enter the field."

Editors of this book, which resulted from the first symposium, are James T. Reese, Ph.D. of the FBI's Training Division, and Harvey A. Goldstein, Ph.D., the Director of Psychological Services for the Prince George's County, MD, Police Department. Special Agent Reese is assigned to the Behavioral Science Unit, the part of the Training Division also responsible for the Violent Criminal Apprehension Program. This program, too, is the result of cooperation within the law enforcement community. The other editor, Dr. Goldstein, is a past president of the American Psychological Association's unit on police within Division 18, psychologists in public services.

This work will fill the need for a text on police psychological services holistically, in that it emphasizes the various functional relationships between the parts of this relatively new discipline of study. Covered are police officer selection (a controversial area generating litigation today); counseling, organizational issues; psychological services, and critical incident reactions. The segment on the San Ysidro massacre by Michael Mantell, "When the

Badge Turns Blue," is an evocative, thought-provoking recitation and analysis of the police reactions to this country's largest single-day mass murder. The final section of the work, significantly, is one of the longest—"Stress and Stress Management."

This conference involved over 150 psychologists specializing in law enforcement from all across the country, from New York City to Los Angeles, from Honolulu to Baltimore, with stops in Salt Lake City, Denver, Houston, Oklahoma City, New Orleans, San Antonio, Memphis, Cincinnati, Chicago, Atlanta, and Washington, DC, to name only some of the larger cities represented. Federal and State agencies were also represented, including the FBI, National Institute of Justice, Secret Service, DEA, and the armed forces.

This reviewer would certainly echo Mark Means' statement in "Family Therapy Issues in Law Enforcement Families" from section two on counseling that "continuing education with the [police] force is an ABSOLUTE must." Education is a means of individual growth and is certainly necessary for our society's survival. Only within the last generation have police learned that psychological health is necessary to their own survival—as necessary as ballistic armor. *Psychological Services for Law Enforcement* is the most comprehensive text book to date which is concerned with the betterment of the lives of police officers through the use of the behavioral sciences. This will be of inestimable value as a resource and reference for many years to come for both mental health professionals and law enforcement. It should be considered an essential addition to any mental health and/or law enforcement library.

—SA Thomas J. Deakin, J.D.

Health/Fitness and Professional Education: An Innovative Course at the FBI Academy

By
GERALD M. SMITH, M. Ed.
Physical Education Unit

and
FRANCIS R. DUNPHY, Ed.D
*Special Agent
Police Training Unit
FBI Academy
Quantico, VA*

During the past decade, Americans have become increasingly aware of the need for and benefits of personal health/fitness. Law enforcement officers, in particular, must be fit and healthy to perform their jobs. The demands placed on them, both physical and mental, necessitate their strong commitment to an above-average level of health/fitness. The Physical Training Unit, in conjunction with the Education and Communication Arts Unit, at the FBI Academy in Quantico, VA, has developed and implemented a unique course to meet the health/fitness needs of all law enforcement personnel.

This National Academy course is unique because it blends the holistic or whole approach to health/fitness (H/F) with the principles of adult education. A health/fitness instructor at the Academy originally designed this holistic health/fitness program for law enforcement officers who want to raise the quality of their professional and personal lives by becoming healthy and fit. However, students graduating from the National

Academy program began asking how they could incorporate this concept into health programs already existing at their individual agencies or how they could create a health/fitness program at their agencies based on this approach.

The FBI Academy responded to these requests by introducing adult education techniques and learning principles into the course's curriculum. Students now graduate from the course knowing not only how to maintain and increase their newly developed level of health/fitness but how to revive the interest of their peers in health/fitness as well. They learn to develop a holistic health/fitness program using proven techniques for safely teaching others how to become healthy and fit and to incorporate the holistic approach into already-established departmental fitness programs.

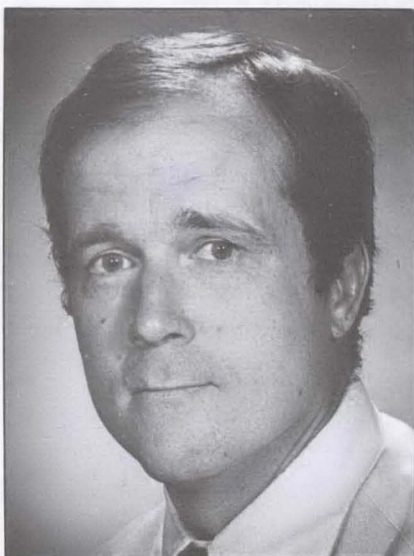
Two instructors teach this 44-hour course; the health/fitness portion is allotted 38 hours, leaving 6 hours for the educational concepts. The physical training instructor deals with all health/

fitness aspects of the course. He teaches the holistic approach to living as the only logical one for anyone to pursue, because it is the only approach that comprehensively deals with an individual's health, physical fitness, and total well-being—all the elements necessary for a vigorous, high-quality life.

The education instructor joins the class within the first few weeks to teach the students the principles and theories of adult education and learning. By using video and cassette tapes, movies, slides, charts, graphs, overheads, and life experiences, both instructors help the students realize that teaching adults, particularly in the H/F area, requires special strategies and techniques. At this time, the education instructor also urges the students to adopt the management and teaching techniques used throughout the course. The students can then pattern the program at their home agency after the course offered by the National Academy.



Special Agent Dunphy



Mr. Smith

HOLISTIC HEALTH/FITNESS AND WELL-BEING

"The human body is just another part of the universe that is meant to be in perfect balance. We have been constructed in such a way that we need so much exercise, no more and no less. We need just so much food of certain types, and we need just the right amount of sleep and relief from tensions and stresses of daily life."¹

Unlike many programs that concentrate on only one, or at best, a few of the more-important health or fitness concepts, the holistic approach to health/fitness and well-being encompasses all health/fitness concepts—it considers the total human being. One of its main concepts is that health and physical fitness, even though not synonymous, are so closely related that both are necessary for an individual's total well-being. Most other approaches deal with health or fitness issues individually, never showing how each interacts with the other and how they collectively affect an individual's body and spirit.

CONCEPT OF LIFESTYLE MODIFICATION

A main concept of the holistic approach to health/fitness is that of lifestyle modification. Though most people admit to having certain "vices" in their lifestyle, they generally do not want to believe that these bad habits will harm them. For example, if you tell a friend that smoking is bad for her health, she'll probably reply, "But I enjoy it so much, and it relaxes me. Besides, I feel fine." This smoker does not realize the dangerous effects each cigarette has on the body and its highly tuned systems. Combine the smoking with other "bad"

habits, such as consuming too much fat and sodium, drinking too many alcoholic beverages too often, and skipping meals, and you realize that the person has a very unhealthy, improper lifestyle. How do you get her to replace the bad habits with beneficial, healthful ones?

The H/F instructor helps his students modify their unhealthy lifestyles in a program consisting of simple steps. First, he talks about what constitutes a "bad" or unhealthy habit and what these unhealthy habits are, specifically, smoking, excessive consumption of alcohol, lack of regular exercise, poor nutrition, improper dietary practice, insufficient sleep, and unrelieved tension caused by constant exposure to stress.

Next, the instructor explains why these are bad habits and what they do to the human body and its functions. For example, smoking damages the lungs, prematurely wrinkles the skin, pours toxic gasses into the bloodstream, and impairs other vital organs, hampering their important bodily functions.

The students also learn about how their unhealthy lifestyles will force their bodies to respond with one or more of the leading killers of American society:

—Adult Onset Diabetes—a form of diabetes that usually manifests itself in an individual's adult years.

—Hypertension—an unstable or persistent elevation of blood pressure above the normal range (also called high blood pressure).

—Emphysema and Lung Cancer—both cause a steady destruction of lung tissue that makes it progressively impossible for the body to get the oxygen it needs. Over 90 percent of all emphysema and lung cancers are caused by smoking.

"Law enforcement officers, in particular, must be fit and healthy to perform their jobs."

—Strokes—an obstruction in or rupturing of blood vessels that supply oxygen and nutrients to the brain.

—Colorectal Cancer—this cancer of the colon is the second greatest cancer killer of Americans after lung cancer.

—Lower Back Problems—these problems occur in the lower lumbar region of the spine. People with poor flexibility and weak abdominal muscles are more prone to lower back problems.

—Coronary Heart Disease—this defines a collective grouping of diseases of the heart directly associated with smoking, high blood cholesterol, hypertension, and lack of exercise. Coronary heart disease kills over 600,000 Americans each year.

Table 1 shows how these dangerous health hazards are linked directly to a person's "vices" or bad habits.

Unfortunately, these poor practices prevail in the lives of law enforcement officers nationwide. Their job requirements, such as shift work, variable or nonexistent meal time, long periods of sitting with intermittent, sudden requirements for total physical exertion, and the constant stress involved in a policeman's duties, all combine to impact adversely on the officer's health/fitness and total well-being.

Next, the instructor shows the students the benefits of eliminating their unhealthy habits. When a person stops smoking, for example, further damage to the lungs is halted, the undamaged portions slowly increase their efficiency, blood chemistry and circulation improve, senses of taste and smell are revitalized, and the probability of contracting numerous other diseases

associated with smoking are lowered significantly.

Finally, the instructor informs the students of the benefits to be gained by incorporating healthful habits into their daily lives, describing the specific benefits derived from these helpful habits. The students learn that a regular exercise program (one that encompasses the areas of strength, flexibility, and endurance), proper nutrition (eating complex carbohydrates in the form of whole grains, fruits, and vegetables; reducing fat and salt intake), and eating habits (three regular meals daily with little or no snacking between meals), moderate consumption of alcohol, and stress recognition and coping techniques combine to significantly enhance a person's health/fitness and total well-being. They learn the specific good done to their muscles and other organs, as well as how these healthful habits beneficially change their basic bodily functions, such as metabolism and digestion. Once they incorporate these changes into their lifestyles, the students learn

that they will be full of the vigor of a high energy life and better able to cope with the stress of their work.

This training in the holistic approach to living strongly emphasizes that by favorably altering your lifestyle, you can improve your chances of avoiding serious health problems, or if you are already experiencing one or more of them, how to lessen their severity.

ADULT EDUCATION AND THE PRINCIPLES OF (ADULT) LEARNING

"The more concretely individuals can identify their aspirations and assess their present level of competencies in relation to them—the more exactly they can define their educational needs—the more intensely will they be motivated to learn."²

After initially examining some health/fitness preliminaries, the instructors explain the course's second objective—to teach what they learn to others. A critical part of this process involves

**Table 1
Health Threats and Their Contributory Causes**

Health Threats	Contributory Causes					
	Smoking	Lack of Exercise	Excessive Intake of Fat	Excessive Intake of Salt	Excessive Intake of Alcohol	Lack of Fiber in Diet
Coronary Heart Disease	X	X	X	X	X	X
Lung Cancer	X					
Emphysema	X					
Hypertension	X	X	X	X	X	X
Stroke	X	X	X	X	X	X
Adult Onset Diabetes	X	X	X		X	X

the students gaining an in-depth understanding of the adult learner.

Since only adults can enroll in this course and these students intend eventually to teach other adults, this block of instruction centers around the theories of adult learning. An instructor from the Education and Communication Arts Unit joins the class to examine a variety of the laws and the principles of adult education with the students, enabling them to gain insights into structuring a learning experience for adults. This knowledge allows the student officer to facilitate the design and implementation of a health/fitness course at his or her agency.

Health/fitness educators must create the challenges and provide the basic knowledge necessary for allowing students to discover their individual needs. They accomplish this by choosing teaching strategies appropriate to individual blocks of instruction. These strategies encompass lecture, demonstration, and role-playing—i.e., telling, showing, and doing.

The education instructor explores several important areas of adult education. Specifically, these include how to prepare structured lesson plans, performance and instructional objectives and goals, criterion tests, and curriculum designs.

The instructor also covers, at length, the area of resource development, placing special emphasis on the two main resources of literature and experts. Since one of this course's objectives is to present the students with information that is as current and accurate as possible, students learn that they must continually review the extensive literature available on the subject to keep their information base up-to-date. New developments and studies constantly bring to light informa-

tion vital to their programs. Thus, the instructors require students to complete a current literature review as one of the course assignments. This review ensures that the student officers have the necessary information at their disposal to develop a safe, effective, and beneficial health/fitness program for their individual agencies.

The instructors encourage students to develop another resource for their programs—guest speakers who are experts in the various fields of health/fitness. When rendering instruction on the highly technical or specialized aspects of health/fitness, instructors who invite acknowledged experts to speak on these subjects lend credibility to their programs. These resources are available in every community, so the instructors of this course urge the students to use them as fully as possible when they implement their own health/fitness programs.

One of the most important areas discussed in this block of instruction, and throughout the course, is motivation. The education instructor examines both external motivating forces, such as life experience and other people, and internal motivating forces, such as personal commitment and the desire for an energetic lifestyle. A person must be committed (internally motivated) to achieving wellness, and several external motivating forces, such as newly acquired knowledge and meeting people who have already achieved health/fitness and well-being, can help a person acquire this internal motivation.

Both instructors teach the students how to design and implement health/fitness programs for their home agencies. Producing a step-by-step format for setting up these plans presents difficulties because the students represent diverse organizations. However, the instructors do teach the students about the various

building blocks, such as resource development and curriculum design, necessary for constructing such programs. By using these building blocks, the students can establish a program that conforms to the specific needs of their home agencies.

The education instructor spends most of his time helping the students perform a task analysis, outline instructional objectives, develop structured lesson plans, and write criterion tests for their programs. Students must have a working knowledge of these areas of adult education by the end of the course, because an increasing number of States require police training programs to submit instructional objectives, lesson plans, and criterion tests before the State will certify the program. The students receive a model lesson plan that they use in developing their own by adapting their research to the format of the model. The education instructor helps ensure the students' grasp of the design of the teaching materials through testing.

THE COURSE

The course begins with a survey of the students that allows the instructors to determine the individual and "home" agency needs of each class. By determining the areas that will require special emphasis, the instructors can tailor the course accordingly. The course's design helps the instructors and students share their ideas about health/fitness and well-being, and through discussion groups, delve into the strengths and weaknesses of health/fitness programs at other agencies. This group interaction and sharing of ideas acts as a catalyst for encouraging early widespread, enthusiastic student participation in the program.

"A main concept of the holistic approach to health/fitness is that of lifestyle modification."

Block One: Anatomy, Physiology, Kinesiology

The holistic health/fitness concept depends on the student having a basic knowledge of the structure of the human body, its related functions, and its physical processes—human anatomy, physiology, and kinesiology or mechanics. Understanding the human body and how it works and learning the body's abilities, peculiarities, and limitations enable the students to better formulate and monitor a productive health/fitness program for themselves and others. The instructor also describes the role and influence of diet, exercise, and lifestyle on the organs and systems to emphasize the need for proper health and physical fitness practices.

Block Two: Aerobics—Principles, Concepts, Adaptations

The H/F instructor covers the physiological aspects of aerobics in great depth so that the students completely understand the approach to this type of training. The students learn how to develop an aerobic training program that will help them safely achieve their desired health/fitness goals.

This block of instruction includes alerting the officers to what occurs to the body during exercise. They learn that aerobic exercise is the only way to lose body fat and control weight. The students begin to understand that the good they derive from exercise gives them more inner motivation and desire to accomplish, even surpass, their goals.

Block Three: Stress Reduction

The instructor places particular emphasis on the topic of stress recognition and reduction because of an in-

creasing awareness of the severe, detrimental impact of stress on law enforcement personnel. First, he shows the students the body's harmful physiological responses to stress. He then discusses how the students can use two excellent coping mechanisms, exercise and relaxation, to counter these harmful effects. He goes on to help students design exercise sessions formulated specifically to alleviate stress and tension.

Block Four: Diet and Nutrition

Many people, particularly law enforcement officers, tend to widely abuse the areas of diet and nutrition. They fail to understand the extreme importance of these areas to their health/fitness and well-being. In this block of instruction, the H/F instructor shows the students how to supply their bodies with the proper nutrients through a healthy, satisfying diet. Students learn that proper nutrition means changing their diets in two ways: (1) By eliminating or curtailing their consumption of foodstuffs known to be detrimental to the body, including cholesterol, saturated fats, alcohol, excessive salt, processed sugar, and caffeine, and (2) by adding foodstuffs known to be beneficial to the body, such as fiber and complex carbohydrates. Students learn about the benefits they can gain through proper nutrition. Fiber alone tends to lower blood pressure, reduce blood cholesterol, aid in eliminating toxic substances from the body, and as some believe, reduce an individual's probability of contracting colorectal cancer.

An examination of the physical condition of the average law enforcement officer confirms the need for this type of training. Previous students have indicated that in their own agencies, this "average officer" is overweight to the point where the condition adversely

affects his job performance, as well as his overall health/fitness. Lack of knowledge about proper nutrition and diet contributes to this serious problem, but the main contributors are the daily work habits of law enforcement officers. Continual shift changes and urgent calls often force officers to eat whatever they can grab whenever they have time.

The H/F instructor has made good eating habits, including the proper selection of food, an integral part of the course's curriculum. He stresses the importance of these areas because of the numerous maladies associated with poor nutrition, including the three leading killers of American society—coronary heart disease, cancer, and stroke. Researchers link most cases of these killers directly to improper diet combined with poor nutritional habits. On the other hand, a proper and nutritious diet can go a long way toward alleviating, and in some cases preventing, these and other more minor problems, such as headaches and upset stomachs. The instructor also examines the role of vitamin supplements and the results of ingesting excessive doses.

Block Five: Fitness Testing, Exercise Consultation, Gym Practicum

Students who successfully complete this course will be proficient in fitness testing and evaluation. They will know how to administer and evaluate the following battery of tests:

- Blood Pressure—the correct procedure for taking, reading, and evaluating individual blood pressure measurements.

- Body Composition—the use of skinfold calipers in determining individual body fat assessments.

—Pulse Recovery—the correct method of evaluating pulse recovery after exercise and its implication in terms of an individual's safety.

—Flexibility—the method of administering a flexibility test to evaluate muscle flexibility in hamstrings, buttocks, and the lower back.

—Sit-ups—the appropriate method of administering a sit-up test as a measure of abdominal muscle endurance.

—Push-ups—the appropriate method of administering a push-up test as a measure of upper body muscular endurance.

—1½-Mile Run-Walk—the safest way of administering the 1½-mile run-walk as a measure of individual aerobic fitness.

In the latter part of the course, the H/F instructor gives the students an opportunity to apply what they have learned. Under strict supervision, they use the above instruments to test fitness, conduct a lifestyle interview to evaluate health, and then, based on the results of these tests and interview, prescribe a health/fitness program which includes exercise and lifestyle modification for the individuals they test. The instructor then reviews and evaluates each "prescription," using his experience to recommend modification and improvements to these programs.

Block Six: Equipment Research and Purchasing, Legal Implications, New Concepts and Theories in the Health/Fitness Field

The students learn about the various types and models of fitness equipment, along with the particular area of the body or program each bene-

fits. Some of the equipment covered includes Nautilus, Universal, York, Nordic Track, exercycles, ergometers, rowing machines, and treadmills. The health/fitness unit at the FBI Academy serves as an excellent testing ground for the various types of equipment because of the extremely large number of students and staff who continually use it. Equipment that can withstand the unusual amount of use it receives at the FBI Academy will be more than adequate for normal, everyday use in police programs.

SUMMARY

An able officer is one who is physically fit and healthy, as well as professionally capable. More and more law enforcement administrators are beginning to recognize the benefits of establishing a holistic health/fitness program, based on established educational practices, for their agencies. They realize that by training their officers in the area of health/fitness, they not only increase efficiency by uplifting morale but also reduce many of the injuries and medical retirements that nowadays severely deplete budgets. Virtually every community has the resources necessary for developing and implementing a holistic health/fitness program; law enforcement agencies need only take advantage of them.

Additionally, departments can tailor their programs to meet specific needs. If they prefer, departments can retain private consultants, who will make available short-duration, high-impact courses for individual agencies. Such programs are beneficial because they are intense, uninterrupted blocks of study. Also, using structured courses tailored to individual agency needs brings the officers together in a health/

fitness setting, providing a vital support system for enrollees.

The program taught at the FBI Academy merges a holistic health/fitness curriculum with founded educational principles and structured learning experiences. This course's design has proved beneficial in helping students develop and implement successful health/fitness programs on a personal as well as on an agency-wide level.

FBI

Footnotes

¹Kenneth H. Cooper, *The Aerobics Program for Total Well-Being* (New York: M. Evans & Co., Inc., 1982), p. 11.

²Malcolm S. Knowles, *The Modern Practice of Adult Education* (Chicago: Follett Publishing Co., 1980), p. 88.

Detroit's Proactive Approach to Law Enforcement

By

INSP. NATHANIEL TOPP

*Crime Prevention Section
Detroit Police Department
Detroit, MI*

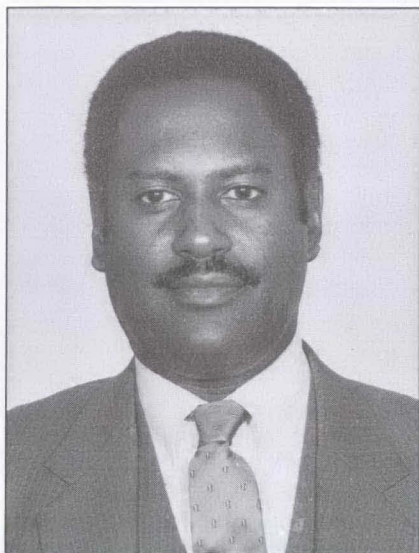


In 1975, the City of Detroit, MI, like many other U.S. cities, was hard hit by the economic recession. Besides the massive layoffs of city employees, including police personnel, the city was also troubled by an increase in crime.

The combination of these problems on the surface appeared to be an

insurmountable task for local law enforcement personnel. However, with the support of the mayor of the city, the chief of police chose to deal with the problems by creating what was to become one of the largest crime prevention programs in the world. Starting with two officers in its infancy stage, the

"Since 1975, crime prevention officers have been directing a myriad of programs and performing assorted community services...."



Inspector Topp



Chief Hart

Central Crime Prevention Section has grown to its present size of 34 officers, though this number is far below the total number of officers committed to the city's crime prevention program.

Each of the 13 precinct stations in the city has at least 1 officer whose primary responsibility is crime prevention. Also, the 57 officers assigned to mini-stations have crime prevention as their primary responsibility in areas surrounding the ministration.¹

Since 1975, crime prevention officers have been directing a myriad of programs and performing assorted community services; over 12,000 programs have been introduced with attendance exceeding 1 million persons. This has resulted in the incorporation of nearly 5,000 Neighborhood Watch organizations, 150 Business Watch organizations, and 54 citizen band (CB) radio patrols. In addition, 4,500 residential and business security surveys have been conducted.

The foundation of the entire effort has been the Neighborhood Watch Program. At least one-half of the residents on each block meet twice to receive training in burglary prevention, self-protection, Operation Identification, and crime reporting. All of the 5,000 organized Neighborhood Watch groups in the city have met the basic requirements.

Even though the Crime Prevention Program has been very successful, there was a time when many citizens and some police officials doubted its worth. As a result, in 1977, the Crime Prevention Section initiated a project which endeavored to "prove or disprove the idea that a comprehensive crime prevention program would reduce crime."

To do so, two neighborhoods were selected; one was designated to be the target area, while the other was the control area. In the target area, an extensive crime prevention program was implemented, whereas no crime prevention programs were implemented in the control area. All other police services in the two areas remained the same.

The target area, located in the northwest side of the city, is densely populated, consisting of 155 blocks with approximately 14,000 residents of which 60 percent are black, 40 percent are white, and about 20 percent are senior citizens. The control area is located in the same section of the city and is similar in demographics and crime statistics.

In 1979, the results of the projects were released. Overall, Part I crime was reduced 40 percent, while residential burglaries decreased by 60 percent.

As a result of the apparent success of this project, and in order to gauge the effectiveness of its ongoing programs, the Crime Prevention Section presently operates three target areas, each consisting of approximately 160 blocks. Designated as the "West Side," East Side I," and "East Side II," the target areas and their demographically matching control areas are strategically located throughout the city. Each office is staffed with a racially balanced team of officers who are responsible for organizing Neighborhood Watch, Business Watch, and Apartment Watch groups in the target areas. Besides organizing new groups, each target area is responsible for recertifying existing Neighborhood Watch groups annually and maintaining all other existing programs.

Even though each target area is unique, the services and programs they offer are similar. For example, all target

areas provide senior citizen transportation and senior citizen lock installation programs. The transportation program makes available free transportation service to over 4,500 seniors who live in the target areas. Volunteer drivers transport seniors to doctor appointments, beauty parlors, and shopping malls. The lock installation program provides free security hardware and installation to seniors living in the target areas.

Target area officers also organize CB radio patrols in their areas. In fact, all three target area offices provide space for the CB radio base stations.

The West Side target area, the original target area, is 95 percent organized and has shown a continual reduction in crime. In the 3 years since the initiation of the East Side I target area, 66 percent of the blocks have been organized, resulting in a 22-percent reduction in crime. The East Side II target area, which has been in existence for 9 months, has been welcomed

by existing block clubs and community organizations, with over 30 percent of the blocks organized.

Even though the Detroit Police Department has had a great deal of success with its target areas and Neighborhood Watch programs, it continues to develop and implement unique and innovative proactive programs. One such program, known as "Eyes and Ears," uses utility company employees in radio-equipped company vehicles who watch and report any suspicious activity they observe during their daily activities.

Employees from Detroit Edison, Michigan Consolidated Gas Company, Detroit Water and Sewerage, and Michigan Bell Telephone receive special training from crime prevention officers in crime reporting and suspect identification. In the event that an employee observes any suspicious activity, the employee will report his observations to his dispatcher, who in turn notifies the police.

Utility company vehicles used in this program display, on each side, a highly visible 8" x 11" black on orange sign exhibiting an eye and ear. Citizens in need of assistance who observe these specially marked vehicles may request aid from the utility company employee.

Another program, aimed at discouraging auto theft, is known as the Vehicle Identification Program (VIP). The Crime Prevention Section, in conjunction with AAA, Michigan's largest vehicle insurance company, initiated the program. VIP discourages auto theft by etching the vehicle identification number (VIN) into the vehicle glass with acid. Since 1985, the year the program was initiated, Detroit has experienced a total reduction of 36 percent in auto thefts.

In addition, the Crime Prevention Section has paid close attention to the problems confronting the youth in the city. During the 1985-1986 school year, crime prevention officers conducted

Detroit police officers talk with an area resident during their door-to-door canvassing of the East Side target area.



"... the police department and the citizenry must continue to work together as a cohesive team in order to reduce crime and the fear of crime."



Officers with a civilian volunteer.

over 590 youth safety programs, reaching in excess of 67,000 youth. These programs included presentations on molestation, sexual assault, substance abuse, vandalism, and the juvenile justice program.

Another program that is intended to introduce crime prevention to the youth in the metropolitan Detroit area is known as the Crime Prevention Football Card Project. The Crime Prevention Section and the Detroit Lions of the National Football League together distributed in excess of 2.8 million football cards to the youth in the Detroit area. Each week of the NFL season, 16 weeks total, a new football card displaying an action photo of a Lions' player on the front and the player's information and a crime prevention safety tip on the back was distributed. Besides promoting crime prevention, this program also allowed officers an opportunity to have direct contact with kids who would normally never speak to a police officer.

The Detroit Police Department's Crime Prevention Section continues to develop and implement proactive crime

prevention programs. As a result, the Crime Prevention Section was cited for having the "Best Crime Prevention Program in the World" in 1986 by the International Society of Crime Prevention Practitioners, Inc. It is interesting to note that this is the same award bestowed upon the Crime Prevention Section in 1982, showing that the program has not become complacent or dormant.

However, the Crime Prevention Section is not the only group dedicated or committed to crime prevention in the City of Detroit. As mentioned earlier, the Ministration Section has prioritized crime prevention. The primary responsibility of the officers assigned to the 57 ministrations is crime prevention.

For their efforts, the Ministration Section was cited in 1985 by the International Society of Crime Prevention Practitioners as having the "Best Crime Prevention Program in the World." In addition, the inspector in charge of the Ministration Section was cited by this international organization as the "Practitioner of the Year."

Because of the immense magnitude of the crime prevention efforts in the City of Detroit, the Crime Prevention Section, the Ministration Section, and all police-related community service programs now fall under the control of the Community Services Division. This division is also in charge of the Police Athletic League, Junior Police Cadets, and the Crime Analysis Section.

The Detroit Police Department is extremely proud of its Crime Prevention Program and will continue to support, as well as prioritize, programs that focus on citizen involvement and citizen education. We firmly believe that the police department and the citizenry must continue to work together as a cohesive team in order to reduce crime and the fear of crime.

FBI

Footnote

Insp. Lawrence H. Holland, "Police and the Community—The Detroit Ministration Experience," *FBI Law Enforcement Bulletin*, vol. 54, No. 2, February 1985, pp. 1-6.

The Inventory Search

(Part I)

"... the justification and scope for an inventory hinge on the balancing of [privacy interests of the individual against the governmental interests to be served]."

By
JOHN C. HALL
Special Agent
FBI Academy
Legal Counsel Division
Federal Bureau of Investigation
Quantico, VA

Law enforcement officers of other than Federal jurisdiction who are interested in any legal issue discussed in this article should consult their legal adviser. Some police procedures ruled permissible under Federal constitutional law are of questionable legality under State law or are not permitted at all.

Police officers in Vermillion, SD, ticket and tow an illegally parked automobile; an officer in Kankakee, IL, arrests a man for disturbing the peace at a local theater, taking the arrestee and a shoulder bag he was carrying to the police station; another officer in Boulder, CO, arrests a man for driving while under the influence of alcohol and impounds the vehicle. Such events are commonplace in our country and would hardly attract more than a passing comment on the back pages of the local newspaper. And yet, these three events have certain characteristics in common which make them significant to the law enforcement community: All three involved police seizures of personal property unrelated to criminal investigations; inventories of the seized property in all three led to the police discovery of contraband, with resulting criminal prosecutions for offenses more serious than those which prompted the initial police action; and all three resulted in major U.S. Supreme Court decisions interpreting the scope of the protection against "unreasonable searches and seizures" found in the fourth amendment to the U.S. Constitution.¹

The purpose of this article is to review those three Supreme Court cases, assess their impact on law enforcement functions, and consider practical ways of assuring that law enforcement inventory searches fall within the boundaries of the Constitution. The first part de-

scribes the basis and justification for inventories. The second part considers the constitutional requirements for implementing such a procedure.

POLICE CARETAKING FUNCTIONS

An almost endless variety of circumstances can lead to police agencies acquiring custody of personal property belonging to others. Apart from the obvious need to seize property when there is reason to believe that it possesses evidentiary value in a criminal case, police are frequently confronted with the obligation to seize and care for property which—insofar as they know at that moment—is neither evidence nor contraband. An automobile may be towed because it is illegally parked or because its operator has been arrested or injured; personal property may be taken from an arrestee prior to incarceration; and in still other cases, property may come under police control as the result of accidents or other events which leave the property exposed to the public under circumstances where the owner is unavailable or unable to make arrangements for its removal or safekeeping. Law enforcement agencies have traditionally responded to these kinds of situations by conducting an inventory of the property thus acquired and then taking appropriate steps for its safekeeping.



Special Agent Hall

Inasmuch as the inventory is not primarily aimed at discovering evidence, it is generally characterized as an administrative, caretaking function and has been approved in some form or another by both Federal and State courts. It is not the legitimate purpose of an inventory to seek out evidence of crime, but to protect property and to shield the police from disputes and claims over lost or stolen valuables. But while an inventory, by definition, is not a quest for evidence of criminal activity, the reality is that it frequently has the same result. When that occurs, the shield is quickly transformed into a sword in the hands of government prosecutors. With but rare exceptions, the cases in which the police inventory has been litigated in the courts are cases in which the inventory uncovered evidence which was then used in a criminal prosecution.

Notwithstanding the benign, noninvestigatory purpose of the inventory, it is clear that such police activity constitutes a search under the fourth amendment to the U.S. Constitution. The Supreme Court has stated that "a 'search' occurs when an expectation of privacy that society is prepared to consider reasonable is infringed."² Thus, it is the objective character, not the subjective purpose, of the activity which determines the applicability of the fourth amendment. Because a police inventory is a search under the fourth amendment, it must satisfy the fourth amendment standard of reasonableness. In defining that standard, the Supreme Court has held that "searches conducted outside the judicial process, without prior approval by judge or magistrate, are per se unreasonable under

the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions."³ The inventory is one of those well-defined exceptions to the warrant requirement, and in a recent case, the Court explained:

"The justification for such searches does not rest on probable cause, and hence the absence of a warrant is immaterial to the reasonableness of the search."⁴

This is so because "the salutary functions of a warrant simply have no application in that context; the constitutional reasonableness of inventory searches must be determined on other bases."⁵

A BALANCING OF INTERESTS

In cases where strict enforcement of the warrant requirement is impractical, the Court assesses the reasonableness of a search by balancing the privacy interests of the individual against the governmental interests to be served. Because the justification and scope for an inventory hinge on the balancing of these interests, it will be helpful to consider the factors which affect the opposing interests before proceeding further.

Privacy Interests

The privacy interests of an individual in personal property may vary widely, depending upon such things as the nature or normal usage of the property or the circumstances which brought it into police custody.

Nature or normal usage of the property

Although some privacy interest must exist before any fourth amendment protection applies, the Supreme Court has indicated that different types

"... it is the objective character, not the subjective purpose, of the [inventory] which determines the applicability of the fourth amendment."

of property may qualify for different levels of fourth amendment protection. Take, for example, the motor vehicle. While there are clearly privacy interests normally associated with vehicles, the Court has held that "the expectation of privacy with respect to one's automobile is significantly less than that relating to one's home or office."⁶ This is true, in part, the Court reasons, because:

"Automobiles ... are subjected to pervasive and continuing governmental regulation and controls, including periodic inspection and licensing requirements. ... The expectation of privacy as to automobiles is further diminished by the obviously public nature of automobile travel."⁷

In addition, vehicles are used primarily for transportation rather than as a repository for personal property, and they travel public thoroughfares where both their occupants and their contents are in view.

By way of contrast, a person's expectations of privacy in personal luggage are substantially greater than in an automobile, because of the obvious distinctions in construction and usage. Notwithstanding the fact that a person's suitcase, like an automobile, can be readily moved from one place to another, the Supreme Court holds that the distinctions between vehicles and such containers are greater than the similarities, primarily because a suitcase "is a common repository for one's personal effects, and therefore inevitably associated with the expectation of privacy."⁸

That is not to suggest that every kind of container, regardless of its construction, configuration, or usage, is deserving of the same degree of privacy

protection. The Court recognized this in *Arkansas v. Sanders*,⁹ a noninventory case in which they declined to uphold the warrantless search of a suitcase:

"Not all containers and packages found by police ... will deserve the full protection of the Fourth Amendment. Thus, some containers (for example, a kit of burglar tools [sic] or a gun case) by their very nature cannot support any reasonable expectation of privacy because their contents can be inferred from their outward appearance. Similarly, in some cases the contents of a package will be open to 'plain view'. ..."¹⁰

In a later shorthand explication of this statement, the Court said that to fall outside the high level of fourth amendment protection normally afforded personal containers, "a container must so clearly announce its contents, whether by its distinctive configuration, its transparency, or otherwise, that its contents are obvious to an observer."¹¹

The circumstances which brought the property into custody

Just as the nature or usage of property can result in a diminished expectation of privacy, the circumstances which lead to its coming within police custody can cause a reduction or elimination of privacy. This is true even with respect to property which may otherwise normally enjoy relatively high degrees of fourth amendment protection. The clearest example is property possessed by a person who has been arrested. The Supreme Court has held that immediately upon arresting an individual, police officers may lawfully search the arrestee and the area within the arrestee's immediate control. Moreover, this search does not turn on the probability that evidence, weapons, or means of escape are present and available to the arrestee; rather, as the

Court states, "It is the fact of the lawful arrest which establishes the authority to search, and we hold that in the case of a lawful custodial arrest a full search of the person is not only an exception to the warrant requirement of the Fourth Amendment, but is also a 'reasonable' search under that Amendment."¹²

The immediate search at the place of arrest suggests the need to protect the arresting officers, preserve evidence, and prevent the escape of the arrestee by searching not only the person arrested but the area within his immediate control as well. The search can be continued later at the stationhouse or jail, even though these concerns would then be less relevant. Nevertheless, the Supreme Court has held that the stationhouse search is a continuation of the original search and therefore justified.

In *United States v. Edwards*,¹³ the Court upheld the removal and search of an arrestee's clothing which occurred several hours following the defendant's arrest and incarceration. In doing so, the Court explained that the items of property in possession of the arrestee at the place of detention were subject to search in the same manner as they would have been at the place of arrest. The Court reasoned:

"... it is difficult to perceive what is unreasonable about the police examining and holding ... those personal effects of the accused that they already have in their custody as the result of a lawful arrest."¹⁴

Accordingly:

"... once the accused is lawfully arrested and is in custody, the effects in his possession at the place of detention that were subject to search at the time and place of his arrest may lawfully be searched and seized without a warrant. ..."¹⁵

Although the Court did not make clear why this was so in the absence of any significant risk that the arrestee would now be able to gain access to weapons or evidence which had been removed from him, they quoted with approval the language from a lower Federal court decision which held:

"While the legal arrest of a person should not destroy the privacy of his premises, it does—for at least a reasonable time and to a reasonable extent—take his own privacy out of the realm of protection from police interest in weapons, means of escape, and evidence."¹⁶

A similar approach was taken by the Montana Supreme Court in a case where a jailer removed a crumpled cigarette pack from an arrestee's shirt pocket prior to incarceration and found a marijuana cigarette inside. The court upheld the inventory, in part, because the arrestee's "reasonable expectation of privacy is diminished..."¹⁷

The point is that when a person is lawfully arrested, the expectations of privacy normally associated with his person and personal property in his possession are greatly diminished, and even though the search in *Edwards* was characterized as a search incident to an arrest, rather than an inventory, the principle—insofar as it relates to privacy interests—is the same.

Governmental Interests

The governmental interests in conducting inventories have been defined by the Supreme Court as fourfold: Protection of the owner's property; protection of the police from disputes and claims over lost or stolen valuables; protection of the police and the public

from dangerous instrumentalities; and ascertainment and verification of the property owner's identity.

Protection of the owner's property

The police interests in protecting another's property—apart from the concerns for claims and lawsuits—are generally accepted, but not clearly explained, by the courts. State laws differ widely as to the existence or degree of any legal obligation on the part of police to safeguard property. Obviously, there is a strong public relations issue to be considered. But, for whatever reasons, the Supreme Court seems to assume the existence of some obligation—legal or moral—to provide such protection, and in all of the inventory cases which have come before it, the Court has made reference to this factor. In its most recent case in which a police inventory was at issue, the Court simply stated—as though it were axiomatic and not subject to dispute—"... the police were potentially responsible for the property taken into their custody. By securing the property, the police protected the property from unauthorized interference."¹⁸ The Court's statement is probably an accurate reflection of society's perception of police responsibility.

Protection against disputes and claims

Closely intertwined with the concern for the protection of a person's property is this concern for claims that property in the care of the police was stolen or damaged. Here again, the risk of successful claims or lawsuits will depend on the existence of some legal duty on the part of the police to provide protection to the property. Some State courts have taken the view that the role

of the police is that of an "involuntary bailee"¹⁹ with only a slight duty to care for the property in their custody. Most of the courts, however, consider the duty to be a higher one, and thus, require a corresponding standard of care on the part of the police to discharge their obligation. In any case, while the level of duty may vary from one State jurisdiction to another, the existence of at least some duty appears to be universally recognized. In a recent case, the Supreme Court characterized the police interest as follows:

"It is not unheard of for persons employed in police activities to steal property ... similarly, arrested persons have been known to make false claims regarding what was taken from their possession..."²⁰

There is clearly a legitimate interest in inhibiting theft or careless handling of property, as well as deterring false claims. But even if this interest was not present, and if it was possible to completely remove any legal obligation the police may have to safeguard property, that would not necessarily remove other equally important police concerns recognized by the courts.

Protection from dangerous items or instrumentalities

One of the weightiest governmental concerns is to assure the safety of the public, as well as its police officers, and the Supreme Court has deferred to this concern on numerous occasions. In the 1967 case of *Cooper v. California*,²¹ one of the earliest inventory cases to come before it, the Court rationalized that it would be unreasonable to hold that the police "having to retain the car in their custody for such a length of time, had no right, even for their own protection, to search it."²²

Likewise, in the 1973 case of *Cady v. Dombrowski*,²³ the Court upheld searching the trunk of an automobile

"... while ... 'balancing of interests' provides the philosophical basis for the inventory, the practical application must satisfy the 'reasonableness' standard of the fourth amendment.

which had been towed to a private garage following an accident. Because the injured driver was an off-duty police officer, the local police were concerned that a firearm might be in the car. Considering the police officers' concern for a weapon, and noting that the trunk of the car was "... vulnerable to vandals...", the Court held that the search was reasonable within the meaning of the fourth amendment.

In the 1976 decision of *South Dakota v. Opperman*,²⁴ the Court again observed that one of the legitimate reasons for police to impound and inventory an automobile that was illegally parked was to protect the police and the public from potential danger. Rejecting the notion that the purpose of the inventory is "exclusively for the car owner," the Court noted:

"The protection of the [government] from claims of lost or stolen property and the protection of the public from vandals who might find a firearm ... or as here, contraband drugs, are also crucial."²⁵

In its most recent cases, the Court has not required any specific showing by the police as to the likelihood that a dangerous instrumentality is present. On the contrary, in *Illinois v. Lafayette*,²⁶ the Court approved the police inventory of property taken from a person under arrest, largely due to general considerations for safety. As one factor justifying the inventory, the Court noted:

"Dangerous instrumentalities—such as razor blades, bombs, or weapons—can be concealed in innocent-looking articles It is immaterial whether the police actually fear any particular package or container; the need to protect against such risks arises independently of a particular officer's subjective concerns."²⁷

It is clear that the Supreme Court considers the concern for the presence of dangerous items which can endanger both the police and the public to be a legitimate and ever-present one—one which exists even when the other factors are absent.

Ascertain and verify owner's identification

Ascertaining and verifying the identity of a property owner can serve two purposes: In the case of an arrest, it can assist the police in knowing the correct identity of the arrestee—a factor that can be extremely important in determining whether the person is dangerous or wanted for other offenses; in other cases, it assists the police in assuring the property is returned to its rightful owner.

Each of the foregoing factors is considered by the Supreme Court to be a legitimate interest on the part of the government in conducting inventories of property. In the recent case of *Colorado v. Bertine*,²⁹ the Court reviewed its prior inventory decisions and summarized the importance of these factors as follows:

"In each case, the police were potentially responsible for the property taken into their custody. By securing the property, the police protected the property from unauthorized interference. Knowledge of the precise nature of the property helped guard against claims of theft, vandalism, or negligence. Such knowledge also helped to avert any danger to police or others that may have been posed by the property."³⁰

In each of the major inventory cases, these governmental interests were considered to be sufficient to outweigh an individual's privacy interests in property and justify an inventory

search. But while this "balancing of interests" provides the philosophical basis for the inventory, the practical application must satisfy the "reasonableness" standard of the fourth amendment. To assure the reasonableness of police inventory procedures, the courts have focused on three major points: (1) The lawfulness of the seizure of the property; (2) the scope of the ensuing inventory; and (3) the existence of, and compliance with, standardized procedures with respect to both the seizure and the search. Part II of this article will consider each of these points in detail.

FBI

(Continued next month)

Footnotes

¹Respectively, *South Dakota v. Opperman*, 428 U.S. 364 (1976); *Illinois v. Lafayette*, 462 U.S. 640 (1983); and *Colorado v. Bertine*, 93 L.Ed.2d 739 (1987).

²*United States v. Jacobson*, 466 U.S. 109, 113 (1984).

³*Katz v. United States*, 389 U.S. 347 (1967).

⁴*Illinois v. Lafayette*, *supra* note 1, at 643.

⁵*United States v. Chadwick*, 433 U.S. 1, at 10 (1977).

⁶*South Dakota v. Opperman*, *supra* note 1, at 368.

⁷*Id.*

⁸*Arkansas v. Sanders*, 442 U.S. 753, 762 (1979).

⁹*Id.*

¹⁰*Id.* footnote 13 at 764.

¹¹*Robbins v. California*, 453 U.S. 420, 428 (1981).

¹²*United States v. Robinson*, 414 U.S. 218, 235 (1973).

¹³415 U.S. 800 (1974).

¹⁴*Id.* at 806.

¹⁵*Id.* at 808.

¹⁶*Id.* quoting *United States v. DeLeo*, 422 F.2d 487, 493 (1st Cir. 1970).

¹⁷*City of Helena v. Lamping*, 719 P.2d 1245, 1248 (Mont. 1986).

¹⁸*Colorado v. Bertine*, *supra* note 1, at 746.

¹⁹See, e.g., *Mozzetti v. Superior Court of Sacramento County*, 484 P.2d 84 (Cal. 1971); and *State v. Opperman*, 247 N.W. 2d 673 (S.D. 1976).

²⁰*Illinois v. Lafayette*, *supra* note 1, at 646.

²¹386 U.S. 58 (1967).

²²*Id.* at 61-62.

²³413 U.S. 433 (1973).

²⁴*Supra*.

²⁵*Id.* footnote 10 at 376.

²⁶*Supra*.

²⁷*Id.* at 646.

²⁸*Id.*

²⁹*Supra*.

³⁰*Id.* at 746.

WANTED BY THE FBI

Any person having information which might assist in locating these fugitives is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC 20535, or the Special Agent in Charge of the nearest FBI field office, the telephone number of which appears on the first page of most local directories.

Because of the time factor in printing the FBI Law Enforcement Bulletin, there is the possibility that these fugitives have already been apprehended. The nearest office of the FBI will have current information on the fugitives' status.



Photograph taken 1980

William Claybourne Taylor,

also known as Michael A. Cauley, Michael Ferris Cauley, Michael Ferris Cawley, Clay Taylor, Wm. C. Taylor, William Clay Taylor, William Claybourne Taylor VII.

W; born 7-2-49; Jacksonville, FL; 6'4"; 200 lbs; med bld; blond hair; blue eyes; fair-ruddy comp; occ-advertising, convenience store clerk, dance instructor, key punch operator, painter, trumpet player. scars and marks: Scar at base of right index finger and right middle finger, burn scar on right forearm, scar on left side, halfmoon scar on one knee; remarks: Reportedly bisexual, sometimes wears a mustache, frequents adult bookstores, heavy drinker. Wanted by FBI for INTERSTATE FLIGHT-MURDER, AGGRAVATED BATTERY.

NCIC Classification:

POPMTCO18040309CI15

Fingerprint Classification

4 0 25 Wt 18
S 18 U

I.O. 4886

Social Security Numbers Used:
411-27-5151; 414-80-2662

FBI No. 554 560 G

Caution

Taylor, an alleged hired assassin, is being sought in connection with the shotgun slayings of a former Immigration and Naturalization Service official and the aggravated battery of another victim who survived three .32-caliber pistol wounds. Consider Taylor armed and dangerous.



Right index fingerprint



Photographs taken 1979

Joseph Michael Florczak,

also known as Jim Domin, Joe M. Domin, Harvey Emerson, Raul Ozuna Gil, Raul O. Gill, C. Harker, J. Harker, David Lee Harris, Daniel Higdon, Joe Jimenez, Joe Jiminez, Reyes J. Jimenez, Reyes J. Jiminez, Henry Warren Johnson, Craig S. Ronson.

W; born 4-7-26; New Britain, CT; 5'10"; 165 lbs; med bld; brn hair (known to wear beard and/or mustache); blue eyes; ruddy comp; remarks: Prefers rural areas. Wanted by FBI for INTERSTATE FLIGHT-MURDER.

NCIC Classification:

AA71AA1903AAAA041607

Fingerprint Classification:

21 1 aRa 3
1 aA

I.O. 4901

Social Security Number Used: 049-16-3947

FBI No. 651 259 L5

Caution

Florczak is being sought in connection with the stabbing death of his ex-wife. He is also wanted by local authorities for armed robbery with a handgun. Consider Florczak armed and dangerous.



Right index fingerprint



Photographs taken 1977

Bill Clara Killingsworth,

also known as Bill Killingsworth, Bill Clare Killingsworth, Billy Clair Killingsworth.

W; born 10-18-34; San Perlita, TX; 5'9"; 155 lbs; med bld; brn hair; blue eyes; fair comp; occ-buyer, clerk, material investigator, production controller, storekeeper, superintendent of retirement home; scars and marks: Scar on chin.

Wanted by FBI for INTERSTATE FLIGHT-KIDNAPPING, SEXUAL ASSAULT, ESCAPE.

NCIC Classification:

PO0914PO17161216DI16

Fingerprint Classification:

9 O 9U 100 17 Ref: 9 25 25
M 18 U OO1 17 17 18

I.O. 4890

Social Security Numbers Used:

490-32-8849; 490-32-8949

FBI No. 819 043 P5

Caution

Killingsworth is being sought as an escapee from the New Mexico State Penitentiary where he was serving a life sentence for kidnapping and sexual assault. Killingsworth, a reported narcotics user, should be considered armed, dangerous, and an escape risk.



Right thumbprint

WANTED BY THE FBI



Photographs taken 1981



Date of photograph taken unknown



Photographs taken 1977, 1978, and 1985

Luis Rosado,

also known as Luis Rosado-Ayala, Luis Ayala Rosado, Luis Ayala-Rosado, Felipe Guzman.

W; born 8-24-50; New York, NY; 5'8" to 6'; 160 to 185 lbs; heavy bld; brn, slightly reddish hair; brn/green eyes; med comp. (pockmarked); occ-cab driver, car salesman, consultant Spanish affairs, laboratory assistant, porter, social worker; scars and marks: Scar on scalp, right side of head; remarks: Prominent nose.

Wanted by the FBI for INTERSTATE FLIGHT-ARMED ROBBERY.

NCIC Classification:

PMICOCOC11PIOPMC109

Fingerprint Classification:

M	31	W	IOO 11
I	28	W	OMI

I.O. 4896

Social Security Number Used: 113-42-4152

FBI No. 630 331 W2

Caution

Rosado, a reported member of a terrorist group that has claimed credit for numerous bombings in which several deaths and injuries have occurred, is being sought in connection with the armed robbery of a car dealership. Rosado should be considered armed and extremely dangerous.



Left ring fingerprint

Arturo Leroy Martinez,

also known as Art Martinez, Art Leroy Martinez, Arthur Martinez, Arthur Leroy Martinez, Arturo L. Martinez.

W; born 1-26-48; Salt Lake City, UT; 5'8"; 150 to 170 lbs; med bld; black hair; brn eyes; med comp; occ-cab driver, farm laborer, machine shop helper, maintenance man, truck driver; scars and marks: Scar on outer right arm, round brown mole left side of upper back; tattoo: Cartoon of Speedy Gonzales with Mexican sombrero on upper right arm; remarks: Wears prescription glasses for nearsightedness.

Wanted by FBI for INTERSTATE FLIGHT-MURDER.

NCIC Classification:

PO731221152266TT1813

Fingerprint Classification:

23	O	1	R	15
	L	17	Rt	

I.O. 4891

Social Security Number Used: 585-22-0811

FBI No. 644 567 G

Caution

Martinez is being sought in connection with a slaying in which the victim was allegedly shot with a handgun. Consider Martinez armed and dangerous.



Left index fingerprint

David Franklin Cantrell,

also known as Richard George Bevans, Dave Cantrell, David Cantrell, David F. Cantrell, Joe Fredericks, Richard Hampton, Dave Howdeshell, James Howdeshell, David Woods and others.

W; born 9-25-39; Washington County, MO; 5'9"; 132 lbs; med bld; brown hair (may be dyed black, brown or auburn); blue eyes; med comp; occ-carpenter, carpet layer, laborer; scars and marks: Diagonal scar center of forehead; tattoos: "David" and a dagger on right arm, eagle's head on left hand; remarks: Reportedly a heavy drinker, frequents bars.

Wanted by FBI for INTERSTATE FLIGHT-MURDER.

NCIC Classification:

21TT0402071602TT0413

Fingerprint Classification:

21	L	1	T	7	Ref:	T	U	U
	M	1	Ut			T	T	U

I.O. 4888

Social Security Numbers Used:
490-38-1611; 490-38-4611

FBI No. 309 969 C

Caution

Cantrell, who is believed to carry a handgun at all times, is being sought in connection with a murder wherein the victim was shot twice in the chest. Consider Cantrell armed and dangerous.



Left middle fingerprint

Unusual Pattern

This month's presentation is classified as a double whorl. It is unusual inasmuch as the appearance of two loops appearing side by side and flowing in the same direction is an uncommon occurrence. The tracing of this particular impression is meeting.



Change of Address

Not an order form

FBI

Law Enforcement Bulletin

**Complete this form and
return to:**

Director
Federal Bureau of
Investigation
Washington, DC 20535

Name

Title

Address

City

State

Zip

Washington, D.C. 20535

Official Business
Penalty for Private Use \$300
Address Correction Requested

The Bulletin Notes

Officer Francis LaSala, New York City Police Department (NYPD), and fellow NYPD Officers George Davenport, Gary Mahalski, William Kennedy, Robert Sivori, Edward Joergens, Mark DeMarco, and Richard Dandurand responded to frantic calls at an apartment building fire on January 5, 1987. Officer LaSala was severely burned during the heroic rescue and later died. Officer LaSala and the other officers were responsible for saving the lives of at least a dozen people during the fire. The Bulletin joins New York City police officials in commending Officer LaSala and his fellow officers for their life-saving action and offering sympathy to Officer LaSala's family.



Officer LaSala
