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FBI Law Enforcement

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Hostage Negotiations

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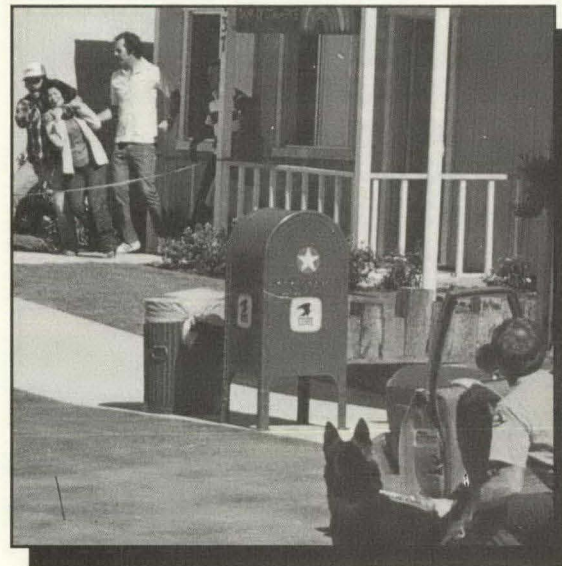
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Cover: This issue focuses on the demands and challenges that hostage negotiations place on law enforcement professionals.

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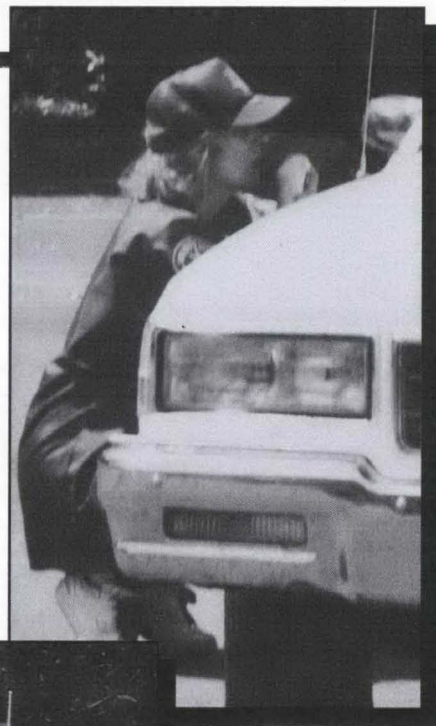
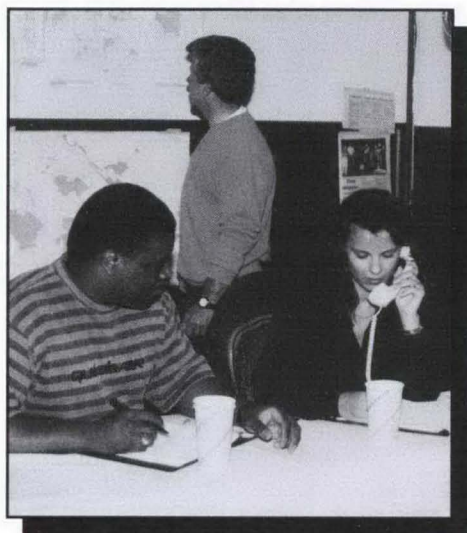
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First Responder Negotiation Training

By
GARY W. NOESNER
and JOHN T. DOLAN



Photos courtesy of
Janet Lockett

A police officer on routine patrol receives word from the dispatcher that a man discharged a weapon in the yard of a nearby residence. Neighbors report that the suspect is mentally unstable, has argued with his girlfriend, and has barricaded himself in her home. The responding officer arrives at the scene with little more information.

As the officer exits the patrol vehicle, a 14-year-old girl runs out of the residence to say that the suspect apparently came to look for her mother, who is not at home. The suspect, who is inside the home,

threatens to kill himself and demands that the officer go away.

The officer knows from previous training and experience that this is a potentially volatile situation. Any effort to move forward or enter the residence could be dangerous and could result in a life-threatening confrontation. The suspect is acting erratically and may be unstable. Considering the situation described, what course of action should the responding officer take?

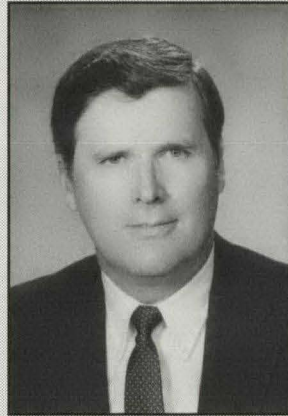
RESPONSE INITIATIVES

From their first day of training and throughout their careers, po-

lice officers are taught to take the initiative to resolve situations that threaten life or property. But, for example, with the above scenario in mind, is this the correct course of action in every situation police officers encounter? Would it be best to move forward aggressively and attempt to enter the residence or to wait for backup units to arrive? Although no additional shots have been fired, the suspect may try to harm either himself or others, due to his current emotional state, if the officer advances. And, there is always the possibility that this could evolve into a



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homicide/suicide or suicide-by-cop situation.

In this type of incident, most departments dictate that the responding officer take no further action until additional resources, such as a SWAT team or crisis negotiators, arrive. Officers are usually instructed to hold their positions, attempt to evacuate innocent civilians who might be in the line of fire, and take action only to save lives.

While such a policy is oftentimes prudent, the fact remains that officers are sometimes thrust into highly volatile situations that require an immediate response. The most dangerous phase in a hostage/barricade situation, other than the rescue or assault phase, is during the first 15 to 45 minutes.¹ During this initial phase, subjects are often very excited and will base their actions more on emotions than rational thoughts.

Therefore, the initial response of law enforcement during the early minutes of a hostage or barricade situation can be critical in determining the eventual outcome. An error by a responding officer can raise the subject's anxiety level, which may result in violence or a prolonged siege. However, appropriate training can increase the officer's probability of success in responding to this type of incident.

This article discusses the need for first responder training for police officers and how to implement this type of training. It also discusses how first response training can reduce the need to dispatch trained negotiators to hostage/barricade scenes.

TRAINING THE FIRST RESPONDER

The first responder should contain and stabilize the incident and

avoid any action that may escalate emotions during the critical early phase of the confrontation. In first response training, officers learn to lessen the danger during the initial phase of a hostage or barricade situation.

In most incidents of this type, subjects either verbalize or otherwise demonstrate their concerns regarding possible armed police intervention. To turn the subjects' attention away from violent reactions, the first responding officers can play a positive role by engaging them in conversation. Conversing with subjects redirects their thoughts toward the conversation and away from violent actions. This technique gives the subjects time to vent their emotions and regain their self-control.

Therefore, first response training should concentrate on improving officers' verbal and communication skills. The manner in which police officers verbally conduct themselves has a significant bearing on their ability to deal effectively and successfully with a wide variety of law enforcement tasks. Excellent communication skills benefit officers not only during crisis situations but also in routine duties, such as contacts with citizens, field interrogations, handling domestic disputes, and dealing with mentally disturbed individuals.

Departmental Training

Police departments should consider incorporating first response instruction into their basic recruit training curriculum. These blocks of training can vary in length, based on the needs of the particular department. However, department of-

ficials should ensure that trained negotiators conduct the classes.

Departments can also incorporate short blocks of continuous training into roll call periods or mandatory inservice classes. This approach minimizes the cost of implementing the training.

Some police departments also provide first response training to their dispatchers and 911 operators. This training assists them in dealing with distraught individuals while police units are enroute to the scene.

Outside Training

The FBI holds first response training courses throughout the country at no cost to participating departments. The police training coordinators in FBI field offices arrange these courses by request. In addition, the Federal Law Enforcement Training Center in Glynco, Georgia, offers a first response training course.

A CASE STUDY

In 1988, the Memphis, Tennessee, Police Department implemented first response training. This program focuses on training selected officers to respond to calls involving mentally disturbed individuals.

After instituting the training program, the department found that the number of times it was necessary to call out police negotiators was dramatically reduced. In addition, officer injuries during mental disturbance calls were reduced by almost one-half during a 34-month period.² This dramatic reduction in officer injuries when responding to calls involving the mentally dis-

turbed is an added benefit of the training.

In addition to the decrease in injuries, there was also a decrease in the costs associated with handling this particular type of incident. This was due to the fact that officers were able to diffuse the incidents without the deployment of negotiation teams and tactical units. This ben-

efit could be critical to small departments, which can completely exhaust their monthly overtime budgets during one protracted barricade incident.

CONCLUSION

While it is not always possible to resolve hostage/barricade situations or other critical incidents

Guidelines for First Response Officers

- Ensure officer safety at all times
- Use contact with subjects to calm and distract them and to gain information and time
- Avoid soliciting demands
- Listen carefully for clues regarding the emotional state of the subjects
- Avoid bargaining or making concessions
- Reassure subjects that police will not storm the building
- Do not offer subjects anything
- Avoid giving orders to subjects
- Minimize the seriousness of the subjects' crimes
- Do not refer to persons being held as "hostages"
- Avoid tricks and strive for honesty (If you do not understand what subjects say, ask them to explain.)
- Never say "no" to a demand (This does not mean you must say "yes.")
- Do not make suggestions
- Do not ask outsiders or family members to talk to subjects
- Never exchange yourself or anyone else for a hostage
- If you suspect that subjects are suicidal, ask whether this is their intention
- Do not make yourself vulnerable to injury by talking with suspects while unprotected and exposed to danger.

Police Policy

safely and quickly, first response training increases the likelihood that the first officers on the scene can diffuse the incidents and resolve such problems more quickly and efficiently. In addition, first response training supports the current trend toward community policing in that officers walking the neighborhood beat can more readily deal with any critical incidents that occur in their patrol districts. This, in turn, increases the likelihood that the community they serve will view police response to these incidents in a supportive and positive way.

First response training is limited in scope and is not intended to replace the need for trained crisis (hostage) negotiators. However, using the skills they learn in a first response training program, officers can oftentimes effectively avoid, quickly diffuse, or safely resolve many situations they encounter.

Avoiding an escalation of the incidents reduces the need to deploy crisis negotiators and the tactical and command components needed to support them. This allows departments to realize financial savings and benefit from more efficient use of limited manpower resources. Most importantly, however, it can reduce the number of officer injuries, and it can save lives. ♦

Endnotes

¹ W.G. Spaulding, "The Longest Hour: The First Response to Terrorist Incidents," *Law Enforcement Technology*, July/August 1987, 26.

² Interview of Lt. Sam Cochran, Memphis, Tennessee, Police Department, on June 6, 1991.

Line-of-Duty Death Policy

Law enforcement personnel pride themselves on a fraternal bond that forms among department members. This bond extends beyond the department to encompass the entire law enforcement community, including family members. Bearing this in mind, it would seem that an officer's line-of-duty death would produce a strong fraternal response from the agency's leadership—as well as from the other officers in the department—that would meet the emotional and physical needs of a slain officer's survivors.

However, many law enforcement agencies fall short of this important goal, and instead, they inadvertently neglect the needs of survivors. Unfortunately, this problem exists largely because few agencies establish departmental policies and procedures designed to deal with officer line-of-duty deaths.

In fact, a government report revealed that 67 percent of the police departments surveyed lacked formal policies concerning the death of an officer.¹ This deficiency results in fear, confusion, and perceived insensitivity on the part of the department's officers and administration.² In turn, the survivors feel abandoned because of the lack of departmental contact and support after the officer's funeral.³

Recognizing that such a problem existed in the Norman, Oklahoma, Police Department, the

chief formed a committee of patrol officers and police medics to develop an official line-of-duty death policy. The three-part policy they developed addresses some of the issues and concerns a surviving family may encounter as a result of an officer's death. It also sets forth specific guidelines to follow when officers lose their lives in the line of duty.

THE POLICY

The line-of-duty death policy consists of three sections. The first section presents the department's official policy statement, the second section deals with benefits available to the family, and the third section discusses the community response network.

Policy Statement

The policy statement was drafted using a handbook published by the Concerns of Police Survivors, Inc.⁴ It explains how to notify the family of the death, how to assist the family at the hospital, and how to support the family during the wake and funeral. The policy statement also discusses departmental followup with the deceased's family.

The importance of a policy statement cannot be overemphasized. Because line-of-duty fatalities cause chaos and confusion within the affected police department, officials often overlook even the most important tasks. For example, one police

widow was informed of her husband's death by a member of the media.⁵ Departments with official policy statements leave less room for mistakes of this type.

Survivor Benefits

The second part of the line-of-duty death policy deals with survivor benefits. It spells out local, State, and Federal benefits available to survivors. These include worker's compensation, life insurance, police pension, police pension death benefits, social security, public safety officer's death benefits, Fraternal Order of Police death benefits, and various other benefits. Each summary lists the names and phone numbers of the persons or agencies the survivors may contact to file for the stipend.

The survivor benefits section concludes with a list of forms the survivors need to file for specific benefits. These forms include marriage licenses, certified copies of death certificates, etc.

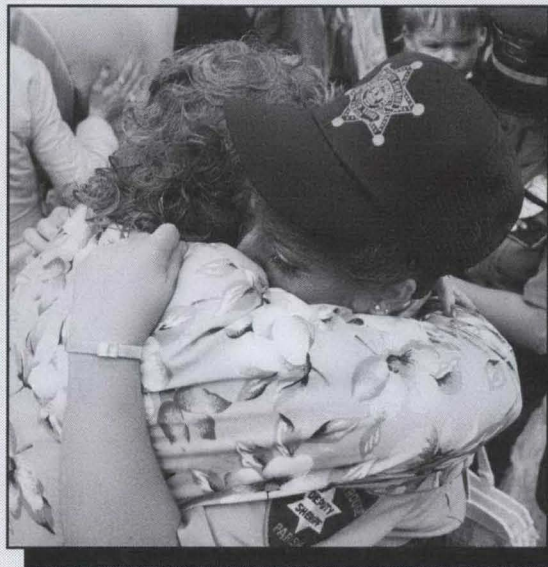
Departments should assign a departmental liaison person to work with the family in identifying available benefits and in gathering and filing the necessary paperwork. The policy should also mandate followup visits to the family to ensure that survivors receive all their entitled benefits.

Community Response Network

The community response network section of the policy lists local businesses and institutions that donate their time and resources when an officer dies in the

line of duty. This section contains a list of specific people within the businesses and institutions, as well as their phone numbers, so that survivors can contact them.

The network provides the slain officer's survivors with transportation to and from the City of Norman, hotel accommodations,



meals, child care, bank accounts to handle relevant transactions and donations, a directory of churches large enough to facilitate memorial services, and funeral home services. Survivors receive these services free of charge during their stay in the city.

CONCLUSION

No policy can anticipate every issue and concern that may arise when an officer dies in the line of

duty. However, departments should take their responsibility to slain officers seriously and plan accordingly.

The literature suggests a causal relationship between the department's reaction and response to the death of an officer and the level of stress the survivors experience.⁶ A well-designed, properly implemented policy eases the fear and confusion of fellow officers, offers the administration an effective method of dealing with the situation, and provides the survivors with the support they both need and deserve. ♦

Endnotes

¹ Frances A. Stillman, *Line-of-duty Deaths: Survivor and Departmental Responses*, U.S. Department of Justice, National Institute of Justice Research in Brief, 1987, 1-5.

² Suzanne F. Sawyer, *Support Services to Surviving Families of Line-of-duty Death*, Concerns of Police Survivors, Inc., 1989, 1.

³ *Ibid.*, p. 3.

⁴ The Concerns of Police Survivors, Inc. (C.O.P.S.) is a national networking organization that provides peer support to the survivors of police officers killed in the line of duty. C.O.P.S. also helps law enforcement agencies develop workable plans for assisting the survivors of police officers killed in the line of duty.

⁵ *Supra* note 2, p. 2.

⁶ *Supra* note 1, p. 2.

Patrolman Toby L. Taylor, a member of the Norman, Oklahoma, Police Department, provided information for this column.

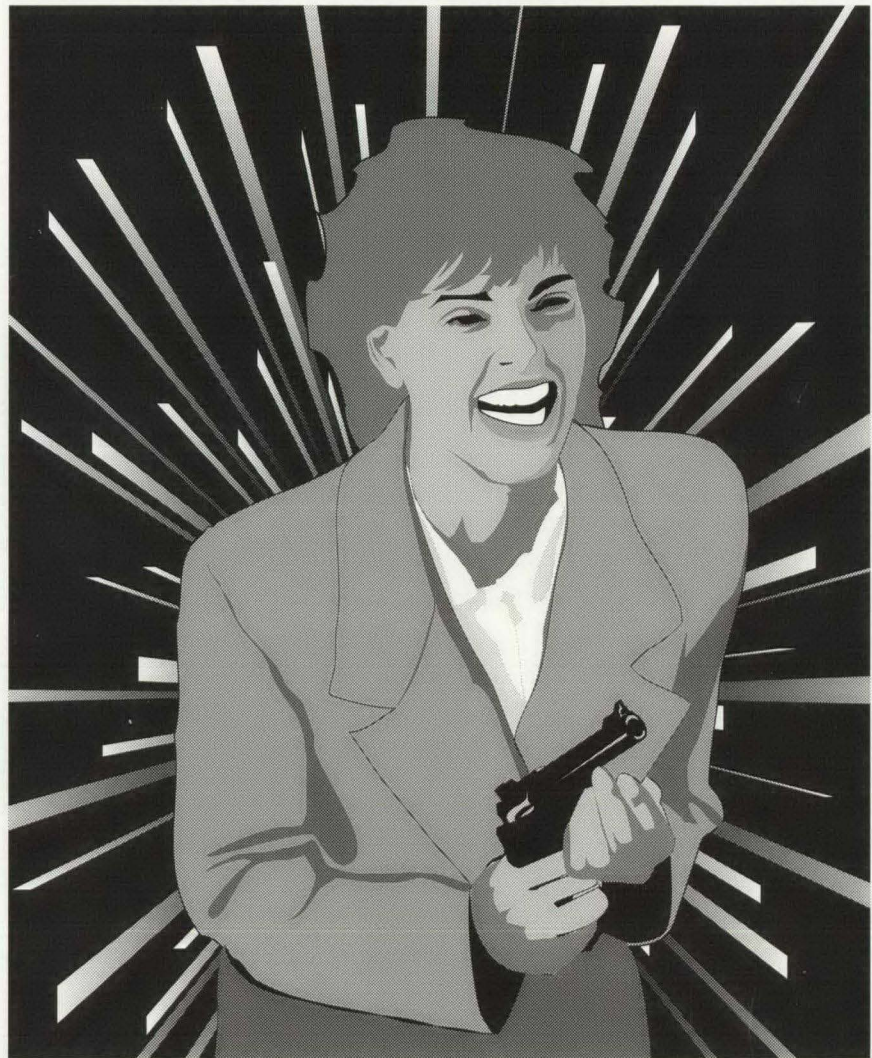
Police Policy offers information on policies adopted by various law enforcement departments. These guidelines can be modeled to meet individual agency needs.

The Borderline Personality Negotiation Strategies

By
RANDY BORUM, M.S. and
THOMAS STRENTZ, Ph.D.

Since the 1970s, negotiation has been considered an effective first response to hostage and barricade situations. However, the volatility and complexity of these incidents require a planned and prepared response. Effective negotiation training courses include a focus on the psychological classification of the hostage taker. This classification allows negotiators to understand the "style" and motivation of the subject, and therefore, choose a negotiation strategy appropriate for the situation.

Research indicates that mentally disturbed subjects are involved in over 50 percent of all hostage-taking incidents.¹ The actual figure may be much higher because hostage takers with mental disorders frequently exhibit the characteristics of more than one classification and may be classified according to the circumstances of the situation.² For example, a subject with an antisocial personality disorder (a sociopath) who takes hostages during a failed armed robbery attempt may be classified as a "criminal trapped



during the commission of a crime" rather than a mentally disturbed hostage taker.

A growing wealth of knowledge concerning negotiation strategies for paranoid schizophrenics and persons with inadequate or antisocial personalities exists.³ However, discussion of subjects suffering from *borderline* personality disorder (BPD) has been limited. This article discusses the *borderline* per-

sonality disorder and focuses on negotiation strategies for dealing with "borderlines" involved in crisis situations.

DEFINITION

The American Psychiatric Association (APA) describes a personality disorder as a collection of long-term character traits that significantly interfere with an individual's ability to relate to others

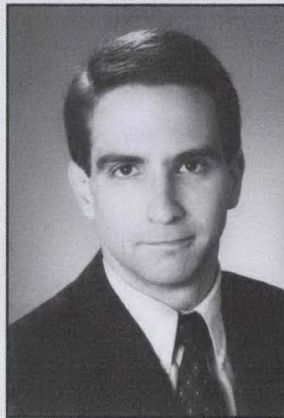
or function in a job. These traits are "inflexible and maladaptive" and generally cause considerable personal discomfort and anxiety.⁴

Persons suffering from borderline personality disorder live "on the edge" between the worlds of rational and irrational behavior. While they may exhibit normal characteristics and appear at times to be well-adjusted, their personalities do not adapt well to external stimuli or situations they find threatening. Hence, they live in or near a constant state of crisis.

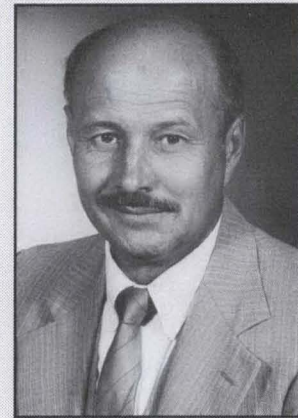
IDENTIFYING BORDERLINES

Because their reactions often involve actual or threatened violence (either directed at themselves or significant others in their lives), borderlines generally have frequent contact with law enforcement. This may be in the form of domestic disturbance calls or in response to suicide threats. And since substance abuse tends to be common among individuals suffering from borderline personality disorder, they may possess illicit drugs. They may also have a history of recurrent shoplifting. Some borderlines may even be involved in self-degrading criminal activity, such as prostitution.

The key traits of persons suffering from BPD include manipulative behavior, rapid mood swings, frequent suicide threats or gestures, and an extreme dependence on others. These individuals generally dwell within destructive interpersonal relationships, and although they may appear adult, in many ways they behave as angry, manipulative adolescents. BPD is diagnosed more frequently in females.



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Dr. Strentz conducts training seminars in hostage negotiations and is a consultant to law enforcement agencies.

FEATURES OF BPDs

According to the Diagnostic and Statistical Manual of Mental Disorders (DSM-III), the essential feature of borderline personality disorder is a "pervasive pattern of instability of self-image, interpersonal relationships, and mood, beginning by early adulthood and present in a variety of contexts."⁵ The disorder encompasses several aspects.

Unstable Self-image

Individuals suffering from borderline personality disorder have significant difficulty maintaining a solid sense of their own identity. They consistently demonstrate uncertainty concerning important life issues, such as personal values, career choices, and long-term goals. This uncertainty extends to their relationships with others; they often exhibit uncertainty about the types of friends or lovers they wish to have. As adults, they may even question their sexual orientation.

Their self-perception, as well as the image that they present to others, constantly shifts. As a result, they cannot control or direct their energies toward achieving any specific goal or purpose.

Instead, they remain scattered and impulsive. Typically, longstanding feelings of emptiness and boredom accompany this instability. Again, the comparison to adolescence applies here. As adults, they still struggle with the basic adolescent questions: "Who am I?" "What am I?" "What should I do?"

An additional component of this unstable sense of identity manifests as an intense and frightening dependence on others. Negotiators should be familiar with the two primary features of this dependence.

The first is a constant need for support and reassurance from others. For example, during crisis negotiations, they repeatedly ask to be reassured that "everything will be all right," or for validation of their viewpoint with such statements as, "I am right, aren't I?"

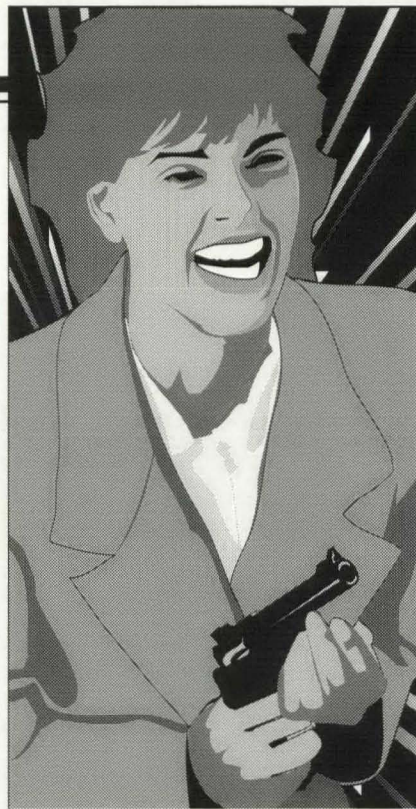
The second feature involves an overwhelming fear of separation, loss, or abandonment. The anxiety is so strong that borderlines may perceive rejection even when no such message is intended. However, borderlines also resent those on whom they become dependent, since this dependency exposes their own weaknesses. When fears of abandonment or loss are triggered, the resulting reaction may range from idealization of the person they fear losing to intense anger or self-destructive behavior.

Unstable Interpersonal Relationships

Understandably, interpersonal relationships cause considerable confusion for persons suffering from borderline personality disorder. In addition to the factors mentioned above, borderlines tend to seek out others who *need* them in order to decrease the likelihood of desertion. However, the anxiety from these fears of abandonment continues to build and must eventually be released.

The first sign of this release is typically a sulking depression wherein the borderline broods to retaliate against those who have not provided "enough" support and reassurance. This usually results in forcing others to assume the burden of taking care of them, while simultaneously being made to feel considerable guilt.

Gestures or threats of suicide, as well as explosive outbursts of rage, may be secondary signals that borderlines feel scared or threatened. They want others to compensate for not demonstrating sufficient concern.



It is during this stage that borderlines often come to the attention of law enforcement through barricaded suicide attempts and domestic hostage taking or through complaints from neighbors. Demands and statements generally focus on reconciling relationships, child custody, or exacting revenge on others. Borderlines may make such statements as, "I want him to go through the same hell that he's been putting me through." Borderline subjects may even threaten their children if they believe they will not be allowed to retain custody.

In this way, borderlines rely extensively on manipulation to achieve desired results. Predictably, therefore, their relationships are intense and unstable. As in other areas of their lives, borderlines alternate between extremes in relating to others. They may idealize someone at one moment and then devalue and loathe the person the next.

Unstable Mood

In addition, borderline subjects cannot maintain a neutral or normal mood. Their emotional states remain very fragile and highly sensitive. Borderlines do not cycle between highs and lows, nor do they show regular mood swings. Rather, their moods shift rapidly and intensely. Typically, a somewhat depressed disposition dominates, with interspersed displays of anger, anxiety, irritability, and euphoria. Emotions tend to be quite confusing for borderlines, and they may simultaneously experience thoughts and feelings that directly contradict one another. This proves especially true with feelings of love, guilt, or anger.

Borderlines also exhibit very poor control over their emotions and impulses. Consequently, they often engage in potentially self-damaging or high-risk activities. These may include sexual promiscuity, shoplifting, substance abuse, excessive spending, binge eating, or persistent reckless driving. Intense self-derogation creates a high risk for suicidal or self-mutilating behavior.

Additional Traits

In addition to these primary clinical features, background examinations of these subjects generally reveal a history of poor achievement in pursuits related to academics, marriage, and career. Often, failure in these endeavors occurs despite the subject's actual level of intelligence or ability (which may be quite high). Borderlines generally appear to cause their own difficulties.

Early family background will probably reflect a history of emotional, physical, and/or sexual

abuse. In addition, their histories may include brief periods of psychotic behavior or a loss of contact with reality.⁶

LAW ENFORCEMENT RESPONSE

As stated, borderlines usually come to the attention of police through barricade or domestic hostage incidents. During crisis negotiations, their demands tend to focus on gaining the attention of others, especially family members or lovers. Given their instability, they may even demand personal attention from prominent personalities, such as the mayor, the chief of police, or well-known members of the media.

However, their real needs are more expressive than material. In other words, borderlines bargain for support and recognition rather than material items, such as money or vehicles.

Hostage incidents arising from interrupted criminal activity may be an exception. Here, borderlines may begin by making unreasonable demands for material items or for unconditional release. As negotiators gather more intelligence, however, traits distinguishing the subject as borderline emerge. In these situations, negotiators can typically provide support and empathy—thus responding to the *real* needs of the subject—and eventually resolve the incident by making nominal concessions.

However, during barricade situations, especially those involving suicidal threats, borderlines tend to be more direct about their needs for the attention of significant others. Depending on the type of crisis, borderlines may actually desire some-

one else to “make up” for having hurt them, or they may be in a self-degrading mode in which they continually ask for forgiveness. In this regard, borderlines resemble persons suffering other mental disorders—most notably the inadequate personality. However, borderline personality disorder is much more severe, and subjects suffering from this condition generally behave less predictably and in a more unstable manner.

NEGOTIATION GUIDELINES

Because of the unstable and unpredictable nature of persons with borderline personality disorder, extreme caution must be exercised when negotiating with these subjects. Borderlines tend to transfer the hostility and dependency they

“
...borderlines usually come to the attention of police through barricade or domestic hostage incidents.
”

harbor in their own personal relationships directly to negotiators, who then become targets of pent-up anxiety and emotion.

When faced with crisis situations involving persons with borderline personality disorder, negotiators should monitor their own stress levels and emotional responses. Borderline subjects can effectively evoke in others the very emotions that they experience. At least two negotiators (or a psycho-

logical consultant) should be present to ensure objective feedback about the stress level and emotional state of the negotiation team.

Monitoring the subject's suicidal risk is also critical. Borderline subjects remain high risks for suicide throughout the negotiation process. When in doubt, negotiators should question the subject directly regarding any suicidal intentions.

Negotiators also need to exercise caution when allowing the subject to vent. Often, allowing borderlines to freely express intense anger actually makes them feel *less* in control of themselves. If possible, subjects should be directed to vent another emotion instead of rage. When apparent that anger levels are rising, negotiators may intervene by using distraction techniques or by redirecting the subject to another area of discussion.

Rather than express empathy for the intense anger, anxiety, or depression displayed by borderline subjects, negotiators must remain empathetic concerning any breakdown in the mechanisms that subjects use to protect themselves from negative emotions. For example, in response to an angry outburst, negotiators might respond by saying, “It must have been hard to keep all those angry feelings bottled up inside for such a long time.”⁷

Above all, negotiators must remain alert to psychotic symptoms. The extreme instability of their personalities often cause borderline subjects to experience episodes of transient psychotic symptoms, such as bizarre behavior, extreme moods, or delusions. The delusions (false beliefs that persist despite clear evidence to the contrary) typically focus around morbid themes or

Keeping Kids in School

The Phoenix, Arizona, Police Department created a School Resource Officer (SRO) Program in 1983 with funds provided by a Federal grant. The program started as an effort to reduce the number of truants, thereby keeping students off the streets and hopefully out of trouble. Since its inception, the program succeeded in its original objective.

By the end of the 3-year grant period, the truancy rate at two pilot schools decreased by 73 percent, and crimes committed on campuses and in surrounding neighborhoods significantly decreased. In addition, the number of child abuse and neglect cases reported to the police and social service agencies rose dramatically.

In fact, the Phoenix SRO Program became so successful that when the grant expired, both school districts elected to continue the project by paying 75 percent of each School Resource Officer's salary. Today, 17 School Resource Officers provide services in 36 schools throughout Phoenix. The program primarily targets students in sixth, seventh, and eighth grades.

The Officers

All officers in the SRO Unit volunteer for the assignment, which they consider to be a

imagined persecution by others (paranoia).

As in dealing with psychotic subjects, negotiators should avoid arguing with borderlines about the content of their delusions. At the time, the beliefs appear quite real to them, and negotiators should express an understanding of how the hostage taker views the situation, even though the negotiator does not agree. Again, these types of episodes are usually transient and relatively brief for borderline subjects, unlike the more longstanding psychotic patterns experienced by schizophrenics.

Negotiators should keep the borderline subject as calm as possible by reducing stress in the situation. This includes using a reassuring voice and monitoring escalation of the subject's emotions. Excess activity within or around the scene, such as fluctuating bright lights, should be eliminated. Any intentional manipulation of conditions or stress levels should be introduced gradually, with negotiators continually monitoring the effects of these tactics on the subject.

That is why it is important to provide structure for the situation. Negotiators must remember that borderlines may have difficulty appropriately gauging the gravity of a situation. In a negotiation-tactical confrontation, the subject may be overwhelmed, confused, and highly unpredictable. Negotiators should provide structure by describing each phase of any planned interaction. The consequences should be outlined in a clear, direct, but nonthreatening, manner. This predictability, however, should not compromise the integrity of any tac-

tical operations; subjects should not be informed of surprise assaults or unobtrusive tactical movement.

CONCLUSION

Due to the high degree of instability exhibited by persons suffering from borderline personality disorder, situations involving these subjects often become very volatile. Negotiators should provide structure for subjects in order to maintain stability in hostage or barricade situations.

The guidelines provided here offer assistance to negotiators, but given the general instability of these subjects, flexibility in response should be maintained. In addition, departments that lack negotiators with experience in handling borderline subjects may consider requesting the assistance of clinical psychologists as consultants to resolve these high-risk confrontations. ♦

Endnotes

¹ G. Dwayne Fuselier, "A Practical Overview of Hostage Negotiations," *FBI Law Enforcement Bulletin*, 56, 1981, 2-6/10-15.

² I. Goldaber, "A Typology of Hostage Takers," *The Police Chief*, 46 (2), 1979, 21-22.

³ See T. Strentz, "Negotiating with the Hostage-Taker Exhibiting Paranoid Schizophrenic Symptoms," *Journal of Police Science and Administration*, 14, 1986, 12-16; T. Strentz, "The Inadequate Personality as a Hostage Taker," *Journal of Police Science and Administration*, 11, 1983, 363-368; F. Lanceley, "The Antisocial Personality as a Hostage Taker," *Journal of Police Science and Administration*, 9, 1981, 28-34.

⁴ *Diagnostic and Statistical Manual of Mental Disorders*, 3d ed. (rev. ed.) (Washington, DC: American Psychiatric Association, 1987).

⁵ *Ibid.*

⁶ T. Millon, "Disorders of Personality," *DSM-III: Axis II* (New York: John Wiley and Sons, 1981), 348.

⁷ J. Blackman, internal communications, Virginia Beach, Virginia, Police Department, 1988.

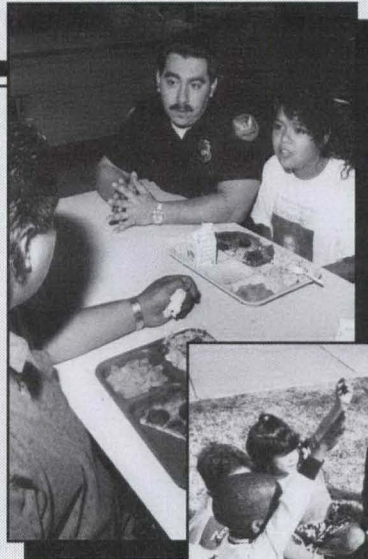
preferred appointment. They must complete an extensive application and pass a review process before becoming School Resource Officers. Once accepted into the unit, officers receive specialized training that focuses specifically on youth issues.

The Program

Perhaps the most important aspect of the SRO Program is visibility. While statistics for criminal activity *averted* by the presence of SRO teams cannot be accurately measured, students perceive the differences within their environments. As one eighth grade student recently commented, "It makes a big difference having the officers at school. If they weren't here, the gangs could do anything they want."

However, School Resource Officers deal with a myriad of challenges both on and off campus. One of their responsibilities involves participating in school functions. In this capacity, they make classroom presentations to faculty and students, stressing safety and strategies to reduce criminal activity.

Officers also visit parents in housing projects that surround campuses to encourage them to keep their children in school. These visits generally produce very positive results. After officers develop a rapport with parents—stressing the need for education—parents understand better the



importance of monitoring their children's school habits.

for students in kindergarten through eighth grade. By enforcing truancy laws and providing positive instruction and reinforcement to parents, the SRO Unit demonstrates to students and parents their interest in the children and their commitment to serve the community. They also project a positive image of the police department. When asked, School Resource Officers define their true roles on campus as "letting the students know that all cops aren't bad, building their self-esteem, and encouraging them to pursue their education."



Another integral responsibility of the SRO Unit involves detecting, reporting, and investigating cases of child abuse and neglect. School Resource Officers routinely address school staffs to alert them to the emotional signs of abuse. In addition, a number of cases come to the attention of officers through students or by the victims themselves. Officers investigate every report of neglect and abuse.

Results

During the 1990-91 school year, SRO teams initiated 23,015 contacts with students, parents, school administrators, and faculty members. School Resource Officers made 476 arrests on school campuses and referred an additional 596 cases to other social service agencies. They also recovered over \$14,000 in stolen property.

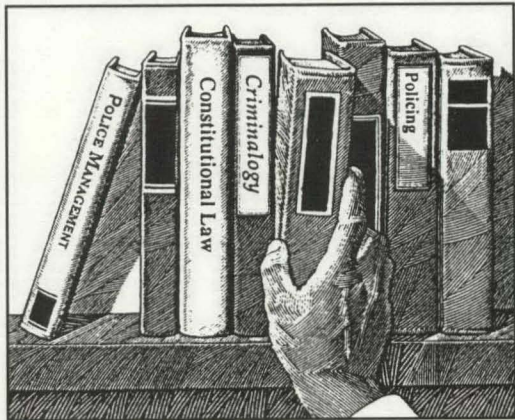
During the same period, officers filed 578 truancy reports

Conclusion

Keeping children in school and instilling in them a respect for law enforcement officers are rewarding endeavors. But, these objectives also serve as effective crime prevention strategies.

The Phoenix SRO Program offers students an opportunity to see officers as positive role models and as community members truly interested in their welfare. With this program, the Phoenix Police Department hopes to combat criminal activity at the most effective point—before it begins. ♦

Information for this column was provided by Sgt. Gilbert Soto, supervisor of the Phoenix, Arizona, Police Department SRO Program, and Michelle Miller, a public relations representative with the police department.



Helping Crime Victims: Research, Policy, and Practice by Albert R. Roberts, Sage Publications, Inc., Newbury Park, California, 1990. (805) 499-0721.

Helping Crime Victims reports the findings of a nationwide survey of 184 victim/witness assistance programs. The book also provides a comprehensive overview of current approaches and assistance strategies.

The first part of the book briefly chronicles the history of crime victim treatment and spotlights the major shift in victimology that occurred over the last several decades. In the past, victims of crimes often found themselves blamed or held partially responsible for the offenses that occurred against them. The current emphasis, however, is to recognize the multifaceted impact crime has on victims. New protocols help to reduce the trauma and enhance victim recovery.

The second part outlines the dramatic growth in the number of programs serving crime victims. The increase has been explosive. Only 23 programs existed in 1975; by 1987, the number had grown to over 600. The

author attributes this growth to increased public awareness concerning the needs of crime victims, heightened lobbying by victims' rights groups, and new legislation.

Helping Crime Victims describes many specific services provided by victim/witness assistance programs and points to possible future trends. However, in order for victim/witness assistance programs to function effectively, they must be organized soundly and be responsive to the needs of their clients.

This book addresses victimization of the elderly and the specialized programs and support networks that serve this growing segment of society. It also covers the critical areas of funding and staffing.

In addition, the author queried various program administrators to elicit opinions concerning the most effective features—as well as problem areas—of their programs. The author also asked what changes these administrators would make if cost were not a factor.

The final five chapters, written by several contributing authors, treat various topical subjects by describing the impact of crime assistance on victims. These authors also highlight the most effective policies and procedures currently in use.

Helping Crime Victims is a well-organized, well-written exploration of victim/witness assistance programs. Readers—ranging from those with no prior knowledge of the subject to practitioners in the field—will find this book most informative and useful.

Reviewed by
Capt. Joseph R. Luteran
Victim/Witness Assistance Program
U.S. Capitol Police
Washington, DC

Critical Issues in Suicide Intervention

By
PETER DIVASTO, Ph.D.,
FREDERICK J. LANCELEY,
and ANNE GRUYS

One of the most pressing considerations in dealing with a barricaded subject, whether with hostages or alone, is the possibility that the subject might commit suicide. Unfortunately, many incidents conclude with the individual committing suicide, even when a successful resolution seems near.

In many jurisdictions, law enforcement agencies call upon their hostage negotiation units to resolve incidents involving a barricaded subject who threatens suicide. As part of the negotiation process, negotiators must estimate the likelihood of the subject to commit suicide.

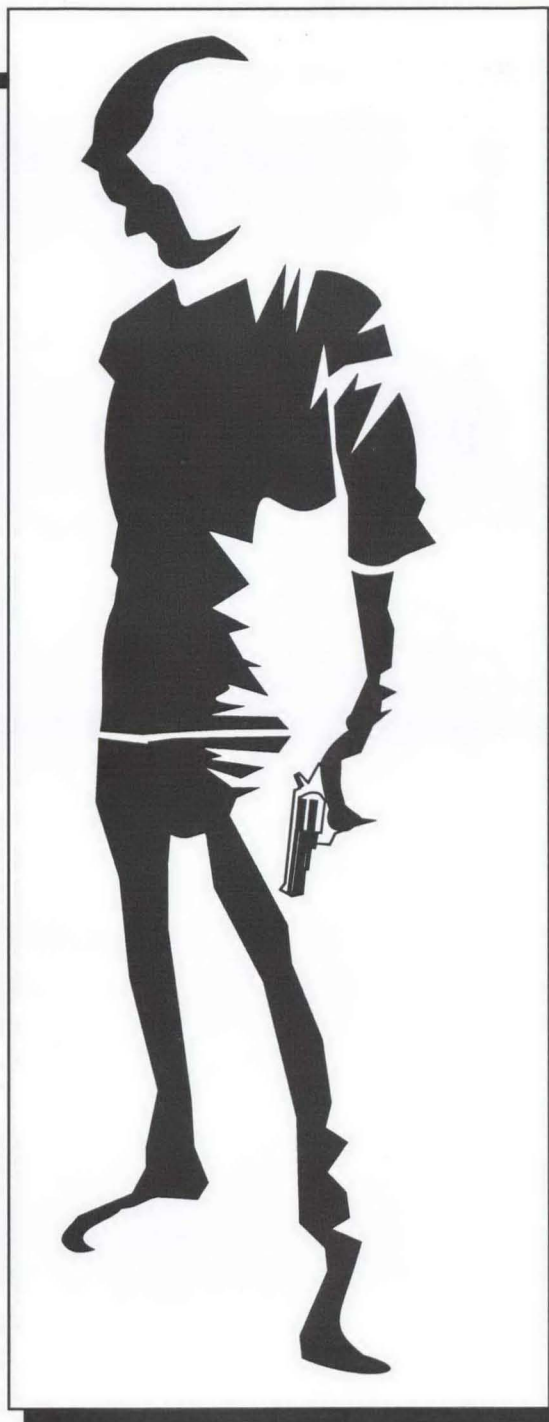
In order to analyze effectively an individual's potential for suicide, negotiators should keep several critical issues in mind. These issues include the subject's propensity toward hostility, recent events in the individual's life, whether the individual has a social support network, and the individual's dependency on alcohol. Other issues include depression, the intended method of suicide, the fact the individual considers suicide a viable option, and the subject's feelings of hopelessness. This article discusses these issues as they relate to

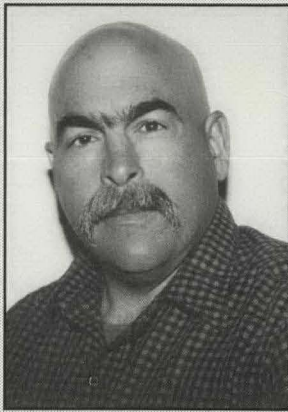
critical incidents involving suicide intervention.

Hostility

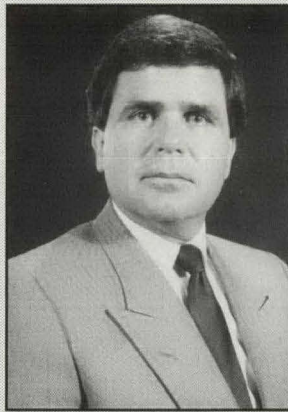
While unexpressed anger toward others, such as a loved one or an organization, sometimes motivates suicidal persons, they

often redirect this anger inward. However, such verbal cues on the part of the subjects as, "She'll see" or "They'll know now how they made me feel" may help negotiators direct further dialogue. Hopefully, by encouraging such discussion, negotiators can help





Dr. Divasto



Special Agent Lanceley

Dr. DiVasto is a contract psychologist with the Albuquerque, New Mexico, Police Department; Special Agent Lanceley is assigned to the Special Operations and Research Unit at the FBI Academy; Ms. Gruys (not shown) is a graduate student in social work at Columbia University in New York.

potential suicide victims to vent hostile emotions and reduce suicidal impulses.

Negotiators should also consider the subject's hostility when reviewing safety precautions for responding officers. This is especially important when dealing with suicidal individuals who possess weapons. In such cases, negotiators should avoid face-to-face negotiations, or if unavoidable, treat them with extreme caution.

If a subject does possess a loaded firearm, negotiators should try to convince the subject to unload it and put it in another room. And, if the weapon disassembles easily, negotiators should encourage the individual to take it apart and put the pieces in separate rooms. Anything a negotiator can do to discourage an impulsive act could save a life.

If the subject has a bomb, or claims to have a bomb, negotiators should gather as much intelligence

as possible. Unlike other weapons, such as firearms, a bomb may prove even more dangerous if the subject attempts to disassemble it. Any explosive dismantling should be performed only by the appropriate personnel.

Events

In addition to hostility, certain events or life experiences often trigger suicidal behavior. The loss of a job, a divorce or separation, a criminal indictment, or even a seemingly minor incident may set the stage for a successful suicide. If questioned, subjects usually talk freely about their problems to the negotiator. However, when subjects seem reticent or deny any recent emotional upheaval, information from friends, relatives, or coworkers may prove invaluable.

Negotiators should introduce any information gained from friends or coworkers in both a concerned

and straightforward manner, such as, "Jack, I was concerned enough about you to speak with your boss." Any attempt at deception may prove counterproductive.

Negotiators may also use the technique of asking open-ended questions to elicit information from subjects. For example, asking "If it weren't for the loss of your job, would anything else be a problem?" often prompts subjects to discuss anything else that may trouble them.

Additionally, negotiators should allow subjects to express themselves. This also assists negotiators to plan better on how to help the subject deal with personal trauma. However, during dialogue, negotiators should remember to avoid exhibiting sympathy or making belittling remarks.

Social Support

Another issue of critical importance involves the subject's social support network. Often, individuals who, either by choice or circumstances, have few friends or family members represent an increased risk of suicide.¹ However, if a friend or family member is present or nearby, the subject may request to have contact with this person. In many cases, friends or family welcome the chance to possibly "talk him out of it," but unfortunately, such confrontations may instigate a suicide attempt. In fact, subjects often use this person as an audience for the suicide.

Some police departments successfully use audio or video recordings of friends or family members to appeal to subjects. These tapes allow negotiators to better control

what the friend or family member says to the subject, and they eliminate the subject's use of the friend or family member as an audience for a suicide.

Alcohol

Negotiators should also prepare themselves to deal with suicidal individuals who have a history of alcoholism. Research indicates a high correlation between suicidal behavior and the presence of alcohol.² In fact, many people exhibit suicidal tendencies only while under the influence of alcohol. In such cases, negotiators should discourage subjects from consuming more alcohol. A message like, "Jack, I want to talk with you, but find it difficult while you're drinking," may be enough to discourage further alcohol consumption.

Depression

Today, depression is the most common psychological problem that adults encounter.³ Most episodes of depression usually have recognizable causes, such as the loss of a loved one, and last just a few weeks or months. In general, talking to friends, family, or clergy helps individuals to overcome depression. For some individuals, even in the absence of a friendly ear, depressed feelings subside with the passage of time.

Of concern to the negotiator, however, is a more serious form of depression that can last 6 months or more and may not have a clear cause. Sleep problems, weight loss, lack of energy, and a decreased interest in work, hobbies, or sexual activity often accompany this type

of depression. Yet, if asked, subjects may willingly discuss their feelings. For negotiators, a thorough discussion of these symptoms may provide an opportunity to express empathy and to build rapport with the subject.

Unfortunately, not all subjects openly discuss their problems. If a subject is vague or noncommunicative, negotiators should try to glean as much information as possible about the subject from friends, relatives, or coworkers.

Suicide Methods

During critical incidents involving a possible suicide, negotiators must remain alert to any indications of the subject's preferred method of suicide. In this regard, negotiators need to determine whether the subject possesses such

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During critical incidents...negotiators must remain alert to any indications of the subject's preferred method of suicide.
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items as explosive devices, medications, firearms, or cutting instruments.

Suicidal persons often have a detailed plan as to how they intend to commit suicide. Subjects may think this plan through for months, and they may not easily deviate from it. However, by determining

the subject's intended method of suicide, negotiators may be able to disrupt the plan and prevent the suicide.

Additionally, many of those who attempt suicide use drugs commonly prescribed to treat major depression. Therefore, negotiators should always have access to the *Physician's Desk Reference* (PDR), an annual publication that lists drugs and their characteristics, uses, dosages, and side effects. If a subject takes prescription drugs, the negotiator should discern what kind, how much, and how long ago the subject ingested the drugs. Negotiators should also encourage subjects to drink liquids, walk, vomit, and/or to stay awake. To help in these critical situations, negotiators should develop a relationship with a pharmacist they can call upon for emergency consultations.

Always Ask About Suicide

Negotiators should always ask subjects, "Are you going to commit suicide?" This question may seem obvious and/or unnecessary, and it may not be an easy question to ask. Yet, negotiators must realize that asking individuals if they intend to commit suicide is not going to put the idea in their heads or cause them to commit suicide. Asking this question only serves to bring the topic of suicide out into the open, where the subject and negotiator can discuss it.

No Hope

As expected, feelings of hopelessness correlate highly with suicide.⁴ Persons who feel overwhelmed by the problems of daily

Digital Telephony Keeping Pace with Technology

Criminals often use the Nation's telecommunications system to commit serious and sometimes violent crimes, including illegal drug trafficking, kidnapping, extortion, and terrorism. One of the most effective tools available to law enforcement to investigate these crimes is the court-authorized interception of telephone conversations.

In 1968, Congress carefully considered and passed the Omnibus Crime Control and Safe Streets Act, after weighing the Government's need to address serious criminal conduct against individual rights to privacy. This act established precise procedures by which law enforcement can obtain judicial authorization to conduct electronic surveillance. Subsequently, the technique became an indispensable law enforcement tool.

Technology

Through innovation and technological improvements, the telecommunications industry greatly enhanced its capabilities during the past 50 years. However, throughout this time of advancement, the basic analog delivery format used by the industry has remained virtually unchanged...until now.

Analog technology—the foundation of this Nation's telecommunications industry for half a century—is rapidly being replaced

life present a real challenge to negotiators. Interestingly, persons who face genuinely hopeless situations, such as a terminal illness, are less prone to take their own lives than one would think. More often, it is the person experiencing the "slings and arrows of outrageous fortune," as represented by the problems of daily life, who interpret these stressors to be overwhelming. In these cases, negotiators should offer helpful suggestions, where appropriate, and try to point out possible solutions to problems the subjects view as hopeless. However, negotiators should refrain from offering guaranteed solutions, because often these solutions have the potential to fail.

During these discussions, negotiators should also try to help individuals face reality. While discussing such topics as the possible impact of the subjects' suicides on their children may appear to make the subjects feel guilty, it could, instead, encourage them to reconsider.

Conclusion

During incidents involving potentially suicidal subjects, negotiators must deal with several issues simultaneously. Negotiators also face the possibility that despite their best efforts, subjects may still commit suicide. And, while no substitute for skill or experience exists, discussing the critical issues mentioned in this article may prove valuable to negotiators when dealing with suicidal persons. ♦

Endnotes

¹ A. Roy, *Suicide* (Baltimore, Maryland: Williams and Williams, 1986), 7, 119.

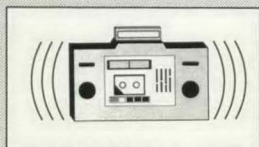
² R. Frances, J. Franklin, and D. Flavin, "Suicide and Alcoholism," *American Journal of Drug and Alcohol Abuse*, 13 (3) 327-328.

³ L. Kolb and K. Brodie, *Modern Clinical Psychiatry* (Philadelphia, Pennsylvania: W.B. Saunders Company, 1982); P.D. Spear, S.D. Penrod, T.B. Baker, *Psychology Perspectives on Behavior* (New York, New York: John Wiley and Sons, 1988).

⁴ G. Evans, N. Farberow, *The Encyclopedia of Suicide* (New York, New York: Facts on File, 1988), 153-154; D. Reynolds, N. Farberow, *Suicide: Inside and Out* (Berkeley, California: University of California Press, 1976), 7-8; supra note 1.

Bulletin Alert

Dangerous Interference



During an undercover drug buy inside a dealer's trailer, a special agent with the Maine Bureau of Intergovernmental Drug Enforcement heard—through the dealer's boom box-type radio—a transmission between backup officers, who were located about 75 yards from the trailer. (The radio frequency was in the 150,000 to 160,000 range.) Fortunately, the suspect did not notice the interference, and the agent completed the undercover deal. ♦

by a much more efficient and useful digital format. While this transformation to a more advanced system creates exciting improvements to our Nation's telecommunications capabilities, it also creates the stark reality that criminals will be able to shield their criminal conversations from law enforcement.

The Problem

Proliferation of digital technology and the introduction of other advanced telecommunications systems will soon make it impossible for law enforcement agencies on the Federal, State, and local levels to effect lawful court orders that allow for the interception of electronic communications. In some cases, advanced cellular technology and new digital based features, such as call forwarding, already frustrate such orders, thereby allowing criminal organizations to carry out illegal activities through the telecommunications system without detection.

These technologies inadvertently undermine the congressionally mandated authority of the criminal justice system to intercept electronic communications. This has happened because the legitimate needs of law enforcement were not considered during the design, development, and deployment of the new digital technology.

Without modifications to system software, and in some cases, hardware, the Nation's law enforcement agencies will no

longer be able to access telecommunications systems to conduct lawful electronic surveillance. This was not a problem with analog (the



old) technology because every communication was distinct and identifiable and could be intercepted anywhere along the customer's line. This is not so with digital technology.

Absent legislation to ensure the assistance and cooperation of the entire telecommunications industry, these and other technologies on the drawing board will soon preclude law enforcement from being able to intercept criminal communications. This will all but eliminate a court-authorized and uniquely successful investigative technique, and thus, jeopardize the safety of the American public.

Proposal

Following discussions with the telecommunications industry,

Congress, the Executive Branch, and other Federal agencies, the Department of Justice and the FBI proposed a legislative solution intended only to preserve the current ability of law enforcement agencies to conduct court-authorized electronic surveillance. In fact, this proposed legislation simply directs the telecommunications industry to preserve the ideals established in the Omnibus Crime Control Act of 1968.

The legislative proposal supports the development of advanced and competitive technologies, while at the same time ensuring that local, State, and Federal law enforcement's capability of lawfully accessing the Nation's telecommunications systems is protected. This legislative proposal relies on the telecommunications industry to develop technical solutions that are both cost effective and will ensure that new technology continues to be designed, manufactured, and deployed in a competitive fashion.

Conclusion

Nothing in the proposed legislation seeks to change or enhance current authority or procedures. The 1968 act requires the telecommunications industry to provide the "technical assistance necessary to accomplish...interception." The proposed legislation merely clarifies the duties of the telecommunications industry in responding to court orders and assists law enforcement in the face of advancing technology. ♦

The Crisis of Family Abductions in America

By ERNIE ALLEN

The term "missing child" may bring several images to mind, including the abductions of the Lindberg child and Adam Walsh. However, although these incidents symbolize a parent's greatest fear, a far more complex problem exists today—the abduction of children by family members.

Law enforcement and criminal justice officers often choose not to address the issue of family abductions. Unfortunately, they fail to realize that a unified effort on the part of law enforcement agencies and the individual States could enhance an overall initiative to reduce the number of family child kidnappings in this country.

This unified effort could eventually culminate in the formation of child protection units, as well as uniform State statutes and sanctions in regard to child abductions. This, in turn, would provide law enforcement agencies, prosecuting attorneys, and parents with a standard recourse in these types of cases.

DOJ STUDY

In 1990, the U.S. Department of Justice (DOJ) released the *National Incidence Study of Missing, Abducted, Runaway and Thrownaway Children in America*. This study includes a surprising statistic on family abductions: Over 354,000 family abductions

occurred in 1988—far exceeding earlier annual estimates of 25,000 to 100,000. To further complicate the problem, the study found that in 80 percent of the cases, anger or the desire to cause emotional pain motivated the abducting parent. As a result, approximately 75,000 children incur serious injuries—whether mental or physical—in this type of case each year.

The DOJ study indicates that the number of child abductions by family members continues to grow at an alarming rate. Unfortunately, many law enforcement officials choose not to address the problem because they believe it is outside their realm of responsibility.

However, unless law enforcement officials begin to treat family abductions as serious criminal matters, the problem will continue to grow. This means that law enforcement leaders in States that do not already classify family abductions as felonies must lobby their States to change the laws. It also means that law enforcement agencies must assign these cases to knowledgeable officers who have expertise in this type of case.

LAW ENFORCEMENT RESPONSE

Investigators need effective resources to use in their family abduction investigations. Some States already provide certain resources to assist these officers.



Mr. Allen is president of the National Center for Missing and Exploited Children.

For example, 42 States and the District of Columbia now operate missing children clearinghouses that establish vital links in the effort to coordinate law enforcement responses, as well as to share and disseminate case information. We must support these existing clearinghouses to ensure their continued effectiveness, and we must encourage those States without clearinghouses to create them.

Law enforcement leaders should also work to create child protection units to handle child victimization issues. While these units already exist in some States, such as Ohio and Nebraska, *all* States need to recognize the importance of these units to solve child abduction cases.

Each State should require specialized training for officers in child protection units. In addition, because the legal complexities alone require special knowledge, the States should create a cadre of experts, investigators, prosecutors, and support staff who understand these cases and the special techniques required for solving them.

Having a pool of experts available also promotes a multidisciplinary approach to investigations by linking and coordinating the knowledge and expertise of personnel in law enforcement, prosecution, and social services. For example, the State of California assigns investigative responsibility in child abduction cases to district attorneys' offices. The State also maintains a network of trained, motivated investigators who have impressive records in terms of finding abducted children. These investigators routinely conduct thorough investigations that lead to successful prosecutions of abductors.

UNIFORM SANCTIONS

To reduce the number of family abductions, States need to apply meaningful, uniform sanctions to kidnapers, even when family members abduct children. Because strong sanctions do not already exist for parental abductions, many parents believe that they incur little risk when they abduct their own children.

Therefore, in order to eliminate the casualness with which these parents abduct their children, States must make the abductions felony offenses. By doing this, officers can obtain warrants for Unlawful Flight to Avoid Prosecution (UFAP). This, in turn, allows the active involvement of the FBI and provides the option of extradition.

UNIFORM STATE STATUTES

The lack of uniformity in State criminal custodial interference statutes poses another problem for

law enforcement officers, attorneys, and parents. Too often, jurisdiction remains unclear, and States only reluctantly recognize and honor the custody orders of other States. A greater uniformity in interstate enforcement of custody laws would alleviate this problem.

In order to help meet this goal, the National Center for Missing and Exploited Children (NCMEC) works with States that have serious gaps in their abduction statutes. The center recommends specific legislative improvements that can assist in the often-complicated interstate investigations that occur in family abduction cases.

"...the National Center for Missing and Exploited Children...works with States that have serious gaps in their abduction statutes."

PROGRAMS

States should also develop programs to aid in family abduction investigations. Effective programs can be invaluable in reducing the number of these cases each year, as well as in solving existing cases.

Recognized Experts Program

The NCMEC frequently receives calls from lawyers, judges, and police officers seeking guidance on laws applicable to family abduction cases and on how they should proceed. States should join together to form a cadre of recognized experts who can devise

standardized approaches to these cases. Too often, the abductors' likelihood of success depends on the jurisdiction in which the abductions take place.

School Programs

Many abducted children are enrolled in school systems in other communities, often using their own names. This makes schools an important resource in locating abducted children.

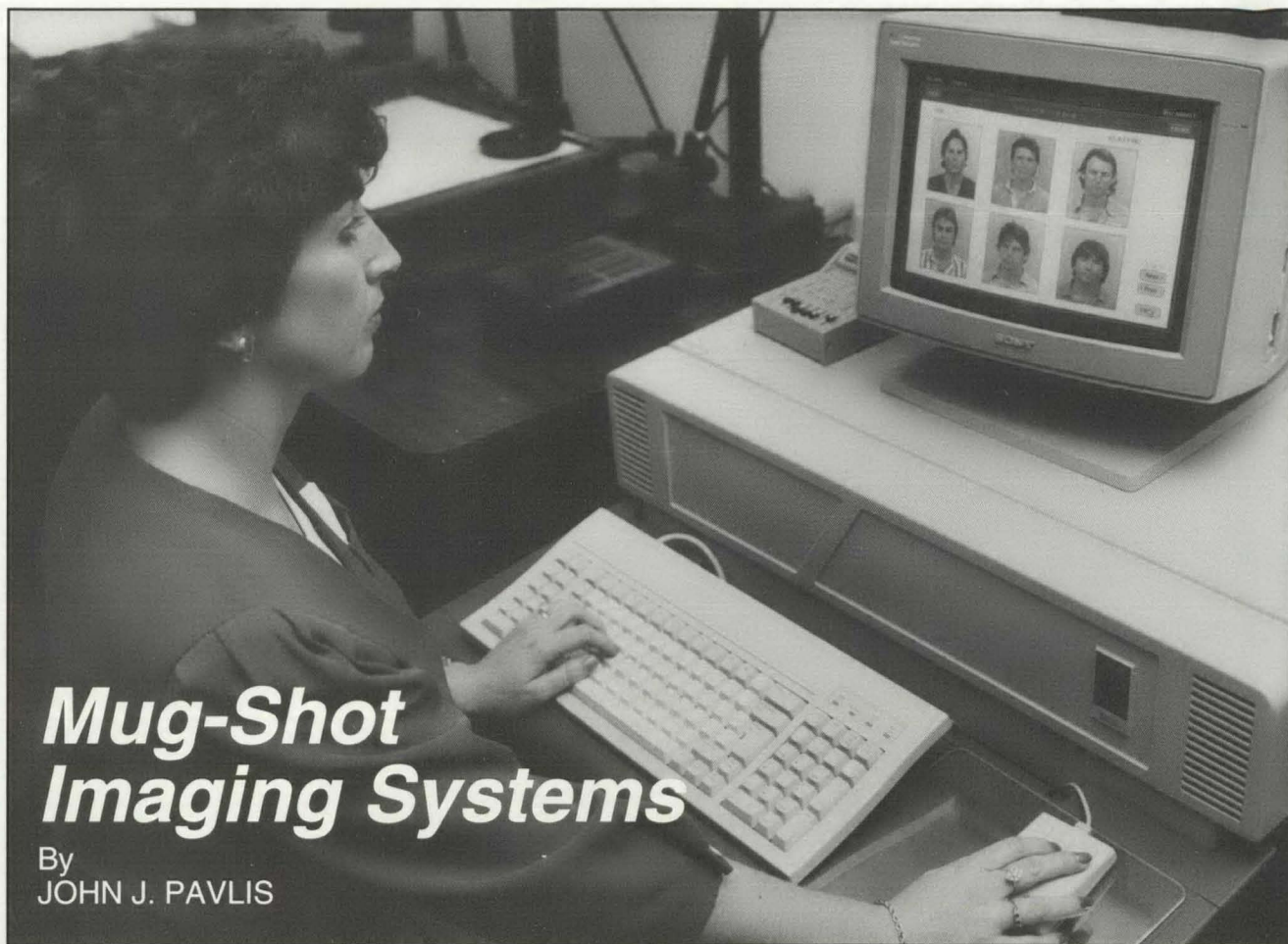
For example, investigators should ask school officials to flag a missing child's school records. This way, when school officials receive a request for a missing child's school record, they can alert law enforcement personnel.

Schools can also help locate missing children by submitting the names of new enrollees to the State missing children clearinghouse within a prescribed amount of time, such as 30 days. This allows officials to match the names of new enrollees with those of children missing in other areas.

CONCLUSION

Family abductions remain a large and growing problem to law enforcement. Law enforcement leaders must begin to focus on the reality that these children are victims, who are seized out of anger, not love. They must realize that these abductions are *crimes* that require immediate attention and investigative efforts.

The DOJ study brings family abductions to the forefront. Now law enforcement agencies and States must respond by increasing their attention and commitment to this growing problem. ♦



Mug-Shot Imaging Systems

By
JOHN J. PAVLIS

A woman walks into a police substation to meet with a detective. The victim of a robbery, she knows that she has seen the suspect before and believes that she knows his first name. Along with this information, she gives his race, approximate age, height, and weight. She expects to spend time looking through mug-shot books like those used on television police shows. Instead, the detective sits down in front of a computer workstation, types in the basic identifying information the victim has provided, and brings up a series of pictures on a high-resolu-

tion screen. When she sees the third picture, the woman exclaims, "That's him!"

A mug-shot imaging system, used to identify the suspect in this case, is a new investigative weapon in today's law enforcement technological arsenal. This article discusses the traditional photo identification process, the evolution of photo imaging systems, and how to train personnel on these systems.

Traditional Photo Identification

In Orange County, Florida, all arrested persons are booked through one central booking facility. Until

1988, mug shots were taken of each prisoner, and the film was sent to the photo lab for processing. When the color negative was returned to the facility (in approximately 4 days), it was microfilmed in black and white, and the color negative was placed in the defendant's criminal jacket, along with the fingerprint card.

However, the black and white microfilm oftentimes prevented detectives and witnesses from making positive identification during line-ups. Therefore, it was necessary for identification personnel to send the color negatives of certain suspects out to be processed into color prints.

The minimum processing time was approximately 4 days, and if retakes were necessary, the process was delayed even further.

Additional delays were also common because the sheriff's office is comprised of four geographical substations that cover a territory of over 1,000 square miles. Detectives from all of the substations were required to drive to the centralized records section to pick up any copies of photographs requested. This made it even more difficult to obtain photographs within a reasonable period of time which, in turn, slowed down investigations.

In order to alleviate many of the problems associated with traditional photo identification, officials considered several options to streamline the mug-shot photographic process. They believed imaging technology to be the most viable option.

Imaging Technology

Mug-shot imaging is a system of digitizing a picture and storing that image on a computer so that it can be retrieved at a later time. The picture is taken with a video camera and is then transferred to a color video monitor, where it appears as an electronic image.

When the computer operator obtains a suitable image on the monitor, the command is given to digitize the image. The image is then filed to an optical disk housed in a jukebox that the computer accesses when it goes into a search mode for information requested. When the image is filed, the operator enters the identifying data, such as race, gender, date of

birth, and the case number of the suspect.

Identifying data, along with the location of the image on the optical disk, are recorded on an index file. The data entered and tied to the picture are saved in a database that allows for search and retrieval of any information or parameters requested. The computer records are then integrated with other information taken at the time of booking. Officers at any substation can then access the data bank to view or print images.

Another important feature of the mug-shot imaging system is that it is menu driven. The menu consists of a screen display that presents users with a number of options and allows them to choose whatever options they need. Officers need only read what is on the screen and follow the instructions given. This makes the system less intimidating to officers who have limited knowledge of computer operations.

Training

Unless employees are thoroughly trained on a new system, they are unable to appreciate its capabilities and will fail to use it to its fullest. Therefore, all sheriff's office employees were trained to use the imaging system.

Training from the vendor was written into the initial purchasing contract for the imaging system. The individual training incorporated the various available training methods, such as handouts, audio visuals, hands-on training, etc. This training was carefully scheduled so that the sessions coincided with the implementation of the system.

In addition to proper training, a changeover from a manual system to a computerized system required advanced planning. Specific problems needed to be identified and possible solutions to these problems were proposed during the training sessions.¹

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A mug-shot imaging system can make a positive impact on police departments nationwide.
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Major Pavlis commands the Court Services Bureau of the Orange County, Florida, Sheriff's Office.

Benefits

It is imperative that law enforcement agencies collect, report, and analyze information quickly and accurately and distribute it to all other components in the system. Computer imaging of mug shots has proven to be an effective tool to accomplish this.

Once the system was online within each geographical sector, a demonstration was provided to all patrol officers and detectives, who

though the initial plan addressed the needs of the Orange County Sheriff's Office, other city agencies are now online with terminals of their own to access available information as opposed to sending officers to the sheriff's office to obtain photos.

POSSIBLE APPLICATIONS

Today, more law enforcement agencies are using mug-shot imaging technology. Although it is

personnel in the field in a timely manner.)

- Photos of all police employees (These could be digitized and kept in separate files for use in internal affairs investigations instead of using employee photos that are often of poor quality. Current digitized photos could be added periodically to keep the records timely.)
- Digitized photos of wanted individuals (These could be sent to other agencies via the computer instead of fax machines, which sometimes produce poor quality photos.)

In addition, some law enforcement agencies are currently working to provide mug-shot imagery and fingerprint transfer from patrol cars.³ This would allow officers to fingerprint individuals while in the field and transfer the print back to a designated location. If an identification is made, a mug-shot photo (if available) could be sent back to the officer to further assist in the investigation.

Conclusion

A mug-shot imaging system can make a positive impact on police departments nationwide. The technology is available. Now, it is up to police departments to make use of this computerized investigative tool. ♦

Endnotes

¹ *Management Evaluation of Software Packages* (Wellesley, Massachusetts: QED Information Services, Inc., 1985), 139.

² Richard Rubin, "Computer Trends in Law Enforcement," *Police Chief*, April 1991, 20-24.

³ Product Spotlight, *Law and Order*, November 1989, 104-105.

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Mug-shot imaging is a system of digitizing a picture and storing that image on a computer so that it can be retrieved at a later time.

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saw firsthand how quickly the information and pictures they requested could be retrieved. The mug-shot imaging system provides officers with improved efficiency over the 70mm snapshot photograph system, a much improved selection of suspects by eye witnesses, and more timely and accurate identification of offenders.

At the same time, the department benefited by providing a better investigative tool to its officers. The new system has not only reduced the number of workhours needed to process mug shots and photo lineups but it has also reduced the transportation costs of officers driving to one central location for photographs.

The surrounding Orange County area benefited as well. Al-

primarily being used in office/document automation systems that agencies develop to store and handle the increasing amount of information gathered, other uses of this technology are practically limitless.²

For example, the Orange County Sheriff's Office is presently using this system with a laser printer to produce wanted flyers for those sought on warrants. The pictures on these flyers are very clear, with excellent resolution.

Other possible uses include:

- Photos of missing children/persons (These could be quickly digitized and sent to all locations that have imagery workstations. Quality pictures could then be distributed to

Hostage Negotiator Stress

By
NANCY K. BOHL, Ph.D.



Barricaded suspects pose special problems for law enforcement personnel, especially when the problem of hostages exists. In the past, the routine response to these situations was to enter the building by using force. However, police departments now often turn to skilled negotiators to end these types of cases through discussion rather than the use of force.

Because negotiators experience high levels of stress, both during and after negotiations, police managers must concern themselves with the long-term, cumulative effects of this stress. This article discusses

how negotiator stress arises and how negotiators can deal successfully with its effects.

SOURCES OF NEGOTIATOR STRESS

External Pressure

Negotiators often experience considerable external pressure to end negotiations. Under ideal conditions, they function in a relatively independent manner, with ample time in which to converse with suspects. They remain free to say whatever seems appropriate and necessary to resolve the incidents peacefully.

In practice, however, constraints exist, and these constraints contribute to the stress felt by negotiators. In some cases, officials order negotiators to make statements to the suspects with which they do not agree. Other times, command personnel interfere in the negotiation process.

For example, in some hostage incidents, both negotiators and SWAT teams respond to the scene. While negotiators hope to bring about a nonviolent resolution to the incident, SWAT teams stand ready to provide force when necessary.

If hours pass without a peaceful resolution of the situation, SWAT

members sometimes grow impatient to move. At this point, officials may pressure negotiators to end discussion with the suspect, even though the negotiators believe that the chance for a successful resolution still exists. When negotiators try to delay the decision to use force, they experience even more tension.

Also, when under pressure to end discussions with suspects, negotiators sometimes begin to believe that SWAT members fail to understand the extent of negotiators' involvement in securing a peaceful end to the incident. With this belief come feelings of anger and hostility—not only toward the suspect but also toward fellow police officers.

Internal Pressure

In addition to the external pressures with which negotiators must deal, internal stress can also exist. The most important source of internal stress felt by negotiators comes

from their intense fear that the incident may not end successfully. To a hostage negotiator, lack of success does not mean only injury or loss of life. Lack of success means that in the end, the police used force.

Therefore, when called to an incident scene, some negotiators feel a sense of denial ("this can't be happening to me"), or they feel anxious about performing well. They know that lives depend on whether they can defuse a potentially dangerous situation successfully. They must remain calm and in control, even when others behave emotionally, and they must appear relaxed and interested at all times, even while planning what to say next.

All negotiators, no matter how skilled or experienced, feel especially tense during initial contacts with suspects. They face the difficult task of establishing friendly relationships with suspects by convincing them that:

- They benefit from talking to negotiators

- They should not fear for their safety
- Police officers care about what happens to them after the incident ends

In addition, negotiators feel stress when they must reassure hostages in the face of threats from their captors.

Feelings of hostility and anger provide yet another source of internal stress for negotiators during the negotiation process—feelings that become more intense when suspects drink alcohol, use drugs, appear irrational, or act in otherwise unpredictable ways. Negotiators also experience additional stress when incidents involve quiet, passive, or non-English speaking suspects.

RESPONSES TO STRESS

Positive Responses

If negotiations end unsuccessfully, some negotiators begin to feel considerable guilt, anger, and depression, causing further stress in their lives. However, negotiators can relieve this stress in positive ways. For example, they need to accept what happened and recognize that they were not solely responsible for the outcome of the incident. In order to do this, negotiators often rationalize the outcome of unsuccessful incidents—they lay blame with the suspects for failing to negotiate. Although considered unhealthy if used excessively, rationalization is a normal, healthy defense mechanism.

Negotiators can also relieve stress by not dwelling on unsuccessful incidents for days or even weeks after the incidents end. They should,



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Negotiators who learn to manage stress successfully go back to their jobs with renewed confidence and commitment.
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Dr. Bohl is a private consultant who works with police departments.

instead, analyze their actions and learn from their mistakes. When they do this, they may decide to use different strategies in future incidents, or they may even decide that they no longer wish to serve as negotiators.

Negative Responses

Long-term stress problems arise when negotiators fail to deal with the feelings of guilt, anger, and depression that follow unsuccessful negotiations. Some negotiators attempt to block out these painful feelings by emotional numbing and distancing. However, maintaining a facade of rigid control and denial results in a high level of irritability. This, in turn, causes undue anger over even minor problems.

If negotiators do not acknowledge these underlying feelings, classic posttraumatic stress symptoms can appear. Examples of these symptoms may include a variety of sleep disturbances, such as an inability to fall asleep, waking up unusually early, cold sweats, toothgrinding, and waking up exhausted after adequate sleep.

These negotiators experience nightmares with a guilt theme. During the day, they may experience intrusive thoughts and flashbacks. They relive the incident over and over again and try, in their minds, to make it end successfully.

Specific stimuli trigger these flashbacks, such as passing the incident scene or hearing a voice that resembles that of a suspect or hostage. If intrusive thoughts continue, negotiators begin to feel that they no longer control their thought processes. This results in high levels of anxiety when they

must return to work. However, methods of relieving this anxiety do exist.

RELIEVING NEGOTIATOR STRESS

Education

Hostage negotiators who receive instruction on what stress they can expect to experience both during and after negotiations deal more successfully with thoughts

nightmares and intrusive thoughts

- What to do when symptoms of stress appear

The training also focuses on techniques that negotiators can use to reduce stress, both during and after negotiations. They learn to relax muscles, control breathing, and use other techniques to reduce physiological responses to stress, such as sweating, tremors, and

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If negotiations end unsuccessfully, some negotiators begin to feel considerable guilt, anger, and depression....

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and feelings aroused by the incidents. Education also decreases the likelihood of delayed symptoms of stress.

Negotiators in the California Counties of Riverside and San Bernardino receive 4 hours of training from a psychologist. The topics of instruction include:

- Sources of stress during the negotiation process, such as threats or injury to hostages
- Factors that constitute a stressful incident for a negotiator, such as a death or injury, or the intervention of the SWAT team
- Symptoms of stress that may appear immediately after an incident, such as guilt and anger
- Symptoms that may appear long after the incident, such as

stomach cramps, which sometimes occur during negotiations.

In addition, negotiators learn how to control their cognitive processes. Instructors emphasize that how negotiators perceive certain situations impacts on their physical and behavioral reactions. If negotiators allow themselves to think negative thoughts, panic may ensue; if they maintain a positive mental attitude, they can remain calm.

Instructors also teach negotiators to continue positive self-statements even after the incidents end. Negotiators should reinforce their successes with such internal statements as, “I did it well,” and “Next time, I won’t have to worry as much.”

And, instructors teach negotiators what *not* to do after unsuccessful negotiations. For example, negotiators warn of the dangers

of excessive use of alcohol and having unrealistic expectations for recovery.

Critical Incident Stress Debriefing

Negotiators involved in unsuccessful incidents should see a psychologist for a debriefing session. These sessions are modeled after those used to debrief officers involved in episodes where a death or serious injury occurs. If possible, these sessions, which involve a series of phases, should begin within 24 hours of an incident.

Phase 1—information gathering

Psychologists encourage negotiators to tell their stories to elicit information that can assist in counseling. The counselor might ask a series of questions, such as, "What role did you play in the incident?" "Were you the primary or secondary negotiator?" "When were you called to the scene?" "What were you doing at the time?" "What happened when you arrived at the scene?" "What happened next?" "What did you and the suspect talk about?" "How long did the episode last?" and "How did the episode end?"

Phase 2—negotiator thoughts

Negotiators describe their thoughts during this phase of the counseling session. At this point, counselors ask questions that focus on the negotiators' use of positive and negative self-statements during the incident.

Phase 3—negotiator feelings

At this time, counselors encourage negotiators to describe any feel-

ings they experienced during the incident. Negotiators need to acknowledge feelings of fear, anger, hostility, and inadequacy so that the counselors can help them deal appropriately with these emotions.

“**A stress management program benefits not only the negotiators but also the departments they represent.**”

Phase 4—physical symptoms of stress

During this part of the counseling sessions, counselors ask negotiators to describe any physical symptoms of stress they experienced during the incident. These symptoms may include sweating, palpitations, flushing, and breathlessness.

Phase 5—unfinished business

Negotiators bring their past experiences to current incidents. For this reason, counselors specifically ask them whether the most recent incident brought to mind any previous incidents. The suspect's words and behavior may have aroused strong feelings associated with earlier events, or the negotiators may have experienced previous episodes with similar features. Also, if any previous episodes ended unsuccessfully, negotiators may link the two episodes together. They need to acknowledge these feelings and

make a clear distinction between "then" and "now."

Phase 6—teaching

Negotiators who experience problems after incidents need to understand that these feelings and symptoms are normal. Counselors reassure them that any healthy, well-adjusted person would have similar feelings during crisis incidents. They also warn them of possible delayed reactions, such as nightmares, and how to handle these delayed stress symptoms. Counselors discuss the positive effects of meditation, exercise, and recreation, as well as the negative effects of such potentially damaging props as alcohol.

Phase 7—summary

During the summary portion of the session, counselors answer any questions and provide information on how negotiators can obtain further help, if necessary. This could come in the form of continued professional help or from the support of other hostage negotiators. Often, the debriefing session leads to followup sessions.

CONCLUSION

A stress management program benefits not only the negotiators but also the departments they represent. Negotiators who learn to manage stress successfully go back to their jobs with renewed confidence and commitment. Police departments that institute stress management programs reap the benefits of negotiators who can handle crisis incidents in a healthy, professional manner. ♦

The Vehicle Exception to the Warrant Requirement

Clarification by the Supreme Court

By
THOMAS V. KUKURA, J.D.

Law enforcement officers frequently conduct warrantless vehicle searches. The U.S. Supreme Court has recognized the impracticality of securing a search warrant prior to every search of a vehicle and has established exceptions to the warrant requirement, such as the vehicle exception, the search incident to arrest, the inventory search, and the consent search. Each of these exceptions has its own set of requirements that must be present before the exception applies and its own specific limitations on the scope of the search allowed under the exception.¹

This article examines the vehicle exception, one of the most useful recognized exceptions and one that is often the most confusing. It begins with a discussion of a recent Supreme Court decision, which clarifies the authority to search containers under the vehicle exception. The article then examines other recent court cases that delineate several important factors law enforcement officers should consider when contemplating a warrantless search under the vehicle exception.

JUSTIFICATION FOR THE VEHICLE EXCEPTION

The vehicle exception, first recognized in *Carroll v. United*



States,² is often referred to as the *Carroll* doctrine. In *Carroll*, the Court held that a vehicle could be searched without a warrant if there was probable cause to believe it contained contraband or evidence.

Courts have applied this vehicle exception to uphold warrantless searches of an assortment of vehicles, including a motor home,³ a house boat,⁴ and a roomette on a train.⁵

The vehicle exception is based on the Court's conclusion that the expectation of privacy with respect to one's vehicle is lower than that regarding one's home or office. This is due, in part, to the inherent mobility of vehicles, their periodic inspection and licensing requirements, and the public nature of vehicle travel where both its occupants and contents are in plain view.⁶

SCOPE OF VEHICLE EXCEPTION

In *California v. Acevedo*,⁷ the Santa Ana, California, police, acting on information provided by an agent of the Drug Enforcement Administration (DEA), were maintaining surveillance on an apartment known to contain marijuana. One officer left the scene to obtain a search warrant for the residence.

While he was gone, the officers who remained on surveillance observed Charles Steven Acevedo

leave the apartment after a 10-minute stay. Acevedo was carrying a brown paper bag approximately the size of one of the marijuana packages that the agents believed were in the apartment. Acevedo placed the bag in the trunk of a car and started to drive away. The officers stopped him, opened the trunk, and found the marijuana in the brown paper bag. They then arrested Acevedo and charged him with possession with the intent to distribute marijuana. The California Court of Appeals upheld the warrantless seizure of the paper bag but concluded that the police required a warrant to open the bag.⁸

The U.S. Supreme Court reversed and upheld the warrantless search of the bag located in the trunk, even though the probable cause for the search was limited to the container itself. In *Acevedo*, the Court reviewed its historical coverage of the vehicle exception and the

confusing dichotomy that had been created in previous holdings concerning the authority to conduct warrantless searches of containers located in vehicles.

Scope Determined by Probable Cause

In 1982, in *United States v. Ross*,⁹ a warrantless search of Ross' car occurred after police established probable cause that Ross sold drugs from the trunk of his car. The officers stopped the car, searched it, and discovered drugs in a brown paper bag in the trunk of the car.

The Court held that the scope of a warrantless search under the vehicle exception "based on probable cause is no narrower—and no broader—than the scope of a search authorized by a warrant supported by probable cause."¹⁰ Further, "if probable cause justifies the search of a lawfully stopped vehicle, it justifies the search of every part of the vehicle and its contents that may conceal the object of the search."¹¹ *Ross* clarified the scope of the vehicle exception to include a "probing search" of compartments and containers within a vehicle, as long as the search is supported by probable cause to search the car.¹²

Prior Decisions Produced Confusing Rule

In 1977, in *United States v. Chadwick*,¹³ the Court declined to apply the vehicle exception to authorize the warrantless search of a footlocker, notwithstanding the existence of probable cause to believe it contained contraband. Even though the footlocker, like a vehicle, was moveable, the Court



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“**The scope of the warrantless search under the vehicle exception is no narrower and no broader than would be allowed by a search warrant.**”

concluded a person's expectation of privacy is higher in luggage and other closed containers than in a vehicle and that the vehicle exception should not be extended to such containers.

Two years later, in *Arkansas v. Sanders*,¹⁴ the Court overturned the warrantless search of a suitcase located in the trunk of a taxicab. In *Sanders*, law enforcement officers had probable cause to believe a suitcase contained marijuana. The officers observed Sanders place the suitcase in the trunk of the taxi and ride away. After pursuing the taxi for a short time, the police stopped the taxi, found the suitcase in the trunk, and searched it.

Noting the existence of probable cause to believe that contraband was in the suitcase, the Court emphasized that the probable cause did not apply to the vehicle, but only to the suitcase. Therefore, the vehicle exception was not applicable.

This so-called *Chadwick-Sanders* rule drew "a curious line between the search of an automobile that coincidentally turns up a container and the search of a container that coincidentally turns up in an automobile."¹⁵ The Court in *Acevedo* recognized that the *Chadwick-Sanders* rule confused law enforcement officers because it provided that if there is "probable cause to search a car, then the entire car—including any closed container found therein—may be searched without a warrant, but if there is probable cause only as to a container in the car, the container may be seized but not searched until a warrant is obtained."¹⁶

Simplified Rule Covering Container Searches

The Court in *Acevedo* determined that such a confusing dichotomy was intolerable. It concluded that the fourth amendment does *not* require law enforcement officers to obtain a warrant to open a

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In determining whether probable cause exists...a reviewing court evaluates the collective information of all officers involved.

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container in a movable vehicle simply because they lack probable cause to search the entire car.

The Court held that containers placed in vehicles may be searched without a warrant, even when probable cause to search focuses solely on those containers.¹⁷ *Acevedo* is favorable for law enforcement because it simplifies the law by holding that the vehicle exception permits the search of a container found inside an automobile whether the probable cause applies to the vehicle generally or to the container specifically.

FACTORS THAT DETERMINE LEGALITY OF VEHICLE EXCEPTION SEARCHES

The vehicle exception, by its very nature, requires law enforcement officers to make on-the-scene

judgments to assess its applicability and limitations. Law enforcement officers contemplating a warrantless search pursuant to the vehicle exception need to be knowledgeable of the general principles governing vehicle exception searches. Recent court decisions, discussed below,

highlight several important legal principles concerning vehicle searches that are often misunderstood by law enforcement officers.

Lawful Access and Probable Cause

A lawful vehicle exception search requires that the vehicle be located in a place where a law enforcement officer has lawful access. Also, facts amounting to probable cause must show that evidence or contraband is located within the vehicle.¹⁸

Collective Knowledge

In determining whether probable cause exists to search a vehicle, a reviewing court evaluates the collective information of all officers involved. For example, the U.S. Court of Appeals for the Seventh Circuit recognized in *United States*



“...containers placed in vehicles may be searched without a warrant, even when probable cause to search focuses solely on those containers.”

*v. Celio*¹⁹ the importance of a coordinated law enforcement effort to investigate international drug trafficking organizations. This court concluded that probable cause can rest on the collective knowledge of the law enforcement officers involved rather than solely on the officer who actually performs the search.²⁰

The court found that State police officers did not violate the fourth amendment by searching a truck at the request of DEA agents who had probable cause to believe the vehicle contained drugs. The State officers did not have to be apprised of the underlying justification for the search because the “collective knowledge” of the DEA agents involved was sufficient to establish probable cause.

Investigative Stop or Search Incident to Arrest

The facts needed to establish probable cause often arise in whole or in part from the evidence discov-

ered during a lawful investigative stop or search incident to arrest.²¹ For example, in *United States v. Harvey*,²² police arrested the driver of an automobile for operating a motor vehicle on a suspended driver’s license. During a lawful search of the defendant incident to arrest, the officer found a rock of crack cocaine. The court found probable cause for a warrantless search of the defendant’s vehicle under the vehicle exception based on the officers finding the crack cocaine, the false information regarding ownership of the car provided by the defendant, and the defendant’s lack of proper identification.

Similarly, in *United States v. Thomas*,²³ the defendant, after being stopped for a traffic violation, consented to the search of the passenger compartment of the vehicle he was driving. The police officer discovered a “marijuana cigarette butt” in the rear ashtray.

The court found the discovery of the marijuana butt in the vehicle

“provided probable cause to search elsewhere in the vehicle (including the trunk) for contraband, and the officer had a right to open closed containers within the car without obtaining a warrant.”²⁴ Moreover, in *United States v. Reed*,²⁵ the Fifth Circuit Court of Appeals stated that the distinct odor of burnt marijuana would justify a search of an entire vehicle, including the locked compartments that would be a likely place to conceal the marijuana.

Inherent Mobility of Vehicle Satisfies Exigency

The view that the vehicle exception only applies when there are actual exigent circumstances is incompatible with the Supreme Court’s development of the vehicle exception.²⁶ The Court has stated “...that the justification to conduct a warrantless search does not vanish once the car has been immobilized; nor does it depend upon a reviewing court’s assessment of the likelihood in each particular case that the car would have been driven away, or that its contents would have been tampered with, during the period required for the police to obtain a warrant.”²⁷ Furthermore, numerous Federal circuit courts of appeals have expressly or implicitly construed prior Supreme Court cases as recognizing that the inherent mobility of a vehicle by itself provides the only exigent circumstance needed.²⁸

In *United States v. Crabb*,²⁹ law enforcement officers, acting on a tip from a DEA informant that a rental truck traveling through Wyoming contained evidence of illicit drug manufacturing, located the defendant and a truck at a motel in Rock

Springs, Wyoming. The defendant consented to a search of the truck cab but not the cargo area of the truck.

The officers found nothing incriminating in the cab but did detect an "ether-like" odor emanating from the cargo area. Several hours later, DEA agents skilled in the handling of hazardous clandestine laboratory materials arrived, and an ensuing warrantless search of the cargo area resulted in the discovery of contraband.

The court found the vehicle exception applicable despite the absence of actual exigent circumstances. It concluded that the law enforcement officers' time and opportunity to obtain a warrant was irrelevant in determining the applicability of vehicle exception.³⁰ Consequently, probable cause will sustain the warrantless search of a vehicle regardless of whether actual exigent circumstances also exist at the time of the search.³¹

Contemporaneous Search Not Required

The Supreme Court has clearly held that law enforcement officers may conduct either an immediate or a delayed vehicle exception search of a vehicle, even after it has been impounded and is in police custody. Recently, in *United States v. Spires*,³² the police, after lawfully seizing a truck 7 days earlier, received an anonymous tip that additional drugs were still hidden in the truck in a false battery. A law enforcement officer traveled to the storage yard where the truck was impounded, looked in the "battery," and found additional drugs. The

court held the warrantless vehicle exception search was valid, even though the search was conducted a week after the lawful seizure of the vehicle.

Delayed container searches have also been upheld. For example, in *State v. McLaughlin*,³³ the police established probable cause to search a toolbox that a passenger brought with him into a taxi cab. A police officer seized the toolbox from the cab and transported it back to the police station. The police then cut the lock on the box and discovered drugs inside. The defendant moved to suppress the contents of the toolbox as the result of an illegal warrantless search.

The Supreme Court of South Carolina found the police officer could have searched the toolbox at the time he seized it from the cab

cause to believe that it may be found."³⁴ This searching authority includes both locked and unlocked containers and any area of the vehicle where the item sought could be located.

The scope of a warrantless search under the vehicle exception is no narrower and no broader than would be allowed by a search warrant. Officers may search any part of a vehicle and any containers within the vehicle where there is probable cause to believe evidence or contraband is located.

Probable Cause Limits Scope But Not Applicability

Probable cause to search a container does not necessarily justify a search of the entire vehicle. The Supreme Court in *Acevedo* emphasized that since the police did not

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...probable cause will sustain the warrantless search of a vehicle regardless of whether actual exigent circumstances also exist at the time of the search.

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under the vehicle exception. This entitlement to a warrantless search continued to justify the later search at the police station.

Scope Based on Object of the Search

The scope of a warrantless vehicle exception search is "defined by the object of the search and the places in which there is probable

articulate facts to support probable cause that evidence or contraband was hidden in any other part of the vehicle other than the paper bag, a search of the entire car would exceed the scope of a vehicle exception search.³⁵

If probable cause to search is focused solely on a container located in a vehicle, police may only search the container. However, evi-

dence discovered during a lawful warrantless search of a container can be a factor in developing probable cause that evidence is also located in other areas of the vehicle. The vehicle exception would then allow for the extension of the warrantless search to those areas in the vehicle where the evidence or contraband could reasonably be located.

CONCLUSION

The Court's decision in *Acevedo* clarifies the scope of the vehicle exception by upholding a warrantless search of a closed container found in a vehicle if there is probable cause to believe the object searched contains evidence or contraband. It is important to recognize that the vehicle exception does not authorize the warrantless search of a container unless the container is located by police in a vehicle.³⁶ Finally, officers contemplating a warrantless vehicle exception search should be thoroughly familiar with relevant State law since some State courts have imposed State law restrictions on police searches that are more restrictive than the Federal constitutional principles discussed in this article.³⁷ ♦

Endnotes

- ¹ See generally Sauls, "Traffic Stops—Police Powers Under the Fourth Amendment," *FBI Law Enforcement Bulletin*, Sept./Oct. 1989.
- ² 267 U.S. 132 (1925).
- ³ See, e.g., *California v. Carney*, 471 U.S. 386 (1985); and *United States v. Markham*, 844 F.2d 366 (6th Cir. 1988).
- ⁴ See, e.g., *United States v. Hill*, 855 F.2d 664 (10th Cir. 1988).
- ⁵ See, e.g., *United States v. Tartaglia*, 864 F.2d 837 (D.C. Cir. 1989).

- ⁶ See, e.g., *Cardwell v. Lewis*, 417 U.S. 583 (1974).
- ⁷ 111 S.Ct. 1982 (1991).
- ⁸ *People v. Acevedo*, 216 Cal. App. 3d 586 (1990).
- ⁹ 456 U.S. 798 (1982).
- ¹⁰ *Id.* at 825.
- ¹¹ *Id.*
- ¹² *Id.* at 800.
- ¹³ 433 U.S. 1 (1977).
- ¹⁴ 442 U.S. 753 (1979).
- ¹⁵ 111 S.Ct. at 1991.

“**Probable cause to search a container does not necessarily justify a search of the entire vehicle.**”

- ¹⁶ *Id.* at 1985.
- ¹⁷ *Id.* at 1991.
- ¹⁸ See, e.g., *Cardwell v. Lewis*, 417 U.S. 583 (1974) (upheld vehicle exception search of unoccupied vehicle in public parking lot); and *Commonwealth v. A Juvenile (No.2)*, 580 N.E.2d 1014 (Mass. 1991) (upheld warrantless seizure of car from driveway).
- ¹⁹ 945 F.2d 180 (7th Cir. 1991).
- ²⁰ See also *United States v. Cooper*, 949 F.2d 737 (5th Cir. 1991).
- ²¹ See, e.g., *United States v. Rojo-Alvarez*, 944 F.2d 959 (1st Cir. 1991) (seizure of cocaine found in black bag in hatch of defendant's car was justified as a search incident to a lawful arrest or as a search within the vehicle exception to the warrant requirement).
- ²² *United States v. Harvey*, ___ F.Supp. 1992 WL 70388 (E.D. Mich., Apr. 8, 1992).
- ²³ ___ F.Supp. ___ 1992 WL 59714 (E.D. Tex. March 12, 1992).
- ²⁴ *Id.* at *17.
- ²⁵ 882 F.2d 147 (5th Cir. 1989).
- ²⁶ See, e.g., *United States v. Johns*, 469 U.S. 478 (1985).
- ²⁷ *Michigan v. Thomas*, 458 U.S. 259 (1982).

- ²⁸ See, e.g., *United States v. Reis*, 906 F.2d 284 (7th Cir. 1990); *United States v. Paulino*, 850 F.2d 93 (2d Cir. 1988), *cert. denied*, 109 S.Ct. 1967; *United States v. Markham*, 844 F.2d 366 (6th Cir. 1988); *United States v. Rivera*, 825 F.2d 152 (7th Cir. 1987); *Autoworld Specialty Cars, Inc. v. United States*, 815 F.2d 385 (6th Cir. 1987); *United States v. Bagley*, 772 F.2d 482 (9th Cir. 1985), *cert. denied*, 106 S.Ct. 1215; *United States v. Swinger*, 758 F.2d 477 (10th Cir. 1985).

- ²⁹ 952 F.2d 1245 (10th Cir. 1991).
- ³⁰ See also *United States v. Forker*, 928 F.2d 365 (11th Cir. 1991) and *United States v. Reis*, 906 F.2d 284 (7th Cir. 1990).

- ³¹ See, e.g., *United States v. Nixon*, 918 F.2d 895 (11th Cir. 1990).

- ³² 777 F.Supp. 1530 (C.D. Cal. 1991).

- ³³ 413 S.E.2d 819 (S.C. S.Ct. 1992).

- ³⁴ *Ross*, 456 U.S. at 822.

- ³⁵ 111 S.Ct. at 1991.

- ³⁶ Although *Acevedo* overruled *Sanders*, the basic holding of *Chadwick* survives. See *United States v. \$639,558 in U.S. Currency*, 955 F.2d 712 (D.C. Cir. 1992). However, in Justice Scalia's concurring opinion in *Acevedo*, he concurs with the judgment in the case "not because a closed container carried inside a car becomes subject to the 'automobile' exception to the general warrant requirement, but because the search of a closed container, outside a privately owned building, with probable cause to believe that the container contains contraband, is not one of those searches whose Fourth Amendment reasonableness depends upon a warrant." 111 S.Ct. at 1994.

- ³⁷ See, e.g., *Perry v. State*, 821 P.2d 1273 (Wyo. S.Ct. 1991) (court held the Wyoming constitution allows warrantless vehicle searches only when specific circumstances exist which make acquisition of warrant impracticable); and *State v. Savva*, 603 A.2d 378 (Vt. S.Ct. 1992) (adhered to the principles in *Sanders* and held as a general rule that a container in a vehicle should be seized and held pending the issuance of a warrant).

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

The Bulletin Notes

Law enforcement officers are challenged daily in the performance of their duties; they face each challenge freely and unselfishly while answering the call to duty. In certain instances, their actions warrant special attention from their respective departments. The *Bulletin* also wants to recognize their exemplary service to the law enforcement profession.



Officer Barrett

While enroute to duty, Officer Edward T. Barrett of the Defense Protective Service came upon a traffic accident. When he observed that the driver of one of the vehicles was slumped over the steering wheel, nearly unconscious, Officer Barrett quickly entered the vehicle, moved her head back, and cleared her airway to restore normal breathing. He then applied direct pressure to a serious wound on her forehead to control the bleeding. After stabilizing the victim, Officer Barrett cared for her until an ambulance arrived.



Officer Davis

Officer Brian Davis of the Tallahassee, Florida, Police Department responded to the report of a baby who had stopped breathing after nearly drowning in a bathtub. Officer Davis immediately performed life-saving procedures to resuscitate the baby, who was then taken to an area hospital for observation overnight.



Officer Wilson



Officer Cherry

During the early morning hours, Officers Bruce Wilson and William Cherry of the Massillon, Ohio, Police Department responded to the report of a house fire. Arriving before fire department personnel, the officers were informed by bystanders that people remained in the upstairs bedroom of the burning house. The officers attempted to search upstairs, but were driven back by the intense heat and smoke. When the residents responded to the officers' calls, Officers Wilson and Cherry directed them to break out the rear window. Emergency personnel then rescued the residents, who later said they were unaware of the fire until the officers' calls awakened them.

