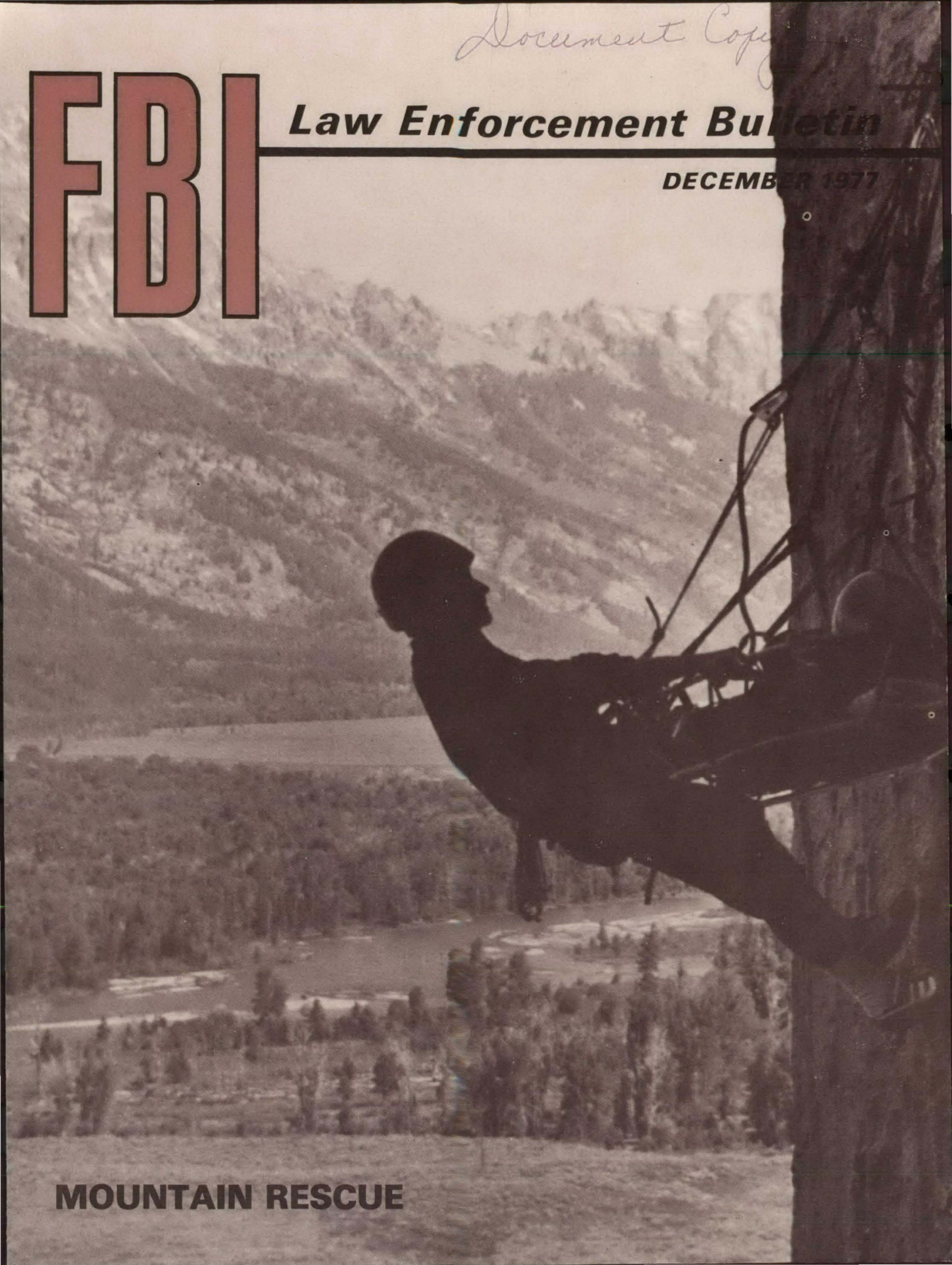


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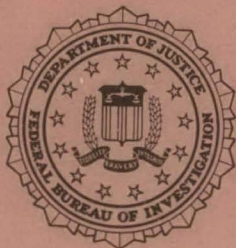


MOUNTAIN RESCUE

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"The men and women on patrol are the bulwark of law enforcement."

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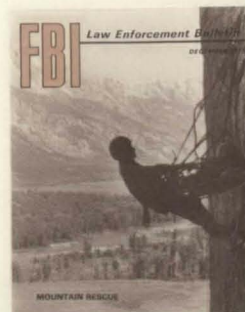
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THE COVER

This month's cover features a mountain rescue scene. See related article beginning on page two of this issue.



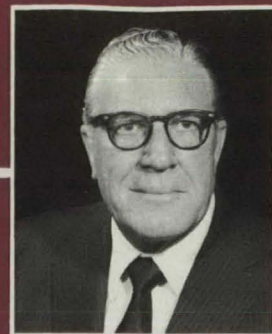


MOUNTAIN RESCUE:

The National Park Service is charged with the administration and management of the some 300 units, covering over 30 million acres, which comprise the National Park System. Under the act establishing the Park Service in 1916, the Service protects both park visitors and the resources of the parks. Thus, law enforcement and search and rescue functions in the national parks have been developed in response to congressional enactment.

One of the most spectacular areas administered by the Park Service is Grand Teton National Park, located in northwestern Wyoming and encompassing the rugged Teton range and part of the adjacent valley known as Jackson Hole. Here, mountain peaks rise sharply some 7,000 feet above the valley floor to elevations exceeding 13,700 feet. On this 430 square mile Federal reservation, the National Park Service shares concurrent jurisdiction with the State of Wyoming. Within the park, rangers provide visitor information, law enforcement, resource management, fire control, and search and rescue on the lakes, rivers, and in the mountains.

Message from the Director . . .



"OUR SOCIETY ASKS A GREAT DEAL of its law enforcement officers. We expect that they will not only enforce the law, but wear the hat of the curbside psychiatrist, the social worker, legal adviser, minister, and sometimes, doctor. Few if any officials in our society are given the breadth of discretion and heavy responsibility that our police are asked to carry on matters affecting the daily lives of 220 million Americans."

Chief Justice Warren E. Burger thus summed up the roles Americans have thrust upon their police officers in an address to the graduating officers of the FBI National Academy in September. Before I leave the post of Director of the FBI, I would like to speak about, and to, the law enforcement officer that the Chief Justice described: the officer that plays so many roles, the first on the scene of trouble—the patrol officer.

The patrol officer is literally the Biblical shield and buckler of our society. We expect of him, people have told me, honesty, courtesy, ability, intelligence, discipline, training, understanding, and humaneness. All of these virtues are required all the time of police officers, plus the ability to act quickly, often with inadequate information but always with wisdom. In Chief Justice Burger's words, "Law officers on the firing line often have only minutes—or even seconds—to make decisions on their conduct that perplex experienced judges for weeks. . . ."

These decisions affect not only society's safety, but can mean life or death to the officer

himself; 110 police officers were killed last year, another 34 died in the line of duty in the first half of this year.

It is an immense source of pride to me that so many able and dedicated officers are in the ranks, ready to take charge at horrifying accident scenes, ready to chase down the dark alley after a burglar, ready to stand up to the armed robber, ready to help the weak, the injured, and the helpless. And not, for sure, for the financial reward—a survey in a west coast city last year showed police were paid less than municipal painters, bricklayers, carpenters, truckdrivers, and plumbers.

Yet, in the Chief Justice's judgment, police officers' "duties are enough to tax the energies, the patience, and the skills of the ablest people in the country. . . ." There are limits to patience; police officers are human, as well as humane. A criminology professor turned policeman, Dr. George L. Kirkham, wrote that he "learned so many things about myself on the streets of that police beat—learned that I had a limit to the frustration and disrespect that I could endure, learned that I got tired of handling other people's troubles night after night. . . . The experience of walking even a few miles in a cop's shoes was a humbling one."

The men and women on patrol are the bulwark of law enforcement. I am proud of my years of association with you.


CLARENCE M. KELLEY
Director

A Visitor Protection Function in Grand Teton National Park

By

Peter M. Hart*

**Wawona District Ranger
Yosemite National Park, Calif.**

Nearly 4 million people visit the Tetons each year.

Since its inception, the National Park Service has had a search and rescue responsibility. It has been legally held that rescue is an integral part of the visitor protection function. From a sprained ankle incident on a back-country trail in the Great Smoky Mountain National Park of Tennessee to a multiday evacuation from one of Yosemite's rock walls, the Park Service carries out a wide variety of search and rescue operations in fulfilling its role of protecting the park visitor. Due to the sporadic nature of mountain accidents, funds are not generally budgeted for rescues in most parks, but come from contingency reserves.

"[T]he Park Service carries out a wide variety of search and rescue operations in fulfilling its role of protecting the park visitor."

Resources for rescue work in the national parks come from many areas. Service rangers, permanent and seasonal, provide the basic elements of

rescue forces. On occasion, expert climbers are hired on an emergency basis to assist on difficult rescues or during the off-season when Park Service manpower is in short supply. In areas where volunteer mountain rescue organizations are available, they are utilized to assist park personnel. However, the Park Service continues to maintain operational control of the rescue mission regardless of the composition of the rescue team. Air support may come from military or contract sources, depending upon the proximity of the park to military installations. On occasion, specialized units are brought in, including dogs and expert trackers from the U.S. Border Patrol, for complex search situations.

When Grand Teton National Park was originally established in 1929, mountain climbing was yet in its in-

fancy in the United States. However, a small number of mountaineers had begun climbing in the Tetons in the 1920's and with the advent of climbing came the inevitable accident. During the 1930's and 1940's, rescues were few in number and were performed by local residents and park employees with some knowledge of the mountains.

However, in the 1950's the sport of mountaineering came of age, and mountain accidents became more frequent. The need for a rescue team was apparent and one was organized in 1952 with a cadre of seasoned mountain rescue personnel ready to handle any rescue situation. Although operations are now more frequent, the basic organization formed in the 1950's continues today with only minor modifications. The Jenny Lake area has traditionally served as the gateway to the Teton back country. The major peaks of the range rise directly west of the lake and the area is the hub of the back-country trail network and of principal mountaineering routes. The rangers who work at Jenny Lake divide their time between mountaineering patrols and manning

*Formerly assigned to Grand Teton National Park.

"The accessibility of the trails and high peaks of the Teton range lure the inexperienced outdoorsman, who often finds himself in difficulty without the knowledge needed to avoid an accident nor the ability to extricate himself from the predicament once the incident has occurred."

the Jenny Lake ranger station. In addition, they compose the primary rescue team.

During the summer season, the Jenny Lake mountaineering ranger station is staffed with climbing rangers (the primary rescue team), who provide current information on route and weather conditions, register climbers, and issue back-country use permits. Registration for climbing is required, but otherwise the ranger serves in an advisory role only, making recommendations based on the climber's stated ability. Although no one is denied access to any climbing area because of lack of ability, the climbing rangers are often able to recommend an ascent suitable for a neophyte climber or one who is unfamiliar with the Teton range. While no absolute figures are available, it can be assumed that the accident rate among beginning climbers is probably reduced by the contact in the ranger station.

"Registration for climbing is required, but otherwise the ranger serves in an advisory role only, making recommendations based on the climber's stated ability."

The Rescue Problem

Through the 1960's, the pace of rescue activity increased, culminating

in a rescue on the Grand Teton where the victim was lowered by cable some 2,000 feet down the vertical north face of the peak. Since then, there have been several major rescues each year.

In Grand Teton National Park, back-country and mountaineering use has increased dramatically in recent years. In 1976, over 155,000 people used the park's back country and over 7,000 persons registered for mountain climbing. With increased use, the number of visitors finding themselves in difficulty has grown proportionally. The primary cause of back-country accidents is lack of knowledge of the inherent danger involved. The accessibility of the trails and high peaks of the Teton range lure the inexperienced outdoorsman, who often finds himself in difficulty without the knowledge needed to avoid an accident nor the ability to extricate himself from the predicament once the incident has occurred. Other factors, including severe mountain weather conditions and equipment failure, also add to the accident rate.

In 1976, Grand Teton logged 43 search and rescue incidents resulting in 31 injuries, 3 fatalities, and 28 technical evacuations. Over 1,600 man-hours were expended on these operations at a cost of approximately \$20,000. Rescues varied in length, from less than an hour for a simple helicopter lift-off to several days for complex technical evacuations from the more difficult climbing routes on the high peaks. Falls on technical rock

and steep snow usually result in the most serious injuries and the most complex rescue operations. The primary search and rescue season is during the summer months. However, as winter use has increased, rescues now occur during all seasons.

The Grand Teton Mountain search and rescue team is composed of five permanent rangers. During the summer rescue season, it is enlarged by 10 seasonal climbing rangers. Additional personnel, with climbing experience from throughout the park, make up the rescue support team. At full strength, the team is composed of 40 to 50 employees.

Accidents are usually reported to the Jenny Lake ranger station or the park communications center. A climbing ranger immediately conducts a detailed interview with the person reporting the mishap so that the rescue team has the benefit of all available information. Meanwhile, two climbing rangers, comprising the advance party, are usually underway within 15 minutes. Their purpose is to reach the scene quickly, provide medical aid to stabilize the victim's condition, and communicate information as to equipment and manpower needed at the scene. Radio contacts may also be established with the park medical adviser or the hospital so that necessary medications and replacement fluids may be administered.

Meanwhile, an operations leader has sized up the situation and begun marshaling manpower and equipment.

Helicopters are used whenever possible to lift rangers close to the scene and to transport the victim. The primary team is underway in less than an hour with ropes, a basket stretcher or Stokes litter, climbing hardware, winches, and miscellaneous rescue equipment. The leader of the primary team is also the rescue leader on the mountain and is responsible for the onscene direction of the rescue. The primary team is usually composed of six highly skilled rangers, who complete the technical portion of the evacuation by lowering the victim in the litter down steep to overhanging rock or down technical snow and ice, utilizing lowering ropes, a braking system, and solid anchor. Once the terrain becomes less steep and if helicopter use is precluded by weather, a support team of up to 24 additional rangers is used to carry the litter over broken, uneven ground to the trail. From there a wheeled litter carrier is used to bring the victim to the trailhead. In all, up to 35 people and 3 days may be required to effect a high elevation rescue from one of the major Teton peaks. The victim's vital signs are continually monitored and contact is maintained with medical personnel to insure that the victim's condition remains stable.

Occasionally two or more accidents occur simultaneously. Paramedical personnel are dispatched to each scene to stabilize the patient and priority of evacuation is based upon the severity of each incident.

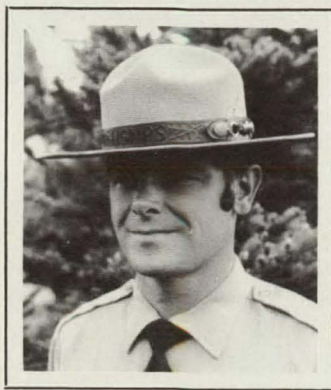
"In all, up to 35 people and 3 days may be required to effect a high elevation rescue from one of the major Teton peaks."

In addition to effecting the rescue, the onscene rescue leader is responsible for investigating the scene, determining the causes, securing prop-

erty, and assuring that foul play was not involved. Photographs and diagrams of the scene are always made for record purposes. Most accidents result from errors in judgment, such as trying to exceed one's ability, or equipment failure. The circumstances surrounding each incident are examined closely with an eye toward accident prevention and determination of responsibility. In cases of serious injury or death, the superintendent convenes a board of inquiry to further investigate the incident.

An Example

Occasionally a complex rescue stands out above others in that a wide variety of techniques is used, large amounts of manpower are committed, and considerable cost is incurred. In late September 1974, the duty ranger was checking the sign-out box prior to opening the Jenny Lake ranger station for the day. He discovered a note reading "Climber stranded at 13,000 feet on Grand Teton. Check at campground for details." Although the victim's climbing partner had arrived at 11 p.m. the preceding night, he incredibly had left the note at the unmanned station and passed the phone booth on his way to the campground! This 9-hour delay in reporting the accident would cause further problems in the hours ahead.



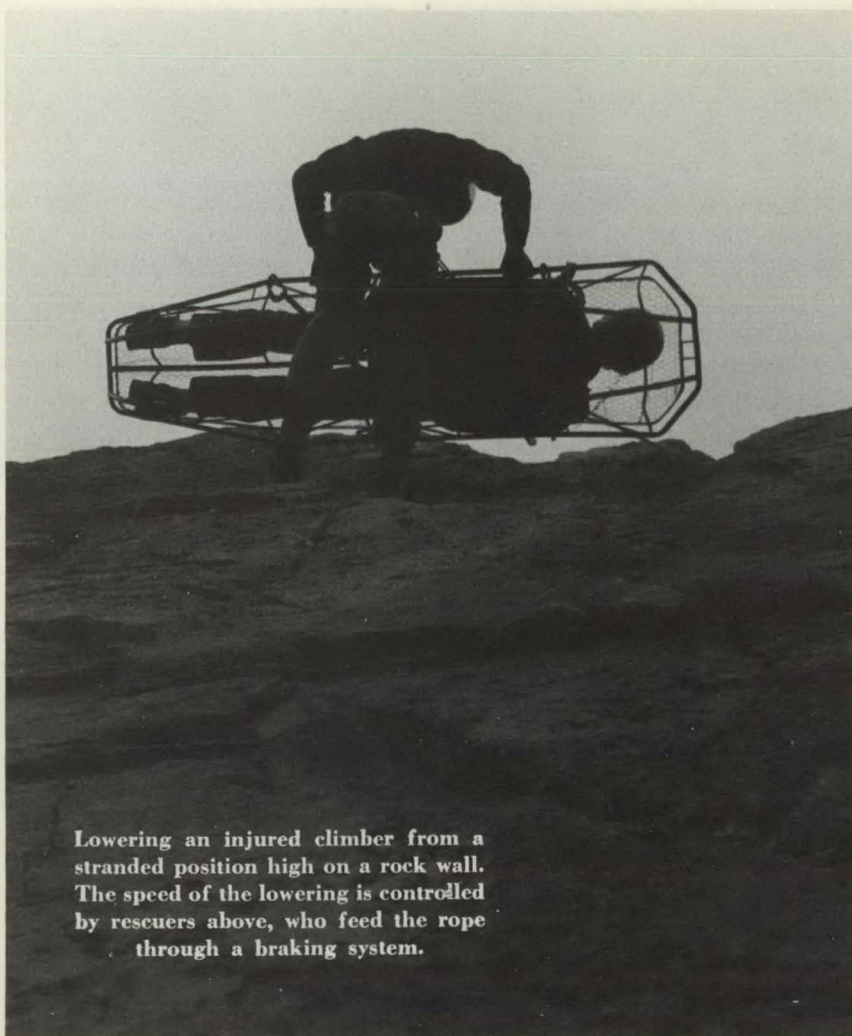
Park Ranger Hart

The preceding day had been unusually dry and clear for late September in the Tetons, and climbing was still summer conditions on the high peaks. A two-member climbing party had been inching its way up the Petzoldt Ridge on the 13,770-foot Grand Teton's south flank. The party was at the 13,000-foot level. As the leader reached for a handhold, the rock came loose, throwing him off balance and causing him to fall. As he fell, the strain on the rope pulled out his last two points of protection. He landed on his feet on a ledge 35 feet below, shattering both ankles. After leaving extra clothing and equipment with the injured man, the climbing partner made the long descent to summon help.

The following morning, after the partner had been contacted, 11 rangers and their equipment were shuttled by helicopter to the 11,644-foot lower saddle from where the rescue would be staged. The victim still lay some 1,500 feet above this spot. It would be too hazardous to lower the injured climber down the rotten, loose, rock-choked Ford Couloir. A 600-foot raising was planned in order to gain a more favorable descent route.

Two rangers reached the injured party at 3:30 p.m., 23 hours after the accident. The weather on the mountain the preceding night had been unusually warm, and the victim was found to be in stable condition. His legs were splinted, and medication for pain was administered. He was placed in the litter and the raising began with two rangers tied to the litter, guiding it to keep it from getting caught on overhanging rock as it was pulled up by hand winch. The slow process was completed well after dark; both victim and rescuers spent the night huddled on a narrow ledge at 13,500 feet.

During the night, the wind increased. However, seven more rangers



Lowering an injured climber from a stranded position high on a rock wall. The speed of the lowering is controlled by rescuers above, who feed the rope through a braking system.

landed on the lower saddle by helicopter under marginal flying conditions the following morning. The litter was raised another 40 feet to the ridge crest, carried horizontally on a narrow ledge around the mountain, and then lowered down overhanging cliffs to the upper saddle at 13,200 feet. For technical lowerings, the litter bearer, wearing a harness and tied to the stretcher, guides it down the rock as a rescuer steadily feeds the ropes through a braking system connected to a solid rock anchor.

Below the upper saddle, the gradient eases, but the footing remains treacherous and rockfall is an ever-present hazard. It is here that the really difficult work began, for although there is no trail, terrain is not

steep enough for gravity to help in suspending the litter as in a technical lowering. Here, as before, a rescuer guided a belay rope through the braking system, but six others now had to carry the litter over the uneven ground utilizing carrying slings. This job is tiring and replacements in carrying personnel must be frequent. Teams leapfrog setting anchors so that the

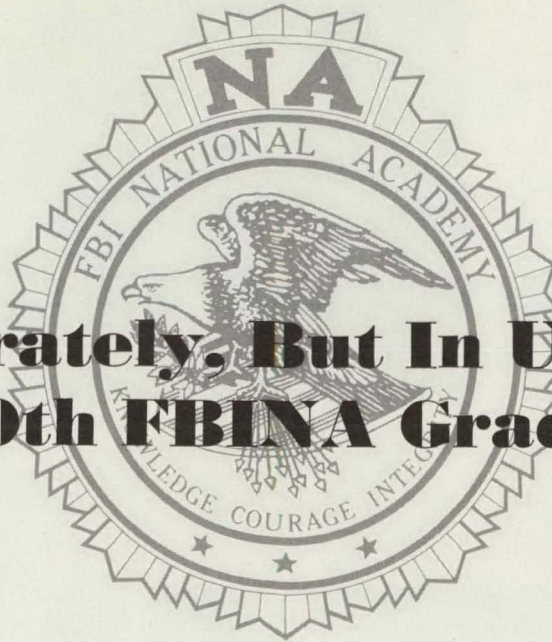
"For technical lowerings, the litter bearer, wearing a harness and tied to the stretcher, guides it down the rock as a rescuer steadily feeds the ropes through a braking system connected to a solid rock anchor."

litter moves smoothly with minimum delay.

The lower saddle was finally reached at about 4 p.m., nearly 48 hours after the accident. Usually helicopter pickups can be made from the lower saddle. However, increasing winds from a fast-approaching cold front thwarted the helicopter landing attempt. With deteriorating weather, the rescue leader decided to descend the remaining 5,000 vertical feet and 6 lateral miles to the valley below. The litter was first technically lowered down a steep ice gully for nearly 900 feet. Here, one ranger wearing crampons or spikes on his boots to gain purchase on the steep and hard ice guided the belayed litter down the slope. The team then continued moving the victim throughout the night using headlamps for light. An additional support team was met, and the evacuation was continued down the trail using a wheeled litter carrier.

A heavy early season snowstorm cloaked the mountains with fresh snow shortly after the victim reached the trailhead. He had spent over 60 hours on the mountain since his fall. The delay in reporting the accident probably prevented the helicopter evacuation and resulted in an extra day on the mountain. In all, some 812 man-hours were expended by 30 rangers at a total cost of over \$8,000. This rescue illustrates that helicopters, although an important rescue tool, have significant limitations and cannot replace a trained rescue force.

National Park Rangers have many and varied responsibilities today. The mountain rescue team at Grand Teton National Park was established to meet a specific need in this mountaineering-oriented park. As back-country use has increased, so have the number of mountain accidents and rescues are now a commonplace operation. They must be handled efficiently and expeditiously as part of our visitor protection function. FBI



“Separately, But In Union”— The 110th FBINA Graduates

Chief Justice Warren E. Burger told the graduates of the 110th Session of the FBI National Academy that “Public confidence in the criminal justice system depends to a large extent on law officers and how effectively and professionally you discharge your very heavy duties.”

The Chief Justice called for “maximum training on the basic concepts of law” in his address. (His important insights on the role of law enforcement in our society highlight FBI Director Kelley’s message in this issue.) Chief Justice Burger was the principal speaker at the National Academy ceremonies held September 23, 1977, at the Academy’s training complex in Quantico, Va.

The 248 graduates included 4 women and represented 49 States, the District of Columbia, and 6 foreign countries. Since its establishment in 1935, the Academy has graduated more than 11,000 officers, training them in such

vital areas of law enforcement as legal matters, management, and behavioral sciences. Many friends and relatives along with several distinguished guests gathered to observe this special event.

Following a musical selection by the U.S. Marine Band, FBI Training Division’s Acting Assistant Director Kenneth E. Joseph called the proceedings to order. The invocation was delivered by Lt. Cmdr. Arden D. Walz, Chaplain Corps, U.S. Navy.

Ralph T. Wiles, Jr., chief investigator for the Florida State Attorney’s Office, West Palm Beach, was introduced as the elected class spokesman. In his speech Mr. Wiles highlighted the importance of the National Academy “to ourselves, our families, and our profession.”

He stated further that the time spent with other members “discussing pertinent ideas and sharing our knowledge with one another” is the

key that makes the National Academy the most valuable educational experience in a law enforcement career. Mr. Wiles said that the graduates will go back to their departments rejuvenated and rededicated to their profession. “There is little doubt that in each agency change is important if we are to conduct our law enforcement function properly,” he concluded, also stressing that the officers utilize their experiences when they return to their departments.

Following his speech, Mr. Joseph introduced FBI Director Clarence M. Kelley. In his remarks he told the graduates, “Your profession will be increasingly called on to deal with the public, to keep the peace, and to better our society.” He continued by saying that law enforcement must change in order to keep progress with the changes in our society.

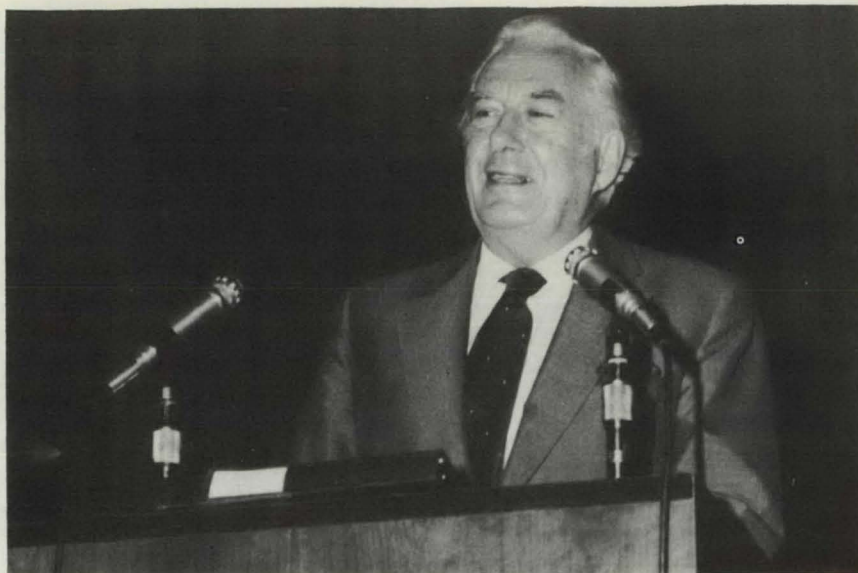
Director Kelley also told them that most National Academy graduates

eventually rise to the top of the law enforcement profession. He noted, "Not only do you have the skill with which to instruct others, but I am sure that many of you will have positions of administrative and supervisory capacity, which will make your actions visible and possibly catalysts for change."

At the conclusion of Director Kelley's speech to the graduates, Chief Justice Burger was introduced as the principal speaker.

Following his remarks, Mr. James T. Stewart of the National Academy staff presented the class to Director Kelley who then awarded the diplomas to each graduate.

The program was concluded with a benediction and the rendering of the national anthem by the U.S. Marine Band.



The Honorable Warren E. Burger, Chief Justice of the United States, delivered the principal address.



Pictured with FBI Director Clarence M. Kelley are the five section leaders of the 110th Session. Shown, left to right, are: Mr. Desta W. A. Nisbeth, Netherlands Antilles Security Service, Willemstad, Curaco, Netherlands Antilles; Mr. Robert H. McDonald, Chief of Police, Copperas Cove, Tex.; Director Kelley; Sgt. Albert Gricoski, Pennsylvania State Police, Hamburg, Pa.; Mr. James Huffman, Chief of Police, Piqua, Ohio; and Mr. Ralph T. Wiles, Jr., chief investigator, State Attorney's Office, West Palm Beach, Fla.

Electronic Siren Performance Losses

The Los Angeles County Sheriff's Department advises that its patrol cars, equipped with electronic sirens with dual speakers, sometimes operate at decreased sound levels due to an out-of-phase operational condition. This loss of sound level is not distinguishable by the vehicle's driver; however, loss of sound in front of the vehicle may be quite significant. This problem was discovered when vehicle operators indicated that motorists did not seem to hear their sirens during emergency responses.

A simple test can be performed by the operator of the vehicle to determine if the speakers are properly phased. This is accomplished by adjusting the system to operate the two-way radio. Through these speakers, one can adjust the radio squelch control for continuous noise at a comfortable volume level. If the speakers are misphased, a significant loss of volume will be detected when walking in an arc in front of the vehicle.

To correct this problem, a

simple test procedure was devised utilizing pickup speakers placed in front of and facing each siren speaker. These pickup speakers act as microphones which sample the sound output of each siren speaker. Thus, through a switching arrangement, the sound output can be channeled to a standard meter for measuring the decibel levels of the siren speakers. Then, through a test procedure, a technician can determine the sound outputs of each electronic siren speaker.

Bank Burglars Bomb Out

Earlier this year, five individuals attempted to rob a bank in rural northwestern Georgia with the use of explosives. Six sticks of dynamite, each weighing 3 pounds and measuring 16 inches in length and 2½ inches in diameter, were placed around the vault door and detonated. The explosion completely destroyed the interior of the building and caused severe structural damage, resulting in \$165,000 in property loss. One 75-pound hinge from the vault door was thrown over 350 feet from the seat of the explosion. Yet, in spite of this extensive destruction, the vault remained unopened, and no money was taken.



Interior of bank after explosion. (Note unopened vault door at right of photograph.)

THE LEGAL DIGEST



Search by Consent

This is the first part of a seven-part article which will appear in consecutive issues of the Bulletin.

PART I

Introduction

Effect of *Schneckloth v. Bustamonte* (1973)

Impact of *Chimel v. California* (1969)

Consent—A Systematic Approach

Scope of Fourth Amendment Protection

Basis of Protection—*Katz v. United States* (1967)

Protected Interests—When Consent Is Required

Curtilage and Open Fields—Still Viable Concepts?

Abandoned Dwellings

PART II

Lawful Possession—The First Key to Valid Consent

By

DONALD J. McLAUGHLIN

Special Agent

Legal Counsel Division

Federal Bureau of Investigation
Washington, D.C.

Actual v. Apparent Authority to Consent

Absentee Possessor

Possessory Interests in Particular

Owner—Landlord

Tenant

Joint Tenants and Common Occupants

Business Partners

Husbands, Wives, and Paramours

PART III

Parent and Child

Other Family Members

Employer and Employees

Principal and Agent

Host and Guest

Secondary School Officials and Students

PART IV

The Second Requirement of Lawful Consent—Voluntariness

Custody

Use of Force and Threats

Submission to Authority

PART V

Deception, Fraud, and Misrepresentation

Physical and Mental Condition—Age, Background, and Experience

Number of Officers

Time of Search

Manner of Request

Cooperation of Consenting Party
Summary

PART VI

Effect of Prior Constitutional Violation

FBI Law Enforcement Bulletin

- Limitations of Search
 - Scope of Search
 - Revocation or Modification
- Implied Consent
 - Silence—Failure to Object
 - Conduct and Gestures
 - Ambiguous or Equivocal Responses
- Permission to Enter

PART VII

- Proof of Consent
 - Burden of Proof
 - Written or Oral Proof
 - Cautionary Warnings
- Special Situations
 - Employment Contracts—Conditions of Employment
 - Effect of Statutes and Ordinances
 - Parolees and Probationers
- Conclusion

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." United States Constitution, amendment IV.

Introduction

Nowhere has the law experienced more growth in the past decade than in the area of criminal procedure. In 1968, the FBI Law Enforcement Bulletin published a series of articles concerning one aspect of procedural law—consent searches. The articles, entitled "Search of Premises by Consent," were reprinted in 73 Dick. L. Rev. 44 (1968). Since that time, several Supreme Court decisions discussed hereinafter have addressed problems involving consent searches,

and lower courts have likewise added to this important body of law. This training document revises and updates the prior publication.

Search by consent is an investigative technique frequently used by law enforcement officers where premises are protected against unreasonable search by the fourth amendment to the Constitution of the United States. Properly made, such searches are deemed reasonable, and therefore, in full accord with constitutional requirements. The utility of this technique and the subtle distinctions which determine its legality require that all investigators at least be familiar with its basic elements.

The starting point for a good understanding of consent searches is the fact that although the law consistently approves of this method, when legal prerequisites are satisfied, it does not favor it. The law prefers those searches made with a search warrant, for the intervention of a magistrate provides the greatest assurance the officers acted in observance of the rights protected by the fourth amendment. The warrant, lawfully issued only upon a finding of probable cause by a neutral and detached magistrate, describes the premises to be searched, shows when they may be entered, and specifies the things that may be sought. Such limitations are not as obvious in a search by consent; consequently, the tendency of the courts is to require the searching officer to present convincing proof that his conduct was reasonable throughout.

The judicial preference for search warrants has led the Supreme Court to observe that searches conducted without prior approval of a judge or magistrate are "per se unreasonable under the Fourth Amendment." *Cool-*

idge v. New Hampshire, 403 U.S. 443, 454 (1971); *Katz v. United States*, 389 U.S. 347, 357 (1967). Yet, while the emphasis on warrants remains strong, the Court has held consistently that a warrantless search undertaken with permission of a party authorized to consent is lawful. *Vale v. Louisiana*, 399 U.S. 30, 35 (1970); *Davis v. United States*, 328 U.S. 582 (1946). A consent search thus is an exception to the search warrant requirement.

Effect of *Schneekloth v. Bustamonte* (1973)

Prior to 1973, consent to search was also generally described as a "waiver" of the constitutional right against unreasonable search and seizure. A person from whom consent was sought had a right to refuse (and still does), a right to insist that an officer obtain a search warrant before entering his premises. Such a person was free to give up this protection, i.e., "waive" his right, but the prosecution bore a heavy burden to prove the waiver was knowing and voluntary.

In *Schneekloth v. Bustamonte*, 412 U.S. 218 (1973), Justice Stewart, speaking for a majority of six, made plain that a consent to search is not a waiver of a constitutional right as that phrase has been frequently used by the Court. He drew a careful distinction between a right guaranteed by the Constitution, which promotes "the fair ascertainment of truth at a criminal trial," such as the right to counsel and the right against compulsory self-incrimination, and the guarantee of the fourth amendment, which protects the right of privacy, but has little to do with the integrity of the factfinding process or the fairness of trial.

"The starting point for a good understanding of consent searches is the fact that although the law consistently approves of this method, when legal prerequisites are satisfied, it does not favor it."

As to the former rights, the Court has held that the prosecution must demonstrate an "intentional relinquishment or abandonment of a known right or privilege" in order to prove a waiver. *Johnson v. Zerbst*, 304 U.S. 458 (1938); *Miranda v. Arizona*, 384 U.S. 436 (1966). Moreover, every reasonable presumption is indulged against voluntary waiver. But consent to search is of a different order. The State need not show an "intentional relinquishment of a known right" to prove consent, and every reasonable presumption is not against voluntary relinquishment. *Schneckloth v. Bustamonte*, *supra*, at 243. Hence, consent is not a constitutional waiver in the traditional sense.

Some courts continue to characterize a consent to search as a waiver of rights. See, e.g., *United States v. Heisman*, 503 F. 2d 1284 (8th Cir. 1974); *People v. Hancock*, 525 P. 2d 435 (Colo. 1974). Such a choice of terms is not significant so long as one distinguishes, as did the Supreme Court in *Schneckloth*, between a waiver of rights going to the fairness of trial and the foregoing of a right against unreasonable search. In the following text, a consent is occasionally referred to as a waiver, but in the post-*Schneckloth* sense.

Impact of *Chimel v. California* (1969)

In 1969, the Supreme Court reduced the permissible scope of search made incidental to an arrest inside premises. The Court held that a search incident must be restricted to the person of the arrestee and the area under his immediate control, defining that area as one from which he could seize a weapon or destructible evidence. *Chimel v. California*, 395 U.S. 752 (1969).

The immediate effect of *Chimel* is apparent. It is a greatly narrowed

zone of search following arrest. The indirect effect of the decision, however, may be far more important. It means that an officer who desires to search throughout premises following an arrest can no longer rely on the broad power he enjoyed prior to 1969. Today, any search pursuant to an arrest made within premises and beyond the immediate vicinity of the arrestee, absent an emergency, must be made under authority of a search warrant or with consent of a party empowered to give such consent.

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

It is likely that in the years following *Chimel* more search warrants were issued and executed than ever before. While statistics are not readily available, it is probably accurate to conclude that there also has been an increase in consent searches. Where an officer has grounds to make an arrest but insufficient facts to justify issuance of a search warrant, lack of probable cause precludes a warrant search. *Chimel* bars the search incidental to arrest. The only avenue open to the officer is a consent search.

Consent—A Systematic Approach

Careful judicial scrutiny of consent searches does not call for a pessimistic approach to undertaking them. This method of search is upheld frequently where there is inquiry into all the circumstances and an effort made to mediate fairly between the interest of

society in effective law enforcement and the right of the defendant to his privacy. An officer preparing to search under this authority must take four separate steps, each of which is summarized below and discussed at greater length in the material that follows. The four steps and the order in which they should be taken are:

1. Determine whether the premises are protected by the fourth amendment. Some areas, such as open fields, public places, and abandoned property, can be searched lawfully without consent, search warrant, or a contemporaneous arrest therein, and any incriminating evidence thus uncovered may be collected and used by the prosecution.

2. If the premises do enjoy the constitutional protection against unreasonable searches, identify the person then lawfully entitled to possession. The privacy guaranteed by the fourth amendment is found in the right of possession, not in the legal title to the premises.

3. Obtain from the person in possession a voluntary relinquishment of the constitutional right declared in the fourth amendment. This consent should specify the scope and intensity of the contemplated search.

4. Conduct the search within the limitations expressed or implied in the consent.

Scope of Fourth Amendment Protection

Basis of Protection—*Katz v. United States* (1967)

The traditional view of fourth amendment analysis was closely tied to concepts of property and tort law. Courts spoke in terms of "places" safeguarded by the Constitution. Words such as "trespass," "protected areas," and "curtilage" were frequently used to delineate the scope of protection. It could be said that the guarantee went to places, not people, and

the courts' job was to determine if the place was entitled to constitutional protection. This approach underwent a dramatic change in 1967.

In *Katz v. United States*, 389 U.S. 347 (1967), the Supreme Court held that the fourth amendment protects "people, not places." It observed:

"... the premise that property interests control the right of the Government to search and seize has been discredited. . . .

[I]t becomes clear that the reach of that Amendment cannot turn upon the presence or absence of a physical intrusion into any given enclosure." *Id.* at 353 (quoting from *Warden v. Hayden*, 387 U.S. 294, 1967).

Katz concludes that the key to constitutional protection is whether a person harbors a reasonable expectation of privacy which is infringed by police. Such an expectation applies to intangible and tangible interests, to words as well as houses, suitcases, automobiles, etc. If a person intends that a conversation, an area, or an item of personal property is private, and he does so under circumstances which make plain he means to exclude the public, the fourth amendment will protect this zone of privacy.

Katz dealt with warrantless monitoring of a private telephone conversation. But the holding of the Court goes beyond the electronic eavesdropping problem of that case. The precise scope of protection turns on whether police conduct intruded on a reasonably relied-upon privacy interest. And the difficulty, of course, is applying the concept "reasonable expectation of privacy" to a concrete, specific fact pattern. Post-*Katz* cases suggest that a practical application of that decision has been achieved by careful scrutiny of the place or area which was entered or searched by police. So while *Katz* sought to eliminate places as the principal fourth amend-

ment consideration, it appears that subsequent court decisions either have returned to or never abandoned the analysis of "protected areas." Today, protected area translates as one in which an individual has a reasonable expectation of privacy.

"Today, protected area translates as one in which an individual has a reasonable expectation of privacy."

To summarize, the *Katz* decision fashioned a new and broader approach to the question of what interests are protected by the fourth amendment. Traditionally protected areas continue to enjoy the cloak of constitutional protection because individuals possess an expectation of privacy therein. But *Katz* would allow the protection to be extended even beyond such areas under the proper circumstances, i.e., where courts feel an important privacy interest should be secured.

Protected Interests—When Consent Is Required

If an officer has no search warrant and lacks authority to make a lawful entry and arrest to which a very limited search of the premises could be incident, a reasonable search for evidence requires consent if the place is one in which the possessor has a reasonable expectation of privacy, i.e., a place protected by the fourth amendment. The amendment speaks of "houses," but this word is broadly defined to include any enclosure used as a habitation, as a place of business, or as a place to store personal effects. Houses thus include:

Private Dwellings—*Wyman v. James*, 400 U.S. 309 (1971); *Vale v. Louisiana*, 399 U.S. 30 (1970); *Lewis v. United States*, 385 U.S. 206 (1966); *Amos v. United States*, 255 U.S. 313 (1921). The protection extends to adjacent grounds (curtilage),

Fixel v. Wainwright, 492 F. 2d 480 (5th Cir. 1974); *United States v. Wolfe*, 375 F. Supp. 949 (E.D. Pa. 1974); and to buildings and structures within the curtilage, *United States v. King*, 305 F. Supp. 630 (N.D. Miss. 1969); *Hunsucker v. State*, 475 P. 2d 618 (Okla. Crim. App. 1970).

Apartments—*Camara v. Municipal Court*, 387 U.S. 523 (1967); *United States v. Trevino*, 62 F. R. D. 74 (S.D. Tex. 1974).

Hotel and Motel Rooms—*Hoffa v. United States*, 385 U.S. 293 (1966); *Stoner v. California*, 376 U.S. 483 (1964); *United States v. McKinney*, 477 F. 2d 1184 (D.C. Cir. 1973); *United States v. Fisch*, 474 F. 2d 1071 (9th Cir. 1973), cert. denied 412 U.S. 921 (1973).

Boardinghouse Rooms—*McDonald v. United States*, 335 U.S. 451 (1948); *Shuler v. Wainwright*, 341 F. Supp. 1061 (M.D. Fla. 1972), modified 491 F. 2d 1213 (5th Cir. 1974); *Smyth v. Lubbers*, 398 F. Supp. 777 (W.D. Mich. 1975) (college dormitory room); *City of Athens v. Wolf*, 313 N.E. 2d 405 (Ohio 1974) (dormitory room).

Guest rooms—*Jones v. United States*, 362 U.S. 257 (1960); *Burge v. United States*, 342 F. 2d 408 (9th Cir. 1965), cert. denied 382 U.S. 829 (1965); *Dupont v. United States*, 259 A. 2d 355 (D.C. App. 1969); *State v. Matias*, 451 P. 2d 257 (Hawaii 1969).

Offices—*Mancusi v. DeForte*, 392 U.S. 364 (1968); *United States v. Nasser*, 476 F. 2d 1111 (7th Cir. 1973) (government office); *United States v. Ehrlichman*, 376 F. Supp. 29 (D.C. 1974) (doctor's office).

Business Buildings—*See v. City of Seattle*, 387 U.S. 541 (1967); *United States v. Heisman*, 503 F. 2d 1284 (8th Cir. 1974); *Youghioghney and Ohio Coal Co. v. Morton*, 364 F. Supp. 45 (S.D. Ohio 1973).

Miscellaneous—*United States v.*

Gargotto, 510 F. 2d 409 (6th Cir. 1974), cert. denied 421 U.S. 987 (1975) (premises destroyed by fire); *Steigler v. Anderson*, 496 F. 2d 793 (3d Cir. 1974) cert. denied 419 U.S. 1002 (1974) (burning home); *Simmons v. Bomar*, 349 F. 2d 365 (6th Cir. 1965) (housetrailer); *United States v. Blok*, 188 F. 2d 1019 (D.C. Cir. 1951) (desk used by employee); *Kroehler v. Scott*, 391 F. Supp. 1114 (E.D. Pa. 1975) (toilet stall in public restroom); *Klutz v. Beam*, 374 F. Supp. 1129 (W.D.N.C. 1973) (private boat used as home); *United States v. Rubin*, 343 F. Supp. 625 (E.D. Pa. 1972), vacated on other grounds, 474 F. 2d 262 (3d Cir. 1973) (home temporarily vacated for remodeling purposes); *United States v. Small*, 297 F. Supp. 582 (D. Mass. 1969) (rental locker in subway station); *Adair v. State*, 298 So. 2d 671 (Ala. Crim. App. 1974) (Locked storehouse beyond curtilage); *People v. Overton*, 249 N.E. 2d 366 (N.Y. 1969) (locker in public school).

It should be noted that a good many of the foregoing illustrative cases were decided in the years following *Katz*. They suggest that careful consideration of the "area" searched is an approach which has survived *Katz*. Indeed, it is the manner in which *Katz* has been implemented. Other concepts which predate *Katz* and seem to have survived are those of curtilage and open fields.

Curtilage and Open Fields—Still Viable Concepts?

Curtilage is defined as the area immediately surrounding a dwelling house, necessary and habitually used for family purposes and domestic pursuits, and includes buildings located therein. The traditional view extended the protection of the fourth amendment outside the house itself to the surrounding grounds. *Rosencranz v. United States*, 356 F. 2d 310 (1st Cir.

1966). A companion doctrine stated that open fields, i.e., areas beyond the curtilage, did not enjoy the protection of the fourth amendment. *Hester v. United States*, 265 U.S. 57 (1924). Both concepts, curtilage and open fields, grew out of the property approach to constitutional protection. See *Katz*, *supra*. The question is whether they have survived the *Katz* decision.

Current use of the terms curtilage and open fields by the courts suggests their continued viability. See, e.g., *United States v. Brown*, 473 F. 2d 952 (5th Cir. 1973) (open fields); *United States v. Cain*, 454 F. 2d 1285 (7th Cir. 1972) (open fields); *United States v. Romano*, 388 F. Supp. 101 (E.D. Pa. 1975) (curtilage); *United States v. Swann*, 377 F. Supp. 1305 (D. Md. 1974) (open fields); *Everhart v. State*, 337 A. 2d 100 (Md. 1975) (curtilage).

Thus the doctrines have survived, albeit in a form somewhat different than before 1967. The notion that an invisible line surrounding premises dictates application of the fourth amendment has been discarded in favor of the reasonable expectation of privacy approach. However, the reasonable expectation rule is applied in the context of the traditional concepts of curtilage and open fields. What this means simply is that a lawful possessor generally maintains an expectation of privacy in the curtilage, whereas he possesses no such expectation in open fields. See *Patler v. Slayton*, 503 F. 2d 472, 478 (4th Cir. 1974) ("... in considering what people can reasonably expect to maintain as private, we must inevitably speak in terms of places.") The Supreme Court of Colorado pointed out in 1975:

"Courts have often looked to the common-law concept of curtilage to assist in the resolution of search and seizure issues. . . . The curtilage concept, properly understood, merely restates what

the Supreme Court expressed in *Katz* as to a reasonable expectation of privacy." *People v. Becker*, 533 P. 2d 494, 496 (Colo. 1975).

An officer who today equates curtilage with the area wherein an individual possesses a reasonable expectation of privacy will be correct in his view in the vast majority of cases. Further, the curtilage is easily identifiable and generally offers no serious problem in urban communities, at least in connection with single family dwelling houses. It is the yard. Where curtilage is more difficult to handle is in rural or sparsely populated locations. And it is probably accurate to say that courts, when confronted with the question of where the curtilage ends and open fields begin, will turn to the older pre-*Katz* decisions for an answer. See, e.g., *United States v. Wolfe*, 375 F. Supp. 949 (E.D. Pa. 1974).

While the foregoing decisions suggest the holding of *Katz* is not necessarily incompatible with the earlier curtilage—open fields view, officers nevertheless should understand that a broad interpretation of *Katz* could occasionally render an entry onto open fields a fourth amendment violation. Where, for example, a possessor surrounds the land with a barbed wire fence and mounts "no trespassing" signs thereon, a court might conclude that not only did he intend to keep the land private, but such expectation was objectively reasonable. The same approach could be taken with respect to closed and locked outbuildings which are remote from the dwelling house.

Abandoned Dwellings

A longstanding doctrine of search and seizure law permits the taking of property which has been abandoned, so long as the abandonment has not been caused by prior illegal police conduct. By far, the majority

of cases dealing with the abandonment issue concerns personal property—automobiles, garbage, narcotics, gambling records, weapons, etc. But premises—homes, apartments, hotel rooms, places of business—can be abandoned as well. And the general rule is clear. Abandonment of premises deprives the former possessor of the right to assert that his rights were violated by police entry, search, or seizure. He has no “standing” to object. The effect is to lift the cloak of fourth amendment protection from the abandoned premises.

“Abandonment in the constitutional sense means the intentional and voluntary relinquishment of the reasonable expectation of privacy in premises.”

Defining abandonment is not difficult, proving it is another matter. Abandonment in the constitutional sense means the intentional and voluntary relinquishment of the reasonable expectation of privacy in premises. *United States v. Kahan*, 350 F. Supp. 784 (S.D.N.Y. 1972), aff’d in part, rev’d in part 479 F. 2d 290 (2d Cir. 1973), rev’d on other grounds 415 U.S. 239 (1974). Note that proof of abandonment requires voluntary relinquishment of premises and intent to abandon. Mere absence is not abandonment, nor is involuntary absence due to arrest and incarceration. *United States v. Robinson*, 430 F. 2d 1141 (6th Cir. 1970). Similarly, verbal notice to vacate given to a tenant delinquent in rental payments does not necessarily establish abandonment. *United States v. Botelho*, 360 F. Supp. 620 (D. Hawaii 1973).

In order to prove abandonment, the prosecution must be prepared to show the intent of the former possessor at the time he abandoned. Courts apply a totality of circumstances test in resolving the problem.

And because the relinquishing party seldom announces an intent to abandon, his state of mind must be proven circumstantially. Hence, any evidence bearing on the fact of relinquishment of the premises can be considered—present whereabouts of former possessor, circumstances of his departure, duration of his absence, condition of vacated premises, remarks made prior to or after departure, provisions of rental agreements, etc.

The leading Supreme Court decision concerning abandonment is *Abel v. United States*, 362 U.S. 217 (1960). While the Court discussed abandonment only in the context of personal property discarded in a wastepaper basket located in the defendant’s hotel room, the following language of the opinion concerning the search of the room itself is noteworthy:

“No pretense is made that this search by the F.B.I. was for any purpose other than to gather evidence of crime. . . . As such, however, it was entirely lawful, although undertaken without a warrant. This is so for the reason that at the time of the search petitioner had vacated the room. The hotel then had the exclusive right to its possession, and the hotel management freely gave its consent that the search be made.” *Id.* at 241.

Other Federal courts have likewise concluded that premises can be abandoned. One of the leading cases is *Parman v. United States*, 399 F. 2d 559 (D.C. Cir. 1968), cert. denied 393 U.S. 858 (1968), where it was held that a murder defendant abandoned his apartment, as a matter of fact and of law, when he fled out of State, registered under an assumed name at a tourist home, went to a third State, adopted an alias, rented another apartment, sought new employment, and purchased furniture and clothing. Judge (now Chief Justice) Burger ob-

served: “. . . a valid finding of abandonment deprives Appellant of standing to assert a claim that the items of evidence in question were improperly ‘seized’.” *Id.* at 565. He also rejected the argument that abandonment cannot be retroactively justified where officers at the time of entry have no reason to believe the premises abandoned, but such facts become apparent through later investigation.

More recently, in *United States v. Parizo*, 514 F. 2d 52 (2d Cir. 1975), it was held that when a motel guest’s term of occupancy expires, the guest loses his exclusive right to privacy in the room, and the manager then has the right to enter and may consent to the search of the room. Lawful possession thus reverts to the owner or manager, and an officer seeking access to such a room should obtain consent from that party. See also *United States v. Croft*, 429 F. 2d 884 (10th Cir. 1970) (guest completely loses right of privacy in motel when rental period expires); *Hayes v. Cady*, 500 F. 2d 1212 (7th Cir. 1974), cert. denied 419 U.S. 1058 (1974) (reversion to landlady of right to consent); *State v. Maxfield*, 472 P. 2d 845 (Ore. App. 1970) (abandonment of rental house).

Several important points emerge from the preceding cases and discussion: (1) Abandoned premises are not protected by the Constitution as to the former possessor; (2) abandonment turns on the intent of the vacating party; (3) intent will be considered in light of all surrounding circumstances; (4) consent to enter or search need not be obtained from the abandoning party, though police would be well-advised to get such authority from one to whom lawful possession has reverted; and (5) where exigent circumstances do not exist, or where premises can be temporarily secured, a search warrant should be obtained prior to entry. ^(FBI)

(Continued Next Month)

Dealing with Danger: *The Colorado Committee on Hazardous Materials Safety*

By

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Avan-type trailer placarded 'Dangerous' is traveling on the interstate. The driver, in pulling over to the shoulder to check a tire, struck a bridge abutment and sheared open the side of the van on the forward right corner. A stream parallels the highway on the side of the incident.

"Upon your arrival at the scene, you smell an unusual pungent odor and see through the breach in the van that a liquid is running out of the bottom of the truck from damaged cases that are labeled 'Poison' class 'B'. The cases also have the name and trade symbol of a well-known west coast pesticide manufacturer."¹

This hypothetical incident is but one of several problems presented to law enforcement and emergency response personnel as a final exercise at the hazardous materials safety seminars conducted by the Colorado Com-

"The seminars evolved out of the consciousness and concern of Denver police personnel . . . about the nature of the [truck cargo] loads in transit and about the consequences of accidental spillage."

mittee on Hazardous Materials Safety. To date, 37 of these seminars within the State of Colorado and one national seminar have been held. As a

result of the training received there, attendees are able to effectively anticipate and cope with the hazardous materials exigency.

The seminars evolved out of the consciousness and concern of Denver police personnel when a comprehensive interstate traffic and control system was being developed in the early

Wreckages causing spills of hazardous materials.



1970's. Although traffic on busy Interstate 25 and Interstate 70, the principal conduits of thousands of tons of truck cargo daily and the heart of Denver's commuter traffic, had been expedited in the interest of safety and efficiency, some mishaps involving loaded trucks continued. Traffic patrols became apprehensive about the nature of the loads in transit and about the consequences of accidental spillage. They wondered how personal danger, as well as danger to others,

"As a result of the training received [at hazardous materials safety seminars], attendees are able to effectively anticipate and cope with the hazardous materials exigency."

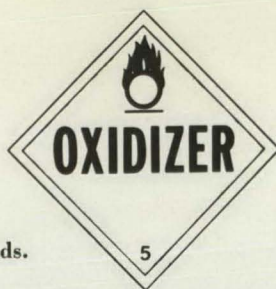
could be minimized in the event of future spills.

However, none of the officers had received training relevant to the identification and handling of hazardous materials, nor could they find a useful, quick-reference guidebook. Recognizing the threat, the chief of the

Denver Police Department requested a manual dealing with the safe handling of fire or hazardous materials spillage be designed and a training program be established and made available to every agency in the State of Colorado having any responsibility for dangerous materials.



Hazardous materials placards.



5

A comprehensive reference manual entitled "Guide Lines to the Handling of Hazardous Materials" was developed. This booklet contains information regarding the labeling of cargo, the placarding of conveyances, the regulatory provisions binding upon shippers or carriers of hazardous materials, the identification of freight through shipping papers, waybills, and manifests, and the agencies to be contacted for information and assistance in an emergency. The manual also presents general counter-

Liquid petroleum (LP) gas being removed from an accident scene. LP gas can produce toxic fumes and is highly flammable.



measure information relevant to accidental spills.

On February 8, 1973, the Denver Police Department hosted a meeting with representatives from Federal, State, and local governments and sectors of private industry to discuss establishing a seminar wherein all persons concerned with hazardous materials could learn together. As a result of this meeting, the Colorado Committee on Hazardous Materials Safety was formed.

A research subcommittee was appointed and immediately undertook the tasks of developing a program agenda, obtaining qualified instructors, determining costs, and selecting seminar sites. Available films were found to be very limited, so each instructor developed his own lesson plan and obtained slides to enhance his presentation. Four months later, the first 3-day seminar was conducted. The observations of the participants overwhelmingly indicated a basic emergency need was being met and training efforts should be continued.

In order to continue the program, the committee applied for a grant of \$10,000 through the Colorado Highway Safety Coordinator's office. The grant was used to fund handout literature and instructor's per diem. All wages and honorariums were donated by the instructor's employer; some agencies paid the entire expense of their employees.

At the beginning of the second year, a \$15,000 grant from the Colorado Highway Safety Coordinator's office was applied for and received.

However, in its third year, the committee, operating on a \$10 per student registration fee, became self-supporting.

Because volunteer firemen, whose attendance is important, sometimes suffer economically with the loss of several days pay, the committee found it increasingly difficult to maintain enrollment of these people for a continuous 3-day training period. To accommodate some volunteers, the program was reconstructed from 3 to 2 days, with several seminars being conducted in the evening.

"At [the hazardous materials safety] seminars, the first order of business is to simulate for the participants an accident involving hazardous materials."

At these seminars, the first order of business is to simulate for the participants an accident involving hazardous materials. Several warning labels are displayed, and the participants are asked to name the class of hazardous materials these labels represent. It is frightening to realize the attendees, emergency response personnel for the State of Colorado, often haven't the vaguest idea what the various hazardous materials labels and placards mean.

A presentation, "Basic Knowledge and General Classes of Hazardous Materials, Warning Labels and Placards," is given by a safety investigator for the U.S. Department of Transportation and a representative



from private industry engaged in the manufacture of insecticide. The various hazardous materials—explosives, flammable solids and liquids, oxidizers, corrosive materials, compressed gases, poisons, and etiologic (disease-causing) and radioactive materials—are discussed in detail. Three slide projectors are used simultaneously to show: One, the warning label on a package or container; two, a sample of the hazardous material; and three, the proper placard applied to the exterior of a transporting vehicle. In this manner, the students are able to visualize the label, the commodity, and the appropriate placard simultaneously and directly relate one to the other.

A safety inspector for the Federal Railroad Administration details the rail placarding system. While showing slides of rail accidents involving hazardous materials, he unravels some of the mysteries of the railroad, explaining who must be contacted in order to determine what is being transported in a given tank or railcar and where the pertinent waybills are to be located.

A safety director from the transportation industry not only explains safety features of cargo tanks, but also teaches emergency personnel how to seal a leak from a dome lid of an overturned tanker, release locked airbrakes, and expeditiously disconnect a tractor and trailer.

The director of the Rocky Mountain Poison Control Center in Denver lectures on "Poison and Hazardous Substances," stressing two major

thoughts which must occur immediately to rescuers: (1) How ill or injured is the patient? and (2) how safe is it for a rescuer to enter the area? Discussion includes the four considerations of victim treatment after conditions have been stabilized for a safe rescue operation—breathing, bleeding, broken bones, and burns. He also lectures on the decontamination of emergency personnel and/or the victim. For example, should a corrosive material be splashed in the eyes, they should immediately be flushed with an ample quantity of water for at least 15 minutes. Failure to take immediate action could result in a loss of eyesight.

Also explored is the rescue service a medically equipped helicopter can provide in reaching the victim, providing lifesaving treatment at the scene, and transporting the patient to a facility for further care. A flight nurse demonstrates the various life-

supporting equipment in the helicopter; a pilot describes the type of landing area needed and the methods of directing a helicopter pilot to a safe landing.

A health physicist with the Colorado Department of Health teaches proper precautions for dealing with radioactive materials. His presentation is followed by a representative of the Army's 94th Ordnance Detachment at Fort Carson, Colo., who displays military explosives being transported and discusses the proper procedures to follow when an accident involving explosives occurs.

The seminar includes a film and slide presentation about an incident which occurred on June 21, 1970, in Crescent City, Ill. Several rail tank cars of LP gas, while passing through this small community, caught fire and exploded, causing an estimated \$3 million damage. The catastrophe dramatically underscored the importance of preplanning and pretraining.

Seminar attendants take part in a group workshop.



Anhydrous ammonia spill in Nebraska (1969). When anhydrous ammonia containers rupture, resultant toxic fumes can create special problems for emergency response personnel.



Destruction left in the wake of a recent conflagration at a petroleum tank farm in Virginia. According to officials, damage was minimized by the quick response of emergency response personnel and an early stabilization. (Photographs by George Borsfay.)



"Any effective plan of action must, by necessity, be flexible. . . ."

Preplanning, the anticipation of possible hazardous materials accidents and a well-formulated course of action, and pretraining, which is acquiring the knowledge and skills to cope with an emergency, are included in a presentation by the retired fire chief of the Rocky Mountain Arsenal. Any effective plan of action must, by necessity, be flexible and will be comprised of three distinct phases. (See fig. 1.) The first or "initial action" phase entails gathering all relevant information quickly and deciding the feasibility of evacuation. The important "command post" phase involves establishing communication with and coordinating various emergency agencies. (See fig. 2.) A specific strategy is developed during this phase. The third and final stage, the "stabilization" phase, begins with actual efforts to control the situation.

A retired captain from the Denver Fire Department emphasizes the importance of fire prevention by knowing what is stored in the community and having a good working relationship with the local business community. Films are shown on the handling of LP gas emergencies and slides of hazardous materials acci-

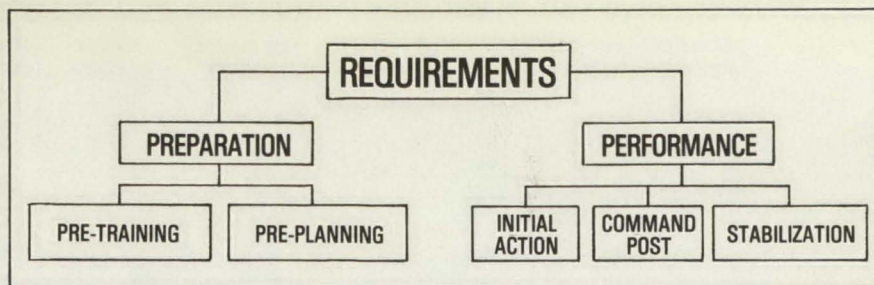


Figure 1. The requirements of an emergency organization.

dents which have occurred in Denver. The captain then constructively critiques the handling of these incidents by emergency response personnel.

A patrolman of the Colorado State

Personnel of the Colorado Division of Emergency Services spend the last day working with small groups in a workshop. A State patrolman, a local law enforcement officer, a profes-

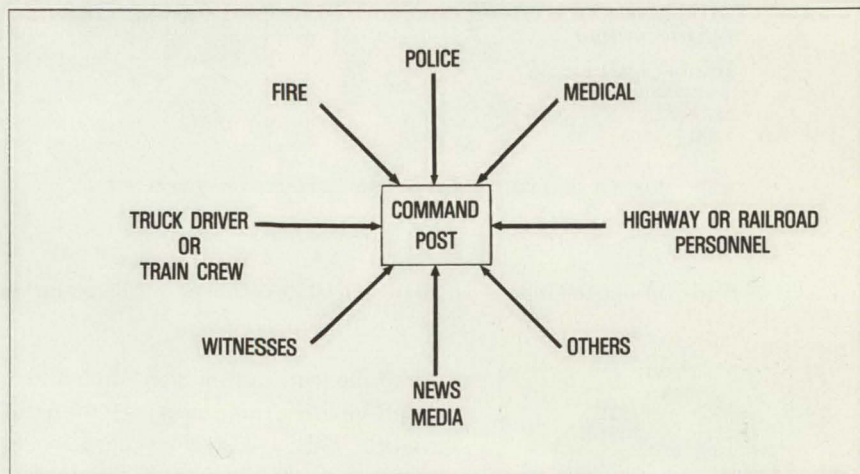


Figure 2. The command post phase involves communication and coordination among various agencies.

Patrol details how the police officer is to approach the scene, establish the command post, and if necessary, evacuate the area. The emphasis is always

"[E]mphasis is [placed] on the importance of the command post and communications among all agencies involved."

on the importance of the command post and communications among all agencies involved.

sional fireman, a volunteer fireman, a highway maintenance man, a person trained in medicine or first aid, and a representative from private industry is assigned to each group. To encourage each individual to become acquainted with other disciplines, group assignments are made the first day. Each group must reckon with a situational problem, such as the one mentioned at the beginning of this article. Each group selects a representative to make a presentation to the entire class, indicating how the accident



Det. Darrel J. Behrendsen

IN CASE OF TRANSPORTATION ACCIDENT INVOLVING:		FOR INFORMATION		FOR ON-SCENE ASSISTANCE		REQUIRED NOTIFICATION
CHEMICALS	Rail	2	1	2	15	1
	Truck	2	14	2	15	
	Air	2		2	15	
COMPRESSED GASES	Rail	1	2	1	2	1
	Truck	2	14	2		
	Air	2		2		
CORROSIVE LIQUIDS	Rail	1		1		1
	Truck	2	14	2		
	Air	2		2		
EXPLOSIVES, CLASS A & B	Rail	1		1	9	1
	Truck	9	14	9		
	Air	1	10	1		1
FLAMMABLE LIQUIDS	Rail	1	10	1		
	Truck	10	14	10		
	Air	1		1		1
FLAMMABLE SOLIDS	Rail					
	Truck	14				
	Air			1		1
OXYDIZING MATERIALS	Rail					
	Truck	14				
	Air					
AGRICULTURAL CHEMICALS (PESTICIDES, HERBICIDES, ETC.)	Rail	3	16	3	15	1
	Truck	3	16	3	15	
	Air	2	16	1	2	1
POISONS	Rail	2	16	2		
	Truck	2	16	2		
	Air	2	16			
RADIOACTIVE MATERIALS	Rail	8	1	8	1	8
	Truck	8	4	8	4	8
	Air					
RADIATION OR TOXIC MATERIAL EXPOSURE		8		8	4	8
CONTAMINATION OF WATERWAYS OR WATERSHEDS		11	12	5	13	15

NOTE: NUMBERS IN ABOVE THREE COLUMNS ARE KEYED TO THE AGENCY NUMBERS AT THE RIGHT.

SOURCES OF INFORMATION, ASSISTANCE, AND AGENCIES WITH A NEED-TO-KNOW:

1. BUREAU OF EXPLOSIVES, ASSOCIATION
OF AMERICAN RAILROADS. 202-293-4048
2. CHEMICAL TRANSPORTATION
EMERGENCY CENTER (CHEMTREC). 800-424-9300
3. NATIONAL AGRICULTURAL CHEMICALS
ASSOCIATION. 513-961-4300
4. ATOMIC ENERGY COMMISSION:
IDAHO FALLS, ID. 208-526-0111,
EXT 1515
5. COLORADO MOTOR CARRIERS ASSN. 303-433-3375
6. DENVER EMERGENCY PREPAREDNESS
OFFICE. 303-297-2616
7. COLO. DIVISION OF EMERGENCY SERVICES:
DUTY HOURS. 303-279-2511
NON-DUTY HOURS (BUCKLEY FIELD). 303-366-5363
8. OCCUPATIONAL & RADIOLOGICAL HEALTH DIVISION
(RADIATION OR TOXIC MATERIAL EXPOSURE):
DUTY HOURS. 303-388-6111
NON-DUTY HOURS (BUCKLEY FIELD). 303-366-5363
9. 94TH ORD. DET. (EOC), FT. CARSON. 303-579-2643,
EXT 4242
ROCKY MTN. ARSENAL (BACK UP). 303-288-0711
10. STATE OIL INSPECTION DEPT. 303-892-2096
NON-DUTY HOURS: BOULDER. 303-449-4371
COLORADO SPRINGS. 303-635-0389
DENVER. 303-237-4142
OR 303-355-3049
11. WATER POLLUTION CONTROL. 303-388-6111
NON-DUTY (BUCKLEY FIELD). 303-366-5363
12. DIVISION OF WILDLIFE. 303-825-1192
NON-DUTY HOURS. 303-421-2357
13. LOCAL OR STATE HIGHWAY DEPT.
14. U.S. DEPT. OF TRANSPORTATION. 303-234-2339
15. ENVIRONMENTAL PROTECTION AGENCY. 303-337-3880
16. POISON CONTROL CENTER 303-893-6000
OR 303-428-8466

A ready reference guide, such as the one shown above, can be an invaluable aid in time of an emergency.



Division Chief Robert L. Luby

should have been handled. They must then be prepared to defend their position by answering questions from other participants or instructors.

Dividing the participants into groups accomplishes a basic mission of communication and cross-bureau cooperation. Participants learn to recognize each others' problems,

and the working relationship between participating agencies is strengthened. Although various agencies in several States are now conducting training programs relating to hazardous materials, these are generally intra-agency programs which do not include representatives from other emergency agencies. It is the opinion of the committee that training is effective only if all departments concerned are trained together in the operation.

The close cooperation upon which we police have always prided ourselves must be extended to include all persons and agencies involved during times of community danger. We must

"[T]raining is effective only if all departments concerned are trained together in the operation."



Chief Arthur G. Dill

cope with catastrophe together. Only when we are all willing to talk with each other will we continue to breathe together. The problem could be that crucial.

FOOTNOTE

¹ Colorado Committee on Hazardous Materials Safety, Hazardous Materials Safety Seminar, "Lesson Plans." Denver, Colo., 1975.

Civil Rights Statutes and the Law Enforcement Officer

By

JOSEPH G. KELLY

Special Agent
Federal Bureau of Investigation
Washington, D.C.

Federally Protected Activities

Section 245, title 18 United States Code, is aimed primarily at individuals, who in their capacity as private persons, forcibly interfere with federally protected activities. It also applies to law enforcement officers.

No better illustration can be found of the truth of the statement "The past is prologue" than in civil rights legislation. For just as sections 241 and 242 were enacted during the period of lawlessness and violence immediately following the Civil War, so section 245 of title 18 was enacted in 1968, during the period of lawlessness and violence of the 1960's.

Its enactment was primarily motivated by the language used by the Supreme Court in its decisions in the *Price* and *Guest* cases,²⁷ in which the Court strongly indicated there were no effective Federal laws on the books capable of dealing with private interference with constitutional rights.

The elements of section 245, title 18,
December 1977

This is the conclusion of a
three-part article.

United States Code, are:

Part I

Any person (whether acting under color of law or not) who by force or threat of force willfully injures, intimidates, or interferes with any person's right to: (1) vote (including qualifying and running as a candidate for elective office or serving as an election official in any election); (2) participate in any program administered or provided by U.S. Government; (3) apply for or enjoy the benefit of employment by the U.S. Government; (4) serve as juror in Federal court; (5) participate in any program receiving Federal financial assistance.

Part II

Any person (whether acting under color of law or not), who by force or threat of force, willfully injures, intimidates, or interferes with any person *because* of his race, color, religion, or national origin in order to prevent such person from enjoying the right to: (1) apply for or attend a public school or college; (2) participate in any program provided or administered by a State or local government; (3) apply for or enjoy the benefit of employment by the State or a private employer; (4) serve as juror in State court; (5) travel by or use any common carrier or facility of interstate commerce; (6) use any accommodation serving the public (hotels, motels, restaurants, theaters, gas stations, etc.).

Part III

Any person (whether acting under color of law or not), who by force or threat of force, willfully injures, intimidates, or interferes with any person because of such person encouraging or furnishing an opportunity to others to participate in any activity listed under part I and part II.

The penalties for violation of section 245 are a fine of not more than \$1,000 or imprisonment, not more than 1 year or both; and if bodily injury results, a fine of not more than \$10,000 or imprisonment for not more than 10 years or both; and if death results, imprisonment for any term of years or for life.

It will be observed the first part of the statute prohibits forcible interference with the exercise of or participation in federally protected activities. The rights covered are specific and positive.

The second part of the statute prohibits forcible interference with the exercise of or participation in additional federally protected activities. While the rights enumerated under the second part of the statute are specific, they are not positive rights in the same sense as those listed under part I. Rather, the rights covered under the second part of the statute are of the nature of equal protection rights.

For example, the right relating to applying to or attending a public school or college is not a positive right to do so. The right involved is the right to be able to apply to or attend such a school like anyone else and not to be forcibly interfered with in so doing solely because of your race, color, religion, or national origin.

The rights enumerated in the second part of the statute are also covered under the Civil Rights Act of 1964. That statute, however, is strictly civil

"Unlike sections 241 and 242, section 245 can be violated by one person acting independently and in a purely private capacity."

in nature and contains no criminal sanctions. The effect of section 245 is to provide criminal penalties for those who forcibly interfere with such rights.



The third part of the statute prohibits forcible interference with those persons who either encourage or afford an opportunity to others to participate in or enjoy the specific rights listed in the first and second parts of the statute.

Section 245 may be violated by one person acting alone and acting alone under color of law. Unlike sections 241 and 242, section 245 can be violated by one person acting independently and in a purely private capacity.

This statute does not require specific intent in order to prove a violation, but only the usual criminal intent of a general bad purpose or evil intent to do wrong. Unlike sections 241 and 242, it requires the use of force or threat of force. While sections 241 and 242 cover forcible acts, neither statute requires the use of force in order to constitute a violation.

"To Uphold the Constitution"

Constitutional rights are the cornerstone of our free society, and for obvious reasons, the law imposes spe-

cial responsibilities for their preservation and protection on law enforcement officers. Every law enforcement officer, Federal, State, and local, has the sworn duty to uphold the Constitution and to protect the rights of all citizens. That duty imposes on law enforcement officers the corresponding obligation of knowing the basic rights which the Constitution protects and secures.

In the words of Mr. Justice Rutledge:

"Generally state officials know something of the individual's basic legal rights. If they do not, they should, for they assume that duty when they assume their office. Ignorance of the law is no excuse for men in general. It is less an excuse for men whose special duty is to apply it, and therefore to know and observe it. If their knowledge is not comprehensive, state officials know or should know when they pass the limits of their authority, so far at any rate that their action exceeds honest error of judgment and amounts to abuse of their office and its function. When they enter such a domain in dealing with the citizen's rights, they should do so at their peril, whether that be created by state or federal law. For their sworn oath and their first duty are to uphold the Constitution, then only the law of the state which too is bound by the charter."²⁷



FOOTNOTES

²⁷ Price, *supra* note 6; Guest, *supra* note 25.

²⁸ Screws, *supra* note 3, at 129.

POLICE STRESS: A POSSIBLE APPROACH

By
J. PAUL LEYDEN
Chief of Police
Lockport, N.Y.

The administrator of a medium-sized department has many of the problems of larger police agencies, but lacks the resources of the large departments to cope with these problems. He does not have the manpower available to conduct extensive surveys, for example.

"The administrator of a medium-sized department has many of the problems of larger police agencies, but lacks the resources of the large departments to cope with these problems."

Take the problem of police stress. The approach taken by the Los Angeles County Sheriff's Department (as outlined in "The Law Enforcement Family: Programs for Spouses," March 1976 issue of the FBI Law Enforcement Bulletin) was extremely

thorough, comprehensive, and well-based. But it called for a substantial commitment of manpower both at the executive and line level, and my 50-man department simply did not have the same resources available.

One phase of the Los Angeles County Sheriff's Department program was a patrol ride-along for spouses. This was something which could be implemented by my department, if it appeared desirable to do so. Recent studies and statistical evaluations of police suicides, police stress, and police divorce rates have described the problems of our profession. A survey of just the divorce situation disclosed that officers of the 50-man Lockport

Police Department suffered from a 20-percent divorce rate. Although this unfortunately is not an unusually high divorce rate today, it indicated to me that action should be taken to provide spouses with a better understanding of their husbands' workday problems.

A "spouse ride-along program" was decided upon as a possible approach. There were several factors behind this decision. The foremost was that the

"A survey of just the divorce situation disclosed that officers . . . suffered from a 20-percent divorce rate. Although this unfortunately is not an unusually high divorce rate today, it indicated . . . that action should be taken to provide spouses with a better understanding of their husbands' workday problems."

Lockport Police Department had, in the past, sponsored "ride-along" programs for selected student groups, Explorer troops, and college cadets who hoped one day to become police officers. Given our successful experience with these previous ride-along programs, it was felt that such a program for spouses would have a good chance of approval by the police board and common council and would be accepted by the command and line officers within the department.

To implement a pilot "wife ride-along program" it was first necessary to obtain the approval of the city police board, a civilian group which oversees broad policies of the police department and acts as liaison with the city council. The recommendation presented to this board began with the statistical divorce rate for the department and a short explanation of the problems of police stress. It recom-

mended the wives be allowed to accompany their husbands while on duty on certain selected evenings.

"In view of prior successful ride-along programs, the proposal was accepted with only two restrictions: A 3-month time limit on the program; and for safety purposes, a requirement that spouses remain in the car while the officer actually handled the call."

In view of prior successful ride-along programs, the proposal was accepted with only two restrictions: A 3-month time limit on the program; and for safety purposes, a requirement that spouses remain in the car while the officer actually handled the call. Moreover, every ride-along car receiving a call was automatically given a backup by a neighboring patrol car.

After the approval of the police board, the next problem was to convince the command-level officers of the department that the program should be afforded full support and cooperation. One of the things stressed was that the program was definitely not for those officers who were already engaged in separation or divorce proceedings. It was felt the department should not become a marriage counselor. Once the program was explained to the command-level officers, a departmental bulletin outlining the program was sent to all personnel to make the officers aware of the intent and content of the program.

Subsequently, a letter of invitation detailing the program was sent to every spouse (except the ones who were already engaged in separation or divorce proceedings). The letter noted that the wife would have to ride with her own husband, so naturally the cooperation of the individual officer was necessary. Each wife could participate in the program on two separate occasions, if she so desired. She would ride with her husband in the patrol car from 7 p.m. to 10 p.m. during a week night, and at 10 p.m., would return to the police station, where she was requested to submit a critique of the evening's activity and the program. Weekend nights were omitted due to the normally heavy workload on those nights (which could prevent availability of a back-up unit), and because most police calls involving violence, such as bar fights, occurred on those nights. In the interest of the wives' safety, it was felt that they should not be unnecessarily exposed to such situations.

Chief of Police J. Paul Leyden and his wife, who also participated in the program.



The wives were furnished with jackets which had an official police patch sewn on the right shoulder, to be visible from outside the patrol car. These jackets were available from prior ride-along programs. Previous ride-along program experience showed that unless a passenger in a marked patrol car had some sort of identification signifying an official connection, citizen complaints would be received either alleging misconduct or inquiring into the apparent misuse of police property.

Results

A total of 41 officers and wives were eligible for this program, and 18, or 43 percent, participated. Thirty-six percent of the superior officers' wives and 46 percent of the line officers' spouses who were eligible actually participated. The majority of wives made

both trips with their husbands. None of the plainclothes officers or communications officers' wives participated.

"[A wife] would ride with her husband in the patrol car . . . during a week night. . . . Weekend nights were omitted due to the normally heavy workload on those nights . . . and because most police calls involving violence . . . occurred on those nights."

Anonymous critiques showed that most spouses (89 percent) liked the program and hoped that it would continue in the future and be enlarged. Eleven percent felt the program had no value and/or was too dangerous to participate in again. However, the wives felt they had gained a better understanding of their husband's

job, and many commented that the program offered them an opportunity to get a better insight into their husbands.

The critiques were generally favorable; although one wife complained that her husband was not given a call, which should have been his, because the dispatcher felt there might be trouble and did not want to place the wife in jeopardy. Subsequent investigation disclosed this complaint was well-founded, and a police officer in dispatch had, in fact, diverted a car without a wife to handle the call because of possible trouble. Since the purpose of the program was to familiarize the wives with the actual situations which arise, steps were taken to insure a repeat of this incident did not occur. Most wives felt that the program should be extended to weekend nights when police activity was heavy; but this was not done for safety reasons—both wives and officers.

The program had one unexpected result—considerable favorable publicity. Not only did the local press report the results in depth, with both the favorable and unfavorable critiques, but the program was given nationwide coverage and we received letters from around the country and abroad. Comments were generally favorable and requested information on how local police departments could be persuaded to implement similar programs.

Recommendations

When the program was first announced, several officers expressed their disdain for the program and commented that there was no way in which they would allow their wives to participate. But as the program continued, many of these officers changed their attitude.

Several changes would be made by this department if this program were

Learning how the police radio is used.



to be extended. A more extensive briefing at the outset of the program is needed. Wives should be told specifically what the program hoped to achieve for the department, for them, and their husbands personally. They should be encouraged to question their husbands about any police activity which occurred during the course of their tour of duty so that they could understand why he reacted to certain situations as he did.

The limitation on the number of ride-along nights should be expanded. This would enable the wives to observe their husbands in a number of various situations. However, weekends should still not be used for the ride-along program for safety reasons.

Virtually no communications or plainclothes officers' wives participated in the program. This was due to a "poor selling job." These officers were not thoroughly briefed on the aims and purposes of the program. Because of the nature of their duties, we felt the plainclothes officers would readily participate, but no specific effort was made to acquaint them with the nature and purpose of the program. Similarly, the communications officers, who may have felt their inside duties did not warrant the presence of their wives, were not adequately briefed concerning the program. Any future programs should include all units of the department, and a specific effort should be made with these units to encourage them to have their wives participate. The program should be expanded to include fiancées as well as wives, but not girlfriends. (We recognize the problem of the single officer who might have a different girlfriend in the car with him every night.)

It should be stressed, however, that this program was and should continue to be purely, totally, and completely voluntary, since any other approach would be counterproductive.

The program could also be expanded to include a familiarization firearms training session for those wives interested in such training. This would include, of course, a safety lecture on handling the weapon, which might help alleviate the problem faced by every officer who has a family and takes his weapon home. If sufficient interest were developed from such a program, consideration might be given to forming a wives' pistol club.

One training or ride-along session should be devoted to communications operations within the department. Also, an attempt should be made to allow the wives to observe the court procedures and to familiarize them generally with the court structure and the police officer's role as a witness in criminal cases.

A survey should be conducted of the wives regarding their knowledge of their husbands' jobs before and after the ride-along program. This determination of the wife's concept of her husband's role as a police officer would be used to see whether the ride-along would significantly alter her concept and thus would furnish an evaluation of the program. Responses from those wives who participated in this initial program indicated many felt they acquired a substantial understanding of the problems faced by their husbands in day-to-day work.

It should be noted that overall policing functions did not in any way suffer as a result of the program. With the exception of minimal costs for stationery and postage, no additional expenses were incurred by the department in the implementation of this

Officers discussed with their wives the nature of their duties.



program. (If a firearms training program were implemented for the wives, there would, of course, be an expense for ammunition.) One of the advantages of this program is its minimal cost.

The overall effect of the program was considered excellent, and this department fully intends to expand the program, with the changes noted above.

New York State has a mandated police training program and regional academies to effect this training, and the Niagara County, N.Y., Law Enforcement Academy is considering incorporating a program for wives into



CORRECTION

The article, "Police Officer Survival Training Program," in the October 1977 issue was incorrectly credited. The authors of this article should have been listed as Capt. Thomas R. Ammann, commander, Regional Training and Education Section, Cincinnati Police Division, and Sgt. Eugene R. Ferrara, Regional Training and Education Section, Cincinnati Police Division, Cincinnati, Ohio.

its curriculum. This would enable wives of police recruits to become familiar with the day-to-day problems their husbands will face as police officers. Hopefully, such far-sighted and innovative thinking will help reduce the heavy burdens and pressures which must be borne by police officers and their families.

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The "Wheelbarrow"—A Versatile Vehicle, by Lt. William T. Poe, Commander, Explosives Control Unit, Criminalistics Laboratory, Louisiana State Police, Baton Rouge, La., October 1977, vol. 46, No. 10, p. 16.

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Helicopter Rappelling in Law Enforcement, by David J. Kriskovich, Special Agent, Federal Bureau of Investigation, Washington, D.C., January 1977, vol. 46, No. 1, p. 16.

Police Officer Survival Training Program, by Capt. Thomas R. Ammann, Commander, and Sgt. Eugene R. Ferrara, Regional Training and Education Section, Cincinnati Police Division, Cincinnati, Ohio, October 1977, vol. 46, No. 10, p. 10.

Police-Sponsored Motorcycle Safety Education, by Adam G. Johnson, Director, Licensing and Law Enforcement, Motorcycle Safety Foundation, Linthicum, Md., October 1977, vol. 46, No. 10, p. 2.

WHITE-COLLAR CRIME

The "Schedule D" Swindle: An Oil and Natural Gas Wells Investment Fraud, May 1977, vol. 46, No. 5, p. 14.

WANTED BY THE FBI



Photographs taken 1974.

THOMAS WILLIAM MANNING, also known as **Michael Harris**, **Tom Manning**, **Thomas J. Stockwell**

Bank Robbery

Thomas William Manning is currently being sought by the Federal Bureau of Investigation for bank robbery.

The Crime

On December 12, 1975, Manning and two accomplices were allegedly involved in the armed robbery of the Civic Center Branch of the Bank of Maine, Augusta, Maine. Approximately \$12,500 in U.S. currency was stolen.

A Federal warrant for Manning's arrest was issued on September 30, 1976, at Portland, Maine.

Description

Age----- 31, born June 28, 1946, Boston, Mass.
Height----- 5 feet 10 inches.
Weight----- 150 pounds.
Build----- Slender.

Hair----- Brown, long, tied at back of head.
Eyes----- Hazel.
Complexion-- Fair.
Race----- White.
Nationality-- American.
Occupations-- Handyman, house painter, iron worker, laborer.

Scars and Marks----- Scar on nose, pierced left ear; tattoos: heart with a cross on upper right arm, shield with "TOM" and banner on lower right arm, spade on back of left hand, rose with "DON-NA" on upper left arm, panther's head on left forearm.

Remarks----- May be wearing full beard and mustache, reddish in color, or be clean shaven; reportedly has a violent temper.

Social Security No. used ----- 023-34-5658.
FBI No.----- 264,019 G.
Fingerprint Classification:
12 M 1 U III 8 Ref: U
M 1 T O I U
NCIC Classification:
120905130812TT121212

Caution

Manning is reportedly a member of a revolutionary group which has claimed credit for several acts of violence, and which allegedly finances its operations through criminal activities. He has been known to possess numerous weapons in the past. He may be accompanied by Raymond Luc Levasseur, Identification Order 4733. Both individuals should be considered armed and dangerous.

Notify the FBI

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



Right ring fingerprint.

693-21

FBI LAW ENFORCEMENT BULLETIN

FOR CHANGE OF ADDRESS ONLY—NOT AN ORDER FORM

Complete this form and return to:

DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

(Name)

(Title)

(Address)

(City)

(State)

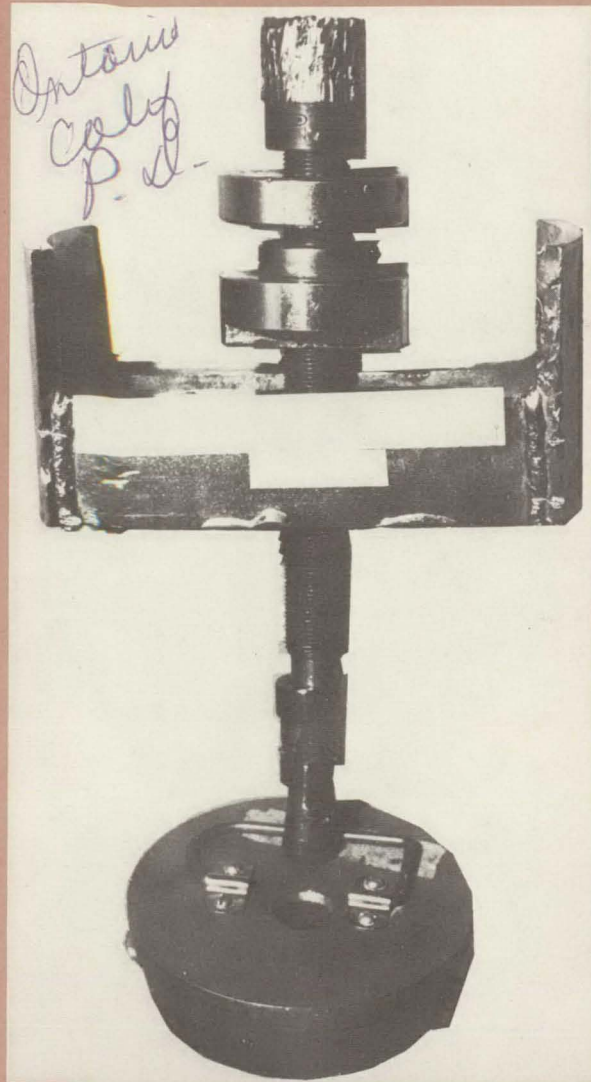
(Zip Code)

“Unusual Burglar Device”

Recently, the city of Ontario, Calif., Police Department brought to the Bulletin's attention a new device which is manufactured for the locksmith trade.

Pictured (right) is a device still attached to a floor safe. It functions similarly to a wheel puller, and has no legitimate purpose other than pulling lids off of floor safes.

Law enforcement personnel should be aware of such an instrument and its possible illicit use.



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

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JUS-432

CONTROLLED CIRCULATION
RATE

INTERESTING PATTERN



This pattern presented here is classified as an accidental-type whorl with a meeting tracing. This impression is very unusual because of the number of separate loop formations.