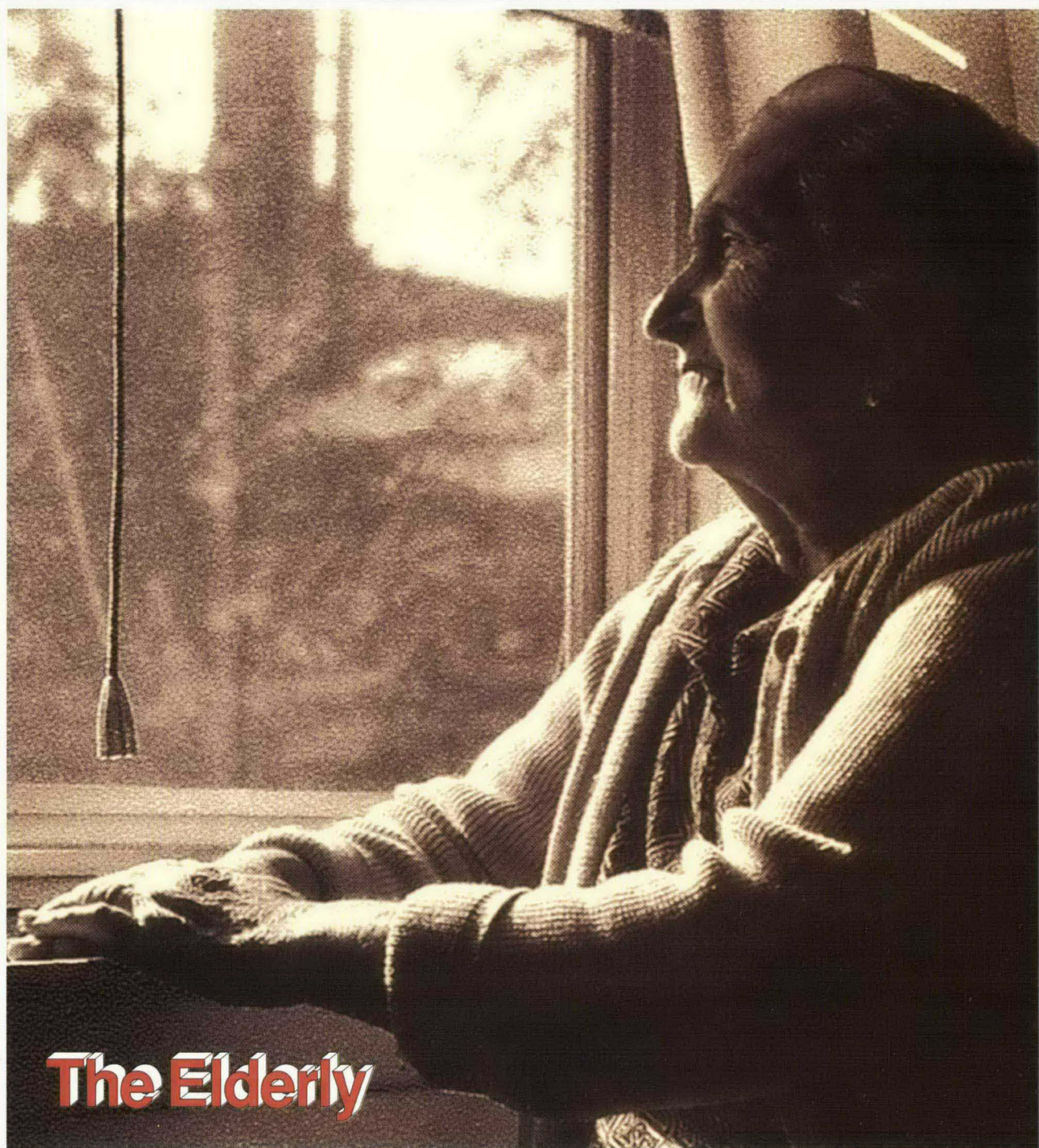




FEBRUARY 1994

# FBI Law Enforcement

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**The Elderly**



February 1994  
Volume 62  
Number 2

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

Louis J. Freeh,  
Director

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The Attorney General has  
determined that the  
publication of this periodical  
is necessary in the  
transaction of the public  
business required by law.  
Use of funds for printing this  
periodical has been  
approved by the Director of  
the Office of Management  
and Budget.

The *FBI Law Enforcement  
Bulletin* (ISSN-0014-5688)  
is published monthly by the  
Federal Bureau of  
Investigation, 10th and  
Pennsylvania Avenue, N.W.,  
Washington, D.C. 20535.  
Second-Class postage paid  
at Washington, D.C., and  
additional mailing offices.  
Postmaster: Send address  
changes to *FBI Law  
Enforcement Bulletin*,  
Federal Bureau of  
Investigation, Washington,  
D.C. 20535.

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# FBI Law Enforcement Bulletin



## Features

### *Focus on the Elderly*

#### **Policing the Guardians**

By E. McRae Mathis

**1**

*Law enforcement professionals need to recognize and prevent the often-overlooked crime of financial exploitation of the elderly.*

#### **Law Enforcement Gerontology**

By Wilbur L. Rykert

**5**

*The increasing number of senior citizens in the United States necessitates the creation of a specialized position within police departments.*

#### **Triad: Reducing Criminal Victimization**

By Betsy Cantrell

**19**

*A new concept that promotes the safety of senior citizens is succeeding in many areas throughout the Nation.*

#### **Project 48**

By Ronald A. Battelle  
and David T. Pudlowski

**12**

*Project 48 offers a wide range of training options within a structured and highly manageable curriculum.*

#### **The "Plain Feel" Doctrine**

By A. Louis DiPietro

**27**

*Officers need to know and understand the limits that courts have placed on patdown searches.*

## Departments

#### **9 Crime Data**

Crime Trends

#### **16 Police Practices**

Computer Support

#### **10 Focus on Cooperation**

The FBI and the Elderly

#### **24 Point of View**

Elder Abuse



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# ***Policing the Guardians***

## ***Combating Guardianship and Power of Attorney Fraud***

By  
E. McRAE MATHIS, J.D.

**P**eople often envision robbery and assault by some unknown individual or physical or mental abuse by a known caregiver as typical crimes against the elderly. However, these are not the only cases of elder abuse. One area in which law enforcement has seen an increasing number of complaints is financial exploitation of the elderly through the mismanagement of their income and assets. These incidents usually occur when individuals are given legal guardianship or power of attorney over the victim's finances.

This article discusses what constitutes guardianship and power of attorney fraud and the problems inherent in such cases. It also offers investigators and prosecutors advice in handling these cases. Finally, it suggests ways to decrease the number of financial exploitation crimes.

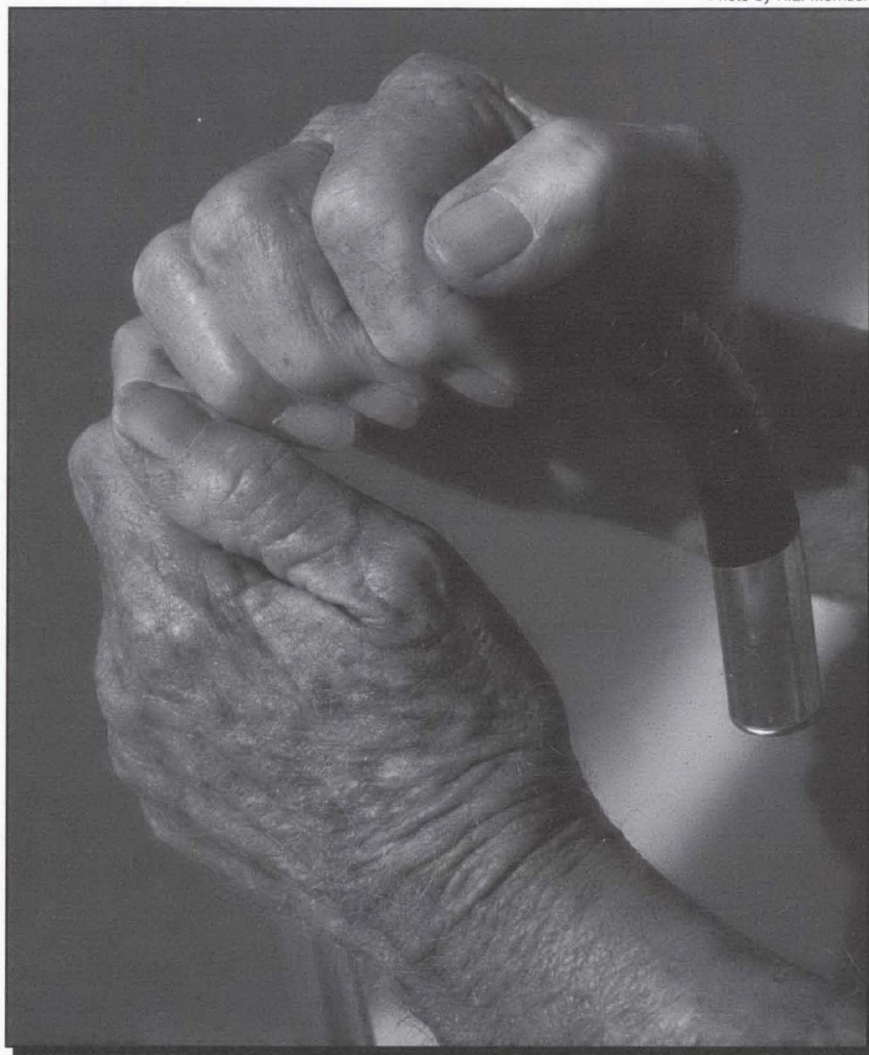
### **GUARDIANSHIP FRAUD**

Appointed by the court, guardians generally provide care for individuals unable to care for themselves. This often means making decisions that affect every aspect of their lives, including their persons, property, and finances. The problem with this arrangement, as the Pepper Commission on Aging<sup>1</sup>

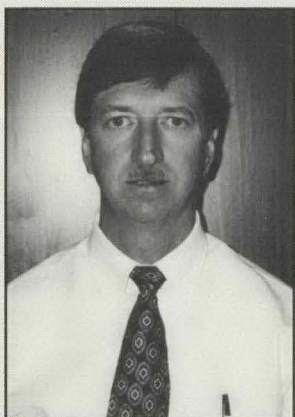
points out, is that it follows an "all or nothing concept." People judged incompetent lose all of their rights and seldom regain them, unless they can prove total recovery from the conditions that led to their being judged incompetent. This sometimes leads to individuals abusing their positions as guardians.

In an attempt to correct this problem, the Florida Legislature created the Study Commission on Guardianship Law to investigate abuses and pinpoint deficiencies in Florida's system, to receive public input, and to recommend changes in the law.<sup>2</sup> As a result, Florida now uses a flexible adjudication

Photo by K.L. Morrison







Mr. Mathis serves as special assistant to the Florida State attorney, Fourth Judicial Circuit, Jacksonville, Florida.

**“  
Powers of attorney  
may be the single most  
abused legal  
documents in our  
judicial system.  
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arrangement that allows the court to establish a guardianship tailored to the particular disabilities of the incapacitated person. Based on their capabilities, individuals can retain some of their rights, while surrendering others. In short, the court may appoint an individual as a guardian of the person, the person's assets, or both. Overall, this law allows for closer scrutiny by the court of the manner in which the ward's assets are spent.

Unfortunately, Florida's law is an exception rather than the rule. In many States, guardians have complete control over their charges' lives. Further, while guardians must file reports outlining their income and expenses, these are generally required no more than annually. In the overburdened court system, failure to file these accountings often goes unnoticed, and once filed, they are not closely scrutinized.

#### **POWER OF ATTORNEY FRAUD**

Powers of attorney may be the single most abused legal documents in our judicial system. Most States

do not require any form of accounting as it relates to the use of powers of attorney to handle elderly individuals' finances. In fact, most transactions do not undergo any court scrutiny, and once powers are conveyed, most banks, financial institutions, and businesses allow unrestricted activity by power of attorney holders over the finances, assets, and income of the elderly conveyors.

The case law relating to powers of attorney, which consists mainly of civil property disputes, recognizes that all transactions involving powers of attorney should be carefully scrutinized to determine if holders acted for the benefit of conveyors or whether exploitation occurred.<sup>3</sup> Unfortunately, no statutes exist that regulate power of attorney transactions in an effort to eliminate fraud.

#### **INVESTIGATIVE AND JUDICIAL CONSTRAINTS**

Many States now have criminal penalties for the financial exploitation of aged adults, although these do not specifically relate to power of

attorney matters.<sup>4</sup> Despite this step in the right direction, in some instances, the courts are reluctant to recognize the validity of these statutes, or they narrowly construe them and limit their usefulness.

For example, in *State of Florida v. Dyer*,<sup>5</sup> the defendant, an insurance agent, relying on his elderly victim's limited knowledge of insurance matters, first sold her more coverage than she needed. As their business relationship progressed, he repeatedly changed her coverage until the policies she held were basically worthless. He was charged and convicted of exploitation.

On appeal, the court held that this case did not meet the test of the State's exploitation statute, in that the allegation did not involve the mismanagement of another's funds. By its decision, the court implied that it would require that the exploiter be one who manages the funds of another as a fiduciary, or trustee, even though the statute reads "use [emphasis added] or management of an aged person's...funds...."<sup>6</sup>

This law has also been attacked on constitutional grounds at the trial court level. In the *State of Florida v. James Cuda*,<sup>7</sup> the court struck the word "improper," calling it "unconstitutionally vague." The statute reads:

"'Exploitation' means, but is not limited to, the improper or illegal use or management of an aged person's or disabled adult's funds, assets, or property, or the use of an aged person's or disabled adult's power of attorney or guardianship for another's or one's own profit or advantage."<sup>8</sup>



Law enforcement agencies sometimes add to the problems caused by these judicial constraints. They, too, may see power of attorney holders as having cart blanche over conveyors' finances.

Law enforcement professionals need to recognize that individuals can be guilty of theft or exploitation of aged adults through the improper use of funds for their own profit, as well as through the misuse of a power of attorney. Once investigators and prosecutors realize this, they can turn their attention to the very real problem of proving wrongdoing.

#### PROOF OF THE OFFENSE

Suspects usually gain access to their victims' bank accounts by presenting the power of attorney to the bank or by having their victims agree to have a second signature on the accounts in case of emergency. Therefore, proving financial exploitation usually requires accessing checking and savings accounts by subpoena or search warrant; retrieving canceled checks, statements, and items of deposit; and determining the flow of the alleged victim's funds.

If suspects clearly profit from using victims' funds, and victims meet their State's definition of aged or disabled, the issue becomes one of intent. That is, investigators must determine whether suspects intended to exploit victims or whether they believed, in good faith, that they had the right to use victims' funds for that particular purpose. In most jurisdictions, if any evidence, however minimal, exists to prove that the exploitation was intentional, the court would allow a jury trial.

As noted, case law relating to power of attorney fraud places a higher burden of responsibility on guardians. They have the right and authority to serve their charges' needs, not their own. Therefore, prosecutors who present the power of attorney into evidence should actually help the State's case because victims, in conveying that power, place trust in defendants to act in their best interest.

“

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”

#### Use of Theft Statutes

In order to apply theft or theft-related statutes to guardianship and power of attorney cases, the prosecution must prove that defendants did not have victims' consent to use their funds in the manner indicated. One difficulty prosecutors often face is the inability of victims to provide testimony. Victims may be deceased or physically or mentally unable to testify.

In *Gainer v. the State of Alabama*,<sup>9</sup> the Court of Criminal Appeals of Alabama upheld a conviction for theft where the victim was deceased at the time the matter went to trial. The court determined that a victim's consent or non-consent can be established through

circumstantial evidence as in any other crime and, therefore, does not require the victim's testimony.

In *Gainer*, the defendant was a beautician at a nursing home where the victim was a patient. For a period of approximately 14 months, the defendant befriended the victim—a childless widow with no relatives living in the State—and obtained \$111,000 of her money. The defendant began taking the victim on outings and eventually opened a joint checking account in both their names. She also changed the victim's old account to a joint account. Then, she purchased a Corvette, a boat, a home computer, a tanning bed, furniture, a refrigerator, a dishwasher, and gold jewelry, in addition to paying her own utility bills.

Even though the victim was deceased at the time of the trial, friends and acquaintances described her as “tight,” a “miser,” and a person who “kept close to her money,” wore old clothes, and drove a 12-year-old automobile. They also testified that the defendant had not allowed the victim to see the financial records from the joint accounts.

In its decision, the court noted that while proving nonconsent to the taking of property is a necessary element in a theft case, this lack of consent may be proven by circumstantial evidence. Further, even when victims apparently agree to allow others to control their finances, that consent is not effective unless, as a factual matter, it is voluntary and intelligent. The court found that the victim was not mentally competent to understand the nature of the joint bank account arrangements she had with the defendant, was not capable of giving valid consent, and therefore, the



defendant had gained unauthorized control over the victim's property.

### Undue Influence

*Gainer* points to another problem that prosecutors face in financial exploitation cases. At times, evidence exists that victims consented to the arrangement; however, they lacked an understanding of the nature of the transaction, the meaning of the expenditures, or other circumstances which, had they known or understood, would have caused them to act differently.

While undue influence has been carefully explored in civil cases relating to financial transactions, it has rarely been applied in the criminal context, especially in theft cases. The closest analogy has been those States that use instances of coercion, undue influence, or victims' lack of fully understanding transactions as evidence in exploitation cases. Under such circumstances, most States require proof of victims' limited capacity or ability to care for their own needs for them to meet the definition of aged adults. Further, there is often an age requirement, usually 60 or 65 years of age.<sup>10</sup>

### OVERCOMING OBSTACLES

Despite the inherent difficulties in financial exploitation cases, prosecutors and law enforcement officers should not look at financial transactions and conclude that a case is civil simply because documents, canceled checks, or contracts are involved. Nor should they neglect investigation and prosecution after concluding that the matter is a domestic one because the alleged perpetrator is a family member,

close friend, or neighbor. Instead, holders of power of attorney should be held to a higher standard of care in determining whether their acts are truly for conveyors' benefit, because they have fiduciary relationships toward conveyors.

In some jurisdictions, local law enforcement agencies designate and train officers to become a part of elder abuse, neglect, and exploitation investigative units and handle those complaints when they arrive from social service agencies or other interested parties. Additional reform is needed, however.

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While new legislation is not necessarily a cure-all, States could increase penalties in several areas where regulations currently exist. For example, in the legal community and in the insurance, real estate, and financial industries, penalties could be increased when the victims are aged or disabled adults.

### CONCLUSION

Law enforcement is currently overburdened with restricted budgets, leading to an inadequate number of personnel who have unmanageable caseloads. However,

within the management structure of these agencies, there must be a prioritization in the policy-making process that places prevention, detection, and prosecution of exploitation of aged adults at a high level. The overall quality of life in our society depends on it.

Education of incoming and current law enforcement officers must be enhanced. Officers need to realize that not all criminal activity is violent, that not all property is stolen in the night, and that documents need not confuse, but may incriminate and convict guilty exploiters.

The often-used phrase “the graying of America” accurately describes the shifting upward of the age of crime victims and the changing nature of the types of crimes by which they are victimized. Social service agencies, law enforcement agencies, and prosecutors must communicate and work together in order to make progress against this type of criminal activity. ♦

### Endnotes

<sup>1</sup> Pepper Commission on Aging, *Master Plan on Aging for Florida*, vol. 1, Part A, September 1990.

<sup>2</sup> *Ibid.*

<sup>3</sup> The Florida law previously referenced refers to the misuse of a power of attorney as one means in which the crime of exploitation may be committed. See FLA. STAT. Sec. 415.102(9)(1973).

<sup>4</sup> See, e.g., FLA. STAT. Sec. 415.111(5)(1993).

<sup>5</sup> *State v. Dyer*, 607 So.2d 482 (Fla. App. 2 Dist. 1992).

<sup>6</sup> FLA. STAT. Sec. 415.102(1993).

<sup>7</sup> *State v. Cuda*, 622 So.2d. 502 (Fla. App. 5 Dist. 1993).

<sup>8</sup> FLA. STAT. Sec. 415.102(9)(1993).

<sup>9</sup> *Gainer v. State*, 553 So.2d 673 (ALA.CR.APP.1989).

<sup>10</sup> See, e.g., FLA. STAT. Sec. 415.102 (3)(1993).



# Law Enforcement Gerontology

By  
WILBUR L. RYKERT, Ph.D.

attention by law enforcement. In response, some administrators have created an innovative, specialized position within their agencies—the law enforcement gerontologist. Law enforcement gerontology is the branch of law enforcement science concerned with aging, the crime- and abuse-related problems of aged persons, and the opportunity for older persons to contribute to the crime prevention mission.<sup>1</sup>

In the past, law enforcement addressed youth crimes by creating specialized juvenile units. Now, law enforcement administrators must make similar contributions to the overall good of America by specifically addressing the crime problems of our aging society. Law enforcement gerontologists can do this by melding existing gerontological research with the law enforcement mission.

This article discusses the role and responsibilities of gerontologists within police departments. It also addresses the type of training those in this position should receive, how the fear continuum affects the elderly, and what types of crime the elderly often experience.

## RESPONSIBILITIES

Law enforcement gerontologists work cooperatively with senior citizen communities. By developing a rapport with the elderly, officers assigned to this position can pinpoint specific problems that impact that segment of the population and then recommend ways to minimize the risk of victimization. Law enforcement gerontologists can also alert the senior citizen community to ongoing scams being committed against the elderly.

Finally, law enforcement gerontologists can involve the elderly

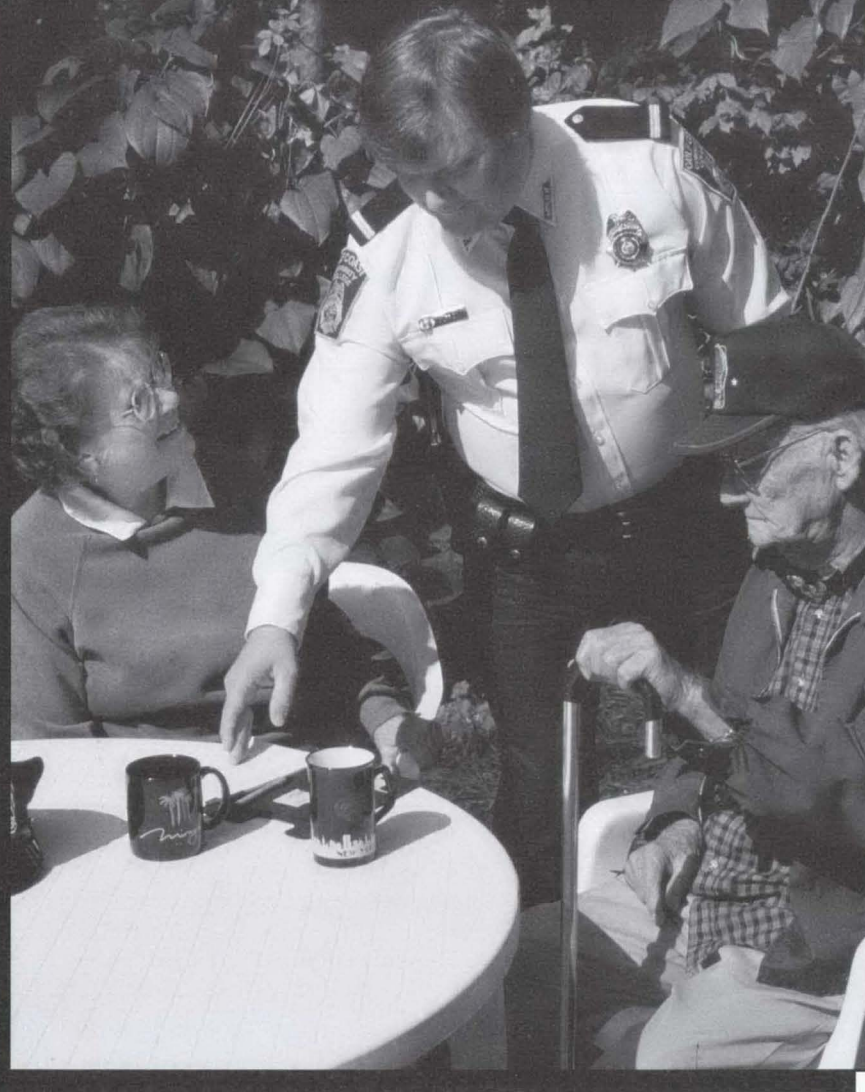


Photo by K.L. Morrison

**I**n today's troubled society, crime is a major concern of the elderly. Clearly, victimization of the elderly severely impacts their economic, physical, and mental health. In turn, it diminishes their quality of life.

Still, gerontologists give little attention to the *crime* problems of

this socioeconomic group. Instead, they focus the bulk of their research on explaining the aging process and discovering solutions to the physical and mental problems of the elderly.

Police administrators, on the other hand, recognize that crimes against the elderly require ardent



in volunteer projects. Involving senior citizens in the fight against crime serves a two-fold purpose. It allows them to feel that they can impact on the crimes being committed against their peer group, and it allows the law enforcement community to benefit from the valuable services this group can offer.

In order to fulfill their responsibilities effectively, law enforcement gerontologists need to understand the process of aging, as well as the many types of crime and abuse elderly persons experience. They must also know how to communicate with senior citizens. Specific knowledge in these areas allows law enforcement gerontologists to guide department policy and to train law enforcement generalists on how to improve their delivery of law enforcement services to older persons.

## TRAINING

In March 1993, the State of Illinois became the first State in the Nation to train officers to become specialists in law enforcement gerontology. Several other States, including Rhode Island, Florida, and Delaware, are currently developing this type of training.

In addition, the National Crime Prevention Institute in Louisville, Kentucky, offers a 40-hour training program for law enforcement gerontologists. Its course on crime and abuse against the elderly offers information on developing and implementing a law enforcement gerontologist program and communicating with the elderly. The course also addresses the demographics, myths, and facts of aging; assault and abuse by family, health care providers, and others; and guardianship, fiduciary, and health care fraud.

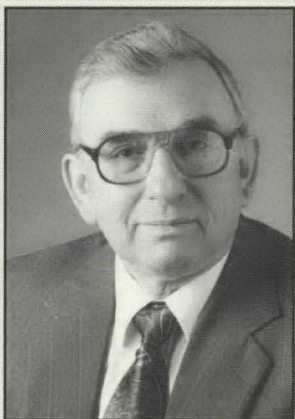
Further, the course educates attendees on traditional con games and street crimes that target the elderly, such as roof repairs and telemarketing schemes, legislative issues (defining crimes of abuse and neglect), and senior volunteer services. A special focus is placed on the methods criminals use to enter residences of the elderly and ways to prevent situations conducive to elderly rapes and assaults.

The American Association of Retired Persons (AARP) is also a training resource for those departments interested in instituting a law enforcement gerontologist program. AARP has developed programs designed to reduce older persons' vulnerability to crime, as well as to sensitize law enforcement personnel at every level to the criminal victimization of older persons.

The amount of training required in the field of law enforcement gerontology is as yet unknown. What is certain, however, is that department gerontologists must understand how the fear continuum impacts the elderly, and they must familiarize themselves with the leading types of crime committed against the elderly.

## FEAR CONTINUUM

In order to work effectively, law enforcement gerontologists must understand the fear continuum and how it impacts the elderly population. The fear of crime often reduces the quality of life more than the actual threat of crime, but a lack of fear by members of any age group can prevent the effective development and use of crime prevention programs. Once these



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gerontologists familiarize themselves with the fear continuum, they can apply that information to the types of crimes committed against the elderly. The following terms demonstrate the progressive nature of fear levels: Apathy, concern, apprehension, alarm, tormenting fear, and terroristic fear.<sup>2</sup>

### **Apathy**

Crime prevention practitioners consistently report apathy as their most severe problem in obtaining support for crime prevention activities. Apathy about crime may be exhibited in a number of ways. For example, individuals may show a lack of concern for crime prevention by not attending neighborhood watch meetings, failing to take steps to protect their property, or neglecting to change personal behavior.

The causes for apathy vary according to age, personal experience, and individual personality. Youths often exhibit behavior in the face of danger that suggests immortal attitudes. Conversely, mature adults may take comfort from the fact that nothing has happened in the past, or they may believe that there is little they can do to protect themselves.

### **Concern**

One of the goals of crime prevention is to move individuals from apathy to concern about crime. Another is to instill the belief in citizens that they can work cooperatively with law enforcement and with one another to reduce crime.

Often, the concerns of crime prevention officials are not the same

as those of potential victims. For example, elderly persons may not attend an evening meeting to discuss frauds and con games because of television reports of night-time violence and a concern about the safety risks of driving after dark.

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### **Apprehension**

Some level of apprehension may stimulate individuals to get involved in their own protection and the protection of the community. At this level of fear, individuals recognize that a strong possibility exists for encountering future difficulties. Accordingly, they may employ crime prevention techniques, join a neighborhood watch, refuse to deal with potential con artists, and call the police regarding suspicious persons. At this point, effective law enforcement response to the needs of seniors is critical. Absent this, fear may move to unhealthy levels.

### **Alarm**

Individuals become alarmed when they suddenly realize that

danger is imminent. They may feel this type of alarm during a robbery or upon discovering that their homes have been burglarized. While the alarm felt by the elderly may raise their consciousness, it can also impact the quality of their lives. For example, if they are robbed outside their homes, they may fear leaving their homes for any reason. On the other hand, if their homes are burglarized, they may believe that they must remain at home to protect their belongings.

Law enforcement gerontologists should be aware that alarming citizens through factual presentations and demonstrations may produce similar negative results. They must find ways to educate the elderly without alarming them.

### **Tormenting Fear**

Tormenting fear contains an element of terror from a mix of real and imagined dangers. At this level of fear, the elderly develop an unwarranted fear of crimes that more often impact other age groups. For example, media attention to sensational violent crimes can draw the attention of the elderly away from crimes of fraud and financial exploitation, which are crimes they are more likely to experience. Unfortunately, the social segregation of many retirees serves to increase their imagined danger.

Tormenting fear can also stimulate political activism to bring about radical change in services. Based on actual dangers, such activity can benefit the entire community. However, action based on imagined fears can pit age groups against one



another in destructive battles over scarce public resources.

Even more tragic is the possibility of personal disaster as a result of tormenting fear. Older persons may resort to violent defense at improper times, such as shooting at youths in response to their taunts, insults, and destruction of property. It is not unusual for injury and death to result from the fear generated by this type of behavior. Crime prevention and community policing tactics can help to alleviate these problems, saving lives and reputations while enhancing community life.

### **Terroristic Fear**

Terroristic fear of crime is the most damaging level of fear to all age groups. It can actually immobilize the elderly, who may shut themselves in their own homes, shun all but their closest friends and relatives, and go hungry and without medical care rather than venture out into what they consider to be a dangerous world. In most cases, the extreme danger felt by the elderly is imagined. However, real or imagined, the result is the same—a loss of freedom and quality of life.

Fortunately, only a small portion of the elderly are victimized by terroristic fear. Yet, in an attempt to demonstrate the problems of crime against the elderly, the term "terroristic fear" is often inappropriately applied to the majority of older persons. Nonetheless, citizens who live in areas where real or imagined fears keep them imprisoned in their own homes deserve a specialized law enforcement response.

## **CRIMES AGAINST THE ELDERLY**

### **Predatory Crimes**

Of utmost importance to all American citizens is their quality of life. One measurement of life quality is victimization by strangers and attacks in or around victims' homes. Individuals assaulted or robbed on their properties or in their homes experience a level of fear that continues to affect their quality of life. The home is the place of last retreat—there is no other place left to hide.

***“Law enforcement gerontologists can take advantage of gerontological research by melding it with the law enforcement mission.”***

Unfortunately, elderly individuals are almost twice as likely as younger individuals to be victimized at or near their homes.<sup>3</sup> This type of predatory crime may be responsible for much of the terroristic fear older persons experience.

### **Abuse in Long-Term Care Facilities**

Many States require that injuries at long-term care facilities be

reported to social service agencies. However, injuries of a criminal nature are often reported as accidents due to lack of investigative expertise, unreliable victims and witnesses, or outright coverups by abusers. Although formal research in this area is lacking, there are reports of victimization of the elderly in these types of facilities.

As the elderly population grows in the United States, the number of residents in long-term care increases. Today, children of these residents may even be approaching senior citizen age, and the stories of criminal assault and neglect on dependent elderly raise their own fears of the future.

### **Economic Crimes**

The elderly have traditionally been victims of standard con games. These types of crime are especially serious because of their overall economic, social, and psychological impact on the victims. Even more frightening to the elderly is the possibility of financial exploitation by family members, official guardians, or others with whom they may have a fiduciary relationship.

### **CONCLUSION**

As the number of senior citizens in the United States increases, the need for law enforcement gerontologists becomes more apparent. Law enforcement gerontologists can take advantage of gerontological research by melding it with the law enforcement mission. By familiarizing themselves with how the elderly react to different levels of fear and then applying this knowledge to the types of crime committed against the elderly and



how to prevent these crimes, law enforcement gerontologists can improve the quality of life for senior citizens across the country.

Finally, while past research focused on the problems of older persons, it also identified the significant abilities of older persons to make positive social contributions. Thus, in addressing the problems of the elderly, law enforcement gerontologists can incorporate into any developing programs opportunities for volunteer service by

older individuals. Through these types of programs, the elderly can actively participate in reducing the rate of crime against their peers. At the same time, they can give back to the communities in which they live.

Law enforcement gerontologist may well be a critical position in the next decade. These gerontologists can provide police administrators with valuable information on which to base department policy regarding the elderly.

Police administrators should plan now for the changing demographics of tomorrow. America is an aging society. ♦

#### Endnotes

<sup>1</sup> *Random House College Dictionary* (New York, New York: Random House Publishing Co.).

<sup>2</sup> Evell J. Younger, "The California Experience: Prevention of Criminal Victimization of the Elderly," *Police Chief*, February 1976, 30.

<sup>3</sup> Ronet Bachman, "Elderly Victims," *Bureau of Justice Statistics, Special Report*, U.S. Department of Justice, October 1992, 1.

## Crime Data

### *Crime Trends: January-June 1993*

According to the FBI's Uniform Crime Reporting Program, the volume of serious crimes reported to law enforcement agencies declined 5 percent in the first 6 months of 1993, compared to the same period of 1992. As a group, violent crime declined 3 percent, while property crime collectively decreased 5 percent.

Among the violent crimes, robbery decreased 5 percent; forcible rape, 4 percent; and aggravated assault, 1 percent. The murder volume showed no change from the same 6-month period of the previous year.

All property crimes registered declines from January-June 1993. Arson was down 15 percent; burglary, 8 percent; motor vehicle theft, 5 percent; and larceny-theft, 4 percent.

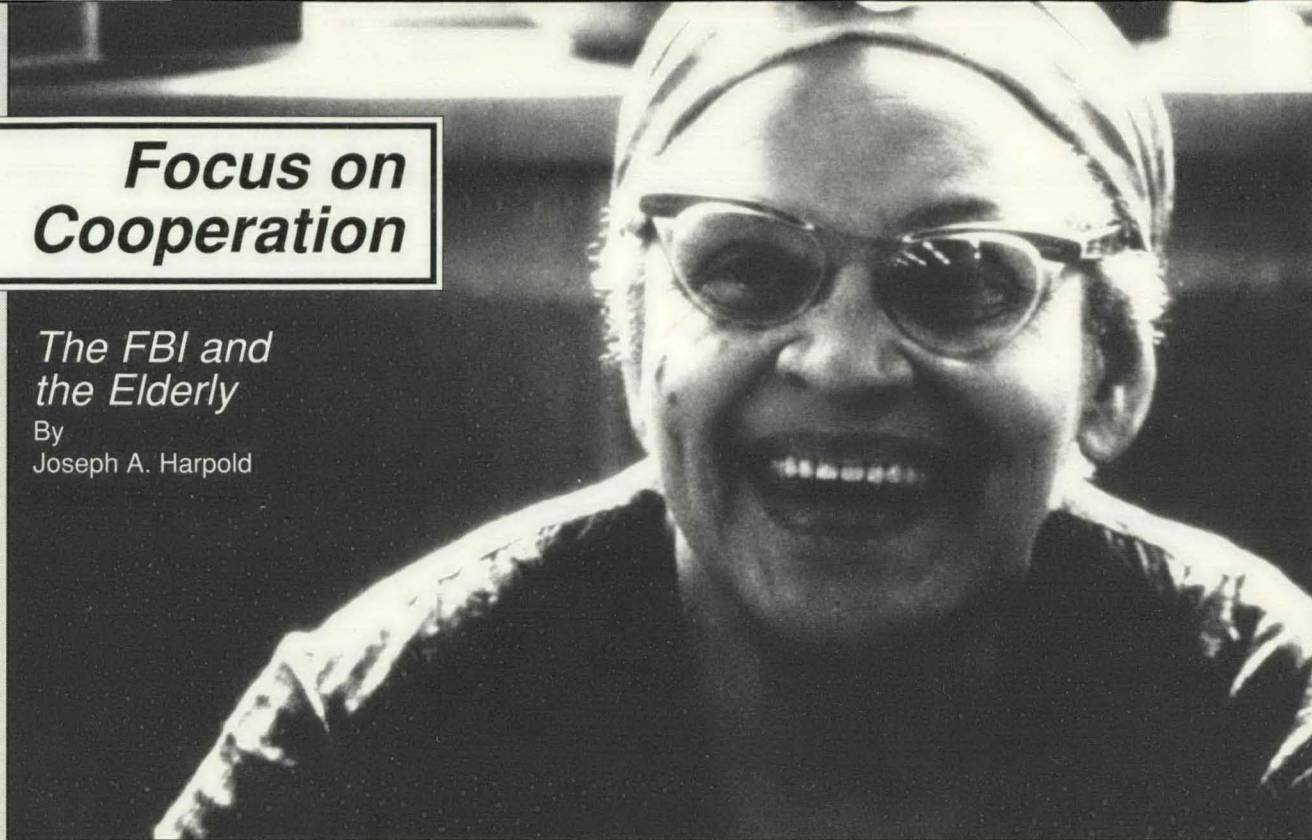
Geographically, the Northeast experienced an 8-percent decrease; the Midwest, 7 percent; the South, 4 percent; and the West, 2 percent. There were also decreases in all population groupings. The greatest decline (7 percent) was recorded in cities with populations over 1 million, and rural and suburban county law enforcement agencies reported declines of 4 and 5 percent, respectively.



## ***Focus on Cooperation***

### ***The FBI and the Elderly***

By  
Joseph A. Harpold



**T**he FBI combats crime against the elderly in a variety of ways, from investigating allegations of medicare/medicaid fraud committed by doctors and nursing homes to dismantling telemarketing and mail fraud schemes that prey disproportionately upon the senior population. The FBI also provides assistance to State and local law enforcement agencies that investigate offenses against the elderly, including violent crimes.

To further enhance the security of the Nation's seniors, the FBI also supports the Triad and SALT initiatives. Triad is a formal cooperative effort established on the local level by police chiefs, sheriffs, and local representatives of the elderly population. SALT, which grew out of the Triad initiative, stands for Seniors and Lawmen Together. Both initiatives work to foster a safer living environment for the elderly.

#### **Developing Triad/SALT**

For years, the Behavioral Science Services Unit, located at the FBI Academy in Quantico, Virginia, cohosted numerous conferences with the American Association of Retired Persons (AARP). These training sessions were developed to foster effective crime prevention measures for the elderly. Then, in

January 1986, the FBI's National Center for the Analysis of Violent Crime (NCAVC) was formed. In July of that year, the newly formed NCAVC joined with the International Association of Chiefs of Police (IACP) to cohost its first major symposium, a conference focusing on violent crime against the aging.

After this symposium, the IACP placed responsibility for addressing victimization of the elderly under its Crime Prevention Committee. As members of this committee, personnel from the NCAVC continued to support the development of enhanced protective measures for the elderly.

In a spring 1987, meeting of the National Crime Prevention Institute at the University of Louisville, the IACP's Crime Prevention Committee pledged to continue the relationship established with the AARP. Members also decided to extend an invitation to the Crime Prevention Committee of the National Sheriffs' Association (NSA). The enthusiastic response of the NSA paved the way for an historic meeting held in September 1987, at IACP Headquarters.

This meeting was chaired by the chief of the FBI's Research Unit, Office of Public Affairs, and included representatives from AARP's Office of Criminal Justice Services and the Crime Prevention Committees of both the IACP and the NSA.



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Attendees pledged their mutual agreement and sought a broader mandate from their respective organizations to form a cooperative approach to improve the quality of life for the aging. This agreement marked the first such cooperative effort between the IACP and the NSA to address a major crime issue.

By 1988, the AARP, IACP, and NSA passed resolutions in support of this working relationship, and the Triad concept was formed. Representatives of the three organizations met regularly to define and refine the focus of the Triad initiative. The SALT concept grew out of these meetings, as representatives pursued effective ways to transfer the Triad concept to State and local levels.

### Continued Support

Although not a formal member of Triad, the FBI continues to actively support Triad/SALT initiatives. The fourth annual Triad conference took place at the FBI Academy on August 2-5, 1993, and to continue its commitment, the FBI has set dates for the 1994 Triad meeting. FBI Academy instructors will present a training curriculum recently developed by the AARP's Office of Criminal Justice Services. This curriculum provides specialized training for police officers who deal primarily with the elderly.

The Triad concept is also presented at various meetings held at the Academy, as well as other FBI-sponsored conferences and training programs throughout the country. In addition, the Triad concept is now included in courses offered to FBI National Academy students.

### The Future

To remain effective, law enforcement must consider the demographic realities facing the Nation. In the years ahead, an increasing proportion of the population will be made up of elderly persons. This

trend, combined with other social forces, will result in an increased number of senior citizens left vulnerable to criminal victimization. Therefore, law enforcement agencies should act now to develop initiatives to enhance protection and victim assistance programs for this particularly susceptible segment of the population.

Communities must also develop innovative crime prevention measures to ensure that limited resources are applied to the most serious problems. Accordingly, the Triad/SALT initiatives combine resources to address the complex issues involved with crimes against the aging.

One of the central components of the Triad/SALT approach is to involve individuals from the senior community in working to make all seniors more safe. This strategy can be expanded and employed in law enforcement agencies around the Nation. This means recruiting seniors to volunteer their time and talent to police departments, as well as to serve as advisors on SALT committees at the Federal, State, and local level.

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**...law enforcement  
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”

### Conclusion

In partnership with the three members of Triad—the American Association of Retired Persons, the International Association of Chiefs of Police, and the National Sheriffs' Association—the FBI works to reduce senior citizens' vulnerability to crime. It also aggressively investigates white-collar criminals who prey on the elderly.

Unfortunately, senior citizens represent an attractive target for many criminals. Therefore, law enforcement at all levels must work proactively to protect and serve the growing senior population. ♦

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*Special Agent Harpold is assigned to the Behavioral Science Services Unit at the FBI Academy in Quantico, Virginia.*

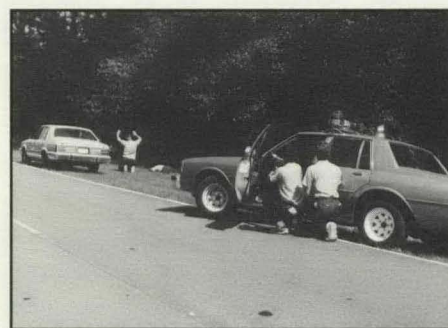
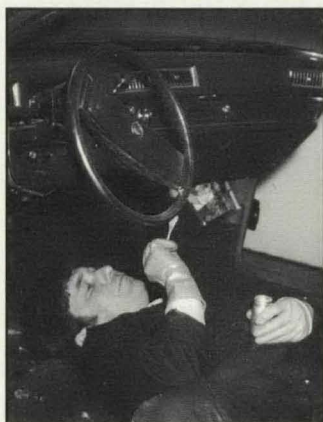
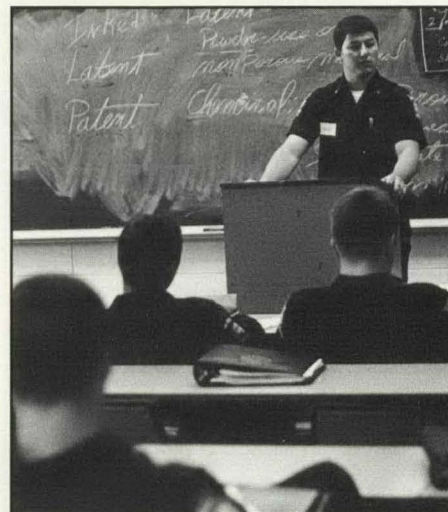
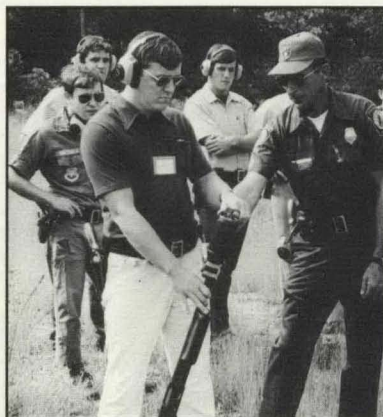
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# Project 48

## A Holistic Approach to Training

By  
RONALD A. BATTELLE  
and DAVID T. PUDLOWSKI



**E**ffective training is a primary component of maintaining proficiency in today's law enforcement agencies. Yet, given its importance to law enforcement's overall mission, most agencies approach training in a piecemeal way that serves only to undercut its value.

Not only might this approach deny personnel the opportunity to receive needed training, but it may also open agencies to damaging litigation based on the Supreme Court's 1989 decision in *City of Canton v. Harris*.<sup>1</sup> In this case, the Court held that a municipality can, under some circumstances, be held

liable for constitutional violations resulting from a failure to train its employees adequately.

In light of this ruling, how can agencies protect themselves, their personnel, and their communities? One answer is to integrate the various potential sources of instruction to achieve maximum training potential.

Training for experienced law enforcement officers has traditionally been presented as inservice instruction, either conducted within an agency or through programs marketed by training academies, individuals, or private companies. In many cases, however, the inherent

problems with each of these formats limit their effectiveness.

Intraagency training provides a structure that enhances planning, scheduling, record-keeping, and budgeting. Yet, agencies generally offer this type of training in a "one-size-fits-all" format that restricts specialized instruction. Marketed programs provide a menu of courses that offers specialization but lacks the framework necessary to manage the training function adequately.

To maximize the best aspects of each format, the St. Louis County and Municipal Police Academy (CMPA) sought a different approach. In developing Project 48,



administrators directed the inservice training concept toward a new dimension that offers a breadth of training, while maintaining a structure that ensures the client agencies' needs continue to be met.

Project 48 requires commissioned personnel from participating departments to attend a minimum of 48 hours of training from a selected core curriculum during a 3-year period. This program now sets a minimum number of hours for inservice training, even though the Missouri Department of Public Safety is not authorized by statute to require a minimum number of hours for training officers after graduation from the academy.

Project 48 planners determined that an average of 16 hours a year (excluding firearms qualification) could be achieved, and was fiscally affordable, by most departments. Additionally, Project 48 provides an incentive to departments and personnel to participate in the program by issuing certificates to recognize those officers who successfully complete the training. Agency certificates are also issued to those departments that achieve 80-percent individual certification.

## BACKGROUND

The CMPA services 1,900 commissioned county and municipal officers in St. Louis County, Missouri, as well as a number of Federal, State, and other local law enforcement agencies. The 65 police departments within the county and the other agencies that regularly send personnel to the CMPA require a great degree of flexibility to accommodate their varying

sizes, budgets, training policies, and needs. Agencies range in size from a department with 517 commissioned officers to one with a single patrol officer. The agencies perform varied duties, from servicing a large metropolitan area to patrolling areas as diverse as rural farmland, college campuses, parks, and the St. Louis International Airport.

In addition to providing basic training for police recruits, the academy sponsors or hosts more than 100 specialized training programs for experienced police officers each year. Administrators generally identify the topics for these programs based on past needs assessments, but the curriculum also includes some programs that address contemporary issues.

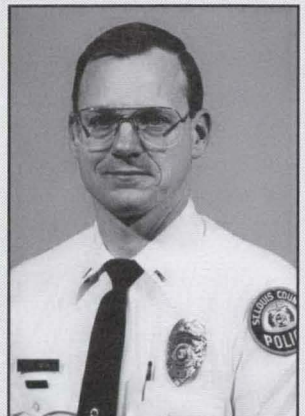
Previously, cost, attendance, and interest or number of requests influenced schedules of particular programs. Although the academy always offered a broad spectrum of training, no mechanism existed before the introduction of Project 48 to ensure that those attending the programs received the specific training they needed.

## PROJECT 48

The CMPA Board of Managers and the Special Programs Subcommittee recognized the need to establish a structured approach to inservice training that remained as comprehensive as possible, yet flexible enough to accommodate the training needs of the academy's client departments. Ideally, the structure would include a menu of specialized training programs within a prescribed curriculum.



*Colonel Battelle heads the St. Louis County, Missouri, Police Department.*



*Lieutenant Pudlowski serves as the director of the St. Louis County Municipal Police Academy in Wellston, Missouri.*

The process would require officers to attend programs from each core area to guarantee that the training specifically addressed each aspect of their assignments. Unlike traditional police academy curricula, this holistic approach mirrors the course design used by colleges and universities and the curriculum



## Project 48

Core Curriculum	Police Officers	Detectives	Supervisors
Legal Studies	8 Hours	8 Hours	8 Hours
Interpersonal Perspectives	8 Hours	8 Hours	16 Hours
Technical Studies	16 Hours	16 Hours	24 Hours
Skill Development	16 Hours	16 Hours	* * *

employed at the FBI National Academy.

CMPA staff met with area chiefs and training coordinators to outline this new approach. The structured format of the project and the establishment of clearly identified training goals proved very attractive to department chiefs. Scheduling flexibility and an opportunity for improved long-range planning impressed training coordinators. With the support of the chiefs and training coordinators, CMPA administrators began to formulate the specific features of Project 48.

### Developing the Program

The first question staff members asked themselves was, "Who will be trained?" Although this question appeared rather fundamental, asking it periodically kept planners focused on their overall goal.

Because the academy's primary target group includes commissioned law enforcement personnel of all ranks, planners decided to group personnel by job description. It soon became apparent that the majority of the target group would

fall into three classifications: Patrol officers, detectives, and supervisors. (Additional groups such as chief/executive officer or noncommissioned personnel could be added, but they were considered outside the scope of the original project.)

Once planners identified the job classifications, they established the core training for each group, based on a series of task analyses, semianual meetings with agency training coordinators, and job responsibilities. The areas of legal studies, behavioral sciences, technical studies, and skill development were identified as general topics that would apply to all three job classifications. Accordingly, planners developed the following core training categories:

*Legal studies* include updates on Federal, State, and local criminal law or legal issues

*Interpersonal perspectives* focus on skills, cultural diversity training, ethics, conflict management, victim sensitivity, and stress management

*Technical studies* include specialized studies or activities that directly relate to the selected job description

*Skill development* features programs that involve training activities that enhance physical and mental skill proficiency, such as defensive tactics, firearms, and driver training.

Without explicit data available to determine hourly allocation, planners relied on the academy's training history and discussions with other experienced trainers. The project required that the 48 hours of training be apportioned for the core curriculum for each job classification. To record the training efficiently, planners decided that the programs should be at least 8 hours in length. This also coincided with the standard length of a training day.

Next, planners identified training programs, or curricula, for each training core. Programs and seminars that had been offered by the CMPA during the last 3 years, as well as a select number of programs marketed elsewhere, were assigned to the most appropriate core. As part of Project 48, these training programs comprise a specific, yet flexible, menu of training within a structured format.

For client departments, this flexibility provides a valuable new element to training. Consider two officers, each in need of 16 hours of skills development. Officer A recently has been involved in a number of minor traffic accidents; Officer B has had several subjects resist arrest in recent weeks. Officer A should attend a driver training program, while Officer B would benefit from a defensive tactics program.



Under the flexibility of Project 48, officers can attend training that not only fulfills their hourly requirements for a particular core but also helps them to improve their skills in a specific area.

The training menu provides an immediate reference for potential users, as well as for the in-house Project 48 coordinator. Individual chiefs or training coordinators can review the menu to highlight areas of emphasis or determine areas where specialized training is available. In addition, the Project 48 coordinator can readily identify areas that were omitted or duplicated.

This structured approach also allows academy staff to project more accurately the number of training seminars that should be offered yearly for each core area. Staff members survey participating departments to determine the number of police officers, detectives, and supervisors in need of training. These figures are then computed to determine the number of various programs that must be scheduled. For example, if 1,200 officers require training in legal studies and the number to be trained during each program is 40, then 30 programs must be offered (10 per year). By using this formula, staff members determined that the academy offered an insufficient number of programs for line police officers. Instructors quickly identified deficient areas and added additional training programs.

Because a number of training programs are in the same core for different job classifications, instructors can combine two or more groups into one class—legal studies for police officers and detectives,

for example. For the most part, the content of the programs in this core category applies to members of both groups. By including members from more than one job description, the training becomes more efficient, and the potential for information exchange between groups makes the training more effective.

**“  
Effective training  
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law enforcement  
agencies.  
”**

#### **Implementation**

In addition to relevant training programs, the successful implementation of Project 48 depends on two additional key components—effective program announcements and systematic recording procedures. Program announcements must provide a detailed synopsis describing the training program and instructor credentials.

Project 48 announcements also specify the job classification(s) and core curriculum for each program (i.e., Detective: Technical Studies). These details help chiefs and training coordinators to select training programs that meet specific needs and simplify recordkeeping.

The courses that individual officers take is left to the discretion of

each participating agency. While agency commanders may mandate certain training, the academy imposes no such requirements.

The CMPA retains automated records of all training provided. However, because agencies often obtain training from other sources, such as other academies or the FBI, the primary responsibility for recordkeeping rests with individual departments. Still, such programs may also be credited toward Project 48's hourly requirements.

When individuals become eligible for certification (by *their* departments' records), copies of their training records and related certificates are forwarded to the CMPA. After review and verification by the academy director, certificates are awarded to appropriate personnel.

#### **CONCLUSION**

Inservice training is an indispensable component of modern law enforcement. By knowing what training personnel require and by establishing a mechanism to focus training opportunities toward goals, agencies not only improve overall performance but also ensure effective use of training funds.

Project 48 planners accomplish these objectives by classifying personnel by job description, developing a comprehensive core curriculum, and allocating a prescribed number of training hours for each core area. In so doing, they provide a mechanism to attain each department's training goals. ♦

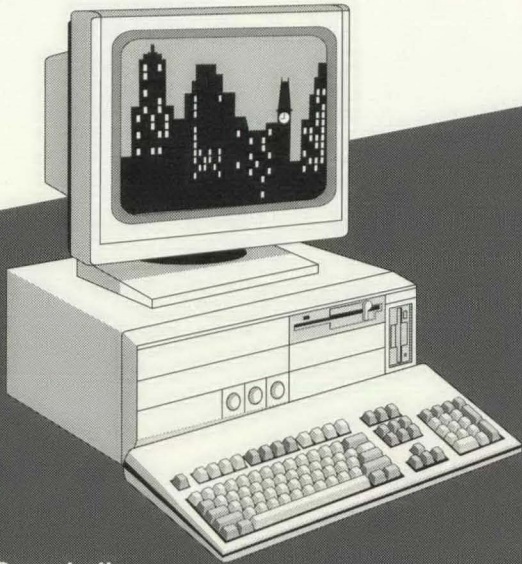
#### **Endnote**

*City of Canton v. Harris*, 109 S.Ct. 1197 (1989).



# Police Practices

## Computer Support for Community-Oriented Policing



By  
J.J. Campbell

**C**ommunity-oriented policing (COP) is an integral part of the Alexandria, Virginia, Police Department's daily operations. As part of the COP approach, personnel from the department are assigned to each of the city's civic associations to keep citizens apprised of citywide crime statistics, as well as the crime figures for each community within the city.

The community liaison officers also listen to citizen concerns and act as their advocates in local public safety-related matters. These liaison officers—drawn from all ranks within the department—forward monthly written reports to the chief that summarize the concerns of their respective communities and highlight the actions taken or recommended by the officers.

Until recently, however, liaison officers found that their efforts to obtain timely, neighborhood-specific crime and incident statistics were frustrated by the complexity of the department's computerized records management system. Therefore, after a careful

review of the mainframe records management database, department managers decided to develop a separate personal computer (PC) database application that used periodic downloads from the main records manager as its data source.

Department managers christened the new system Quick Query (QQ).<sup>1</sup> The primary purpose of this system is to improve information-sharing with community associations by supplying timely statistics and detailed information concerning reported incidents to liaison and patrol officers, investigators, supervisors, and commanders.

### DESIGNING THE SYSTEM

In designing the Quick Query system, planners understood the importance of maintaining user control over timeframes covered by the queries, types of incidents culled from the system, and the geographic limits of the searches. Because this program would be the first contact with a PC for many officers, it was also important that the user interface be simple, intuitive, and powerful.

Accordingly, the program was designed to be fully menu-driven. In fact, after typing in their personal serial numbers, users can perform all other functions using only six keys (four cursor keys, the escape key, and the enter key.)

The system is also largely data-driven—meaning that the program receives much of its “run-time” information from the data supplied to it via the department's mainframe database. For example, when QQ prompts the user for a date range, the system checks the user supplied dates against the range of dates available in the current database. If the user selects a timeframe outside the acceptable range, the program prompts the operator for a valid date.

### MAIN MENUS

Quick Query provides users with a wide range of information. The main menu offers six options: Beats, geosearch, places, streets, utility, and codes.

### Beats

The *beats* submenu has become a favorite of uniformed patrol personnel. For the first time, patrol officers can obtain summaries or more detailed



information concerning all reported incidents for a particular beat. For this search, officers maintain the ability to select desired date and time ranges. The officers may also target specific types of incidents, such as burglaries or larcenies.

The advantages of placing this type of information in the hands of patrol officers can be profound. In effect, this program allows every patrol officer to be a crime analyst. Officers possess intimate knowledge of the people, streets, and alleyways of their assigned beats. In short, the Quick Query system provides patrol officers with the necessary means to not only record but also to analyze crime on their beats.

### Geosearch

The department's records program geographically encodes (*geocodes*) all incidents by subcensus tract (a subdivision of the U.S. Census Tract Boundary) based on address. These geocodes, plus the four-digit Uniform Crime Report (UCR) code and the report date, make up the key elements necessary to compute, sort, and track the criminal activity in any community.

Users can opt to search by census (or subcensus) tract, which provides a scrolled listing of all valid geographic tracts available. A green pop-up calendar prompts users for the starting date. The system then defaults to the earliest date in the database. By using the cursor keys, operators choose the appropriate date.

After users select a valid starting date, a red calendar appears on the screen with the cursor positioned on the latest possible date in the database. Users select the appropriate ending date and then choose the types of incidents to be included as part of a particular query. The choices include:

- All Part I crimes
- Homicide
- Rape

- Robbery
- Aggravated assault
- Burglary
- Larceny
- Automobile theft
- All reported incidents.

Within each of these options, users are provided with additional fields by which to limit their search. For example, selecting Part I crimes yields the number of Part I offenses by category and the total number of offenses occurring during the time and place specified by the user.

Two "hot" function key options are displayed at the bottom of this screen: *Show detail* and *print summary*. The first key option provides a scrollable window containing all the records meeting the user's selection criteria. While the detailed records are displayed, the user has an option to print. By selecting this option, users can obtain a hard-copy of the selected detailed records. The report contains the following fields: Incident number, report date, UCR code, disposition code, report-

ing officer's serial number, time of incident, and incident location.

### Places

The *places* submenu is the cornerstone of the system's community policing aspects. Community liaison officers define their assigned communities in terms of subcensus tracts, or if necessary, by individual streets.

When developing the Quick Query system, developers encoded these descriptions as an integral part of the program. This allows liaison officers to select their respective civic organizations' names from a scrolled list. They may then choose a desired date range from an onscreen calendar, and in less than

**“ Armed with...the quick query system, patrol and liaison officers are better prepared to address the crime problems in their respective communities. ”**



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60 seconds, receive a comprehensive hard copy summary of all reported incidents occurring within an association's geographic boundaries.

### Streets

The *streets* submenu allows users to enter a street address from a range of addresses and obtain either a scrolled listing or a hard copy of all incidents for selected addresses. This is a particularly useful feature when documenting a specific "hot spot" of criminal activity.

### Utility

The primary use of the *utility* submenu is to update the current PC database from the mainframe records management incident file. To make the system up to date and as easy to use as possible, planners are currently working to fully automate the data transfer process.

### Codes

The *codes* submenu provides users with access to two "look up" tables. These tables contain listings of

the UCR codes, as well as department disposition codes, both of which can be viewed onscreen or printed. These tables prove especially helpful to officers, few of whom are familiar with specific UCR or disposition code numbers.

### CONCLUSION

Armed with the up-to-date information provided by the Quick Query system, patrol and liaison officers are better prepared to address the crime problems in their respective areas. Combining this data resource with the ideals of community-oriented policing enables the Alexandria Police Department to provide enhanced public safety services to all of its citizens. ♦

### Endnote

Law enforcement agencies interested in developing a system similar to the one in Alexandria may forward inquiries on agency letterhead to the Alexandria Police Department, 2003 Mill Road, Alexandria, VA 22314.

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*Mr. Campbell is a crime analyst with the Alexandria, Virginia, Police Department.*

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## Wanted: Photographs

**T**he *Law Enforcement* staff is always on the lookout for dynamic, law enforcement-related photos for possible publication in the magazine. We are interested in photos that visually depict the many aspects of the law enforcement profession and illustrate the numerous tasks law enforcement personnel perform.

We can use either black-and-white glossy or color prints or slides, although we prefer prints (5x7 or 8x10). Appropri-

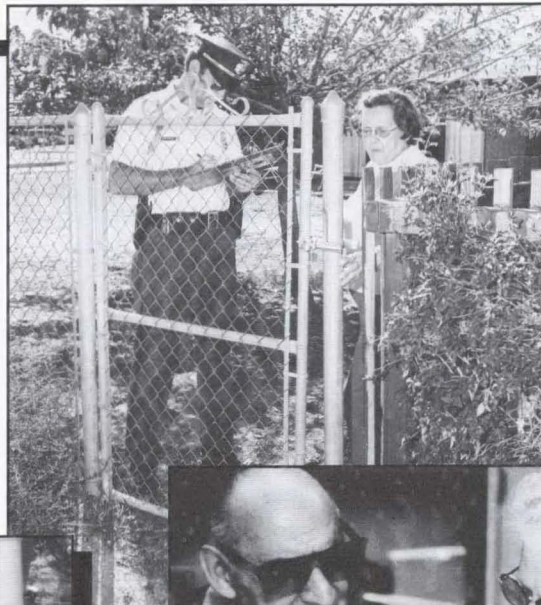
ate credit will be given to contributing photographers when their work appears in the magazine. We suggest that you send duplicate, not original, prints as we do not accept responsibility for prints that may be damaged or lost. Send your photographs to:

John Ott, Art Director, *FBI Law Enforcement Bulletin*, J. Edgar Hoover F.B.I. Building, 10th and Pennsylvania Avenue, NW, Washington, DC 20535. Telephone (202) 324-3237.



# Triad Reducing Criminal Victimization of the Elderly

By  
BETSY CANTRELL



**Fact:** The number of older persons in the Nation continues to grow rapidly. Today, approximately one of every eight Americans faces the reality of aging.

**Fact:** Fear of victimization and rising crime rates rank high among the concerns of the elderly.

America's population is aging rapidly. In fact, it is projected that by the year 2030, there will be 66 million older persons in our society.<sup>1</sup> The increasing number of older persons in the United States, coupled with their fear of victimization, yields new problems for law enforcement.

Fortunately, however, a new concept that emphasizes community cooperation in combating these problems is succeeding in a number of areas throughout the Nation. This innovative concept is the Triad Program.

Triads are formed when the local police and sheriffs' departments agree to work cooperatively with senior citizens to prevent the

victimization of the elderly in the community. The three groups share ideas and resources to provide programs and training for vulnerable and often-fearful elderly citizens. In addition, the groups work to expand and renew interest in existing programs and develop cooperative strategies to address needs and concerns identified by older citizens.

The work of a Triad is most successful when a cooperative spirit exists between the involved law enforcement agencies and when seniors volunteer their time and expertise to help. Ideally, those involved—both law enforcement personnel and citizens—are offered training. Triads are cost-effective, but more important, they work.





Mrs. Cantrell manages the National Sheriffs' Association Triad Program.

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This article discusses the background of Triads, how they are formed, and the critical part volunteers play in the program. Finally, it discusses some of the successful programs associated with this effort.

## BACKGROUND

The Triad concept emerged in 1987, when several members of the International Association of Chiefs of Police (IACP), National Sheriffs' Association (NSA), and members of the American Association of Retired Persons (AARP) met to consider mutual crime prevention concerns and to plan for the future. The group recognized that the rapidly growing number of elderly in the United States required that the law enforcement community begin to address ways to combat the problems confronted by this segment of the population.

During this meeting, it became evident that the increasing number of elderly would lead to a growing number of victims which, in turn, would lead to a changing emphasis

for law enforcement agencies. As one law enforcement officer at the conference commented, "When the people who built the streets of America are afraid to walk those streets, something is badly wrong."

The chiefs and sheriffs who met believed it important to develop a strategy to enhance law enforcement services to older persons and to expand efforts to prevent their victimization. Further, it was clear that the problems senior citizens were encountering could best be combated through a cooperative effort between law enforcement and the senior citizen community. This effort was quickly dubbed Triad, representing the three-way cooperative effort between sheriffs, police chiefs, and the AARP, which represents the senior citizen population.

Triads combine common sense and imagination to deal jointly with unmet needs, to refer seniors to appropriate agencies and services, and to ensure that seniors know about programs available to them. In some areas, the formation

of a Triad has made the resources and program elements that were previously available to only town or county residents available to residents of both incorporated and unincorporated areas.

## FORMING TRIADS

A Triad usually begins when a police chief, a sheriff, or a leader in the senior citizen community contacts the other two essential participants to discuss a combined effort. Although each entity may already have programs to reduce the victimization rate among the elderly, the three-way involvement of Triads adds strength, resources, and greater credibility.

Most Triads include representatives from agencies that serve older persons, such as the Agency on Aging, senior centers, the health department, and adult protective services. Law enforcement leaders then invite seniors and those working with the seniors to serve on an advisory council, often called Seniors and Lawmen Together (SALT).

At the initial SALT council meetings, members of the council discuss the involvement and goals of their agencies, as well as the role they hope to play with the seniors. Typically, the first task of the council is to conduct a preliminary survey to determine the needs and concerns of seniors throughout the jurisdiction.

Once established, SALT councils generally meet monthly. Police chiefs and sheriffs often join the group to hear discussions firsthand and to respond to any questions or concerns. Many times, the group's preliminary strategies focus on crime prevention and victim assis-



tance for seniors or seniors' need for security and reassurance. Strategies implemented early on are usually in response to survey results.

The SALT council is often the first collaborative effort between seniors and law enforcement. For this reason, seniors serving on the council acquire basic criminal justice information by attending a citizen police academy or rookie school to learn about the criminal justice system and the workings of the various law enforcement agencies.

### TRIAD VOLUNTEERS

If the SALT council provides the starter and the fuel for Triads, older volunteers serve as the motor and wheels. Mature individuals often have the experience and skills to guide Triad endeavors. Among these volunteers may be retired teachers, truck drivers, or law enforcement officers—the volunteers represent all segments of the community.

Volunteers may staff reception desks in law enforcement agencies, present programs to senior organizations, conduct informal home security surveys, and become leaders in new or rejuvenated neighborhood watch groups. They may also provide information and support to crime victims, call citizens concerning civil warrants, or assist law enforcement agencies in maintaining records or property rooms at substations or in other areas.

Most senior volunteers derive great satisfaction from working with Triads. In fact, some volunteers enjoy their duties so much that they work as many as 40 hours a week on the various Triad programs.

### TRIAD PROGRAMS

Triad programs are based on the particular needs of the involved jurisdictions. These programs may be designed to combat emerging problems, or they may be an expansion of existing programs that seem effective in reducing specific crimes.

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***The SALT council is often the first collaborative effort between seniors and law enforcement.***

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### Training

A critical component of Triads is the training programs they offer. Most Triads offer training to law enforcement personnel, employees of local businesses, and the seniors themselves.

#### *Law enforcement personnel*

Triads train officers and deputies in issues affecting senior citizens. These issues may include the process of aging, providing effective law enforcement services to seniors, victim assistance, or disaster preparedness plans for older persons living alone.

In addition, Triads in Illinois, Rhode Island, and Ohio offer training to officers who may then be designated as elderly service officers or senior advocates. These officers work with members of social service organizations to provide better services to seniors throughout their States.

Further, some SALT councils form a subcommittee to compile a resource guide and training curriculum for law enforcement officers. The resource guide focuses on meeting the needs of seniors, while the training curriculum focuses on how to communicate with the elderly more effectively, among other issues.

#### *Local businesses*

Triads also work with employees of local businesses to help curtail specific crimes for which seniors may be targeted. For example, one SALT council in Illinois planned and helped to implement training for employees of financial institutions. This training focuses on current frauds or scams and how these crimes impact the elderly, as well as other problems relating to victimization of seniors.

#### *Seniors*

Providing expanded training to seniors is also a critical component of Triads. Triads located in Florida, Oklahoma, Virginia, Louisiana, and Massachusetts are among those that have increased the number and variety of crime prevention presentations they make to seniors.

The goal of the crime prevention presentations is to inform seniors about the crimes currently plaguing older persons and to educate them about what local crimes are likely—or unlikely—to affect them. For example, while many seniors fear violent crime, they are much more likely to become victims of frauds or scams. Triads work to provide this type of accurate crime information to seniors, helping to lessen some of their fears.



Triads not only plan programs for seniors but they also devise ways to get the same valuable information to homebound seniors. They may decide to accomplish this through outside volunteers, such as those involved in the Meals-on-Wheels Program, or by using health workers.

### Elder Abuse

Some Triads establish programs to prevent elder abuse through education and to address the plight of seniors in personal care homes. For example, in Columbus, Georgia, the plight of some seniors in such facilities came to the attention of a very active SALT council. Learning that the rules and regulations governing personal care homes were not being enforced and that some older residents were suffering from abuse and neglect, the SALT

council devised a strategy to investigate specific situations.

To begin, the council enlisted the assistance of the sheriff's office and the police and health departments. Through these agencies, they obtained a search warrant of the homes, arranged for proper lodging and care for those seniors living in unhealthy and unsafe conditions, and planned for more careful monitoring of such homes. It is this type of cooperative networking that makes Triads not only successful but satisfying as well.

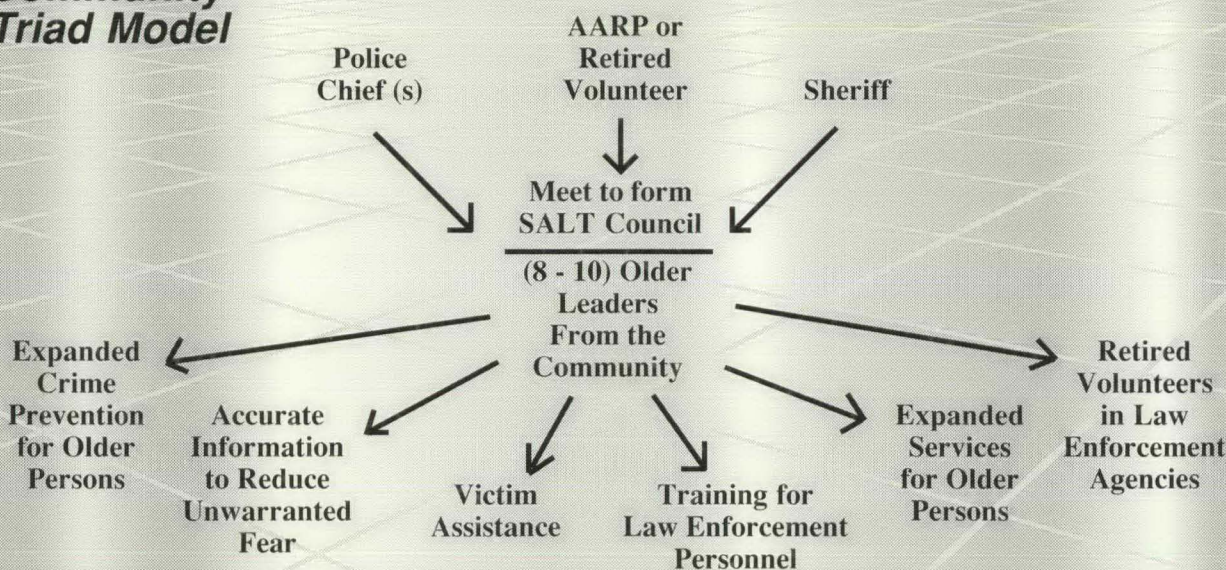
### Senior Reassurance and Welfare

Some Triads design programs that offer reassurance to seniors and protect their welfare. For example, in Bridgeport, Connecticut, seniors participate in a weekly Senior Safe Walk Program sponsored by the local Triad and Project CARE, which is part of the Area Agency on Aging.

In good weather, seniors gather at the zoo, where parking and admission are free for those participating in the early morning walk. Prior to the walk, seniors hear crime prevention presentations sponsored by area agencies or businesses. The seniors may learn about safe ways to carry money and valuables, home security, or carjacking prevention. Often, the appeal of companionship and exercise draws seniors who might otherwise not hear these presentations.

Another safety program sponsored by the Bridgeport Triad helps elderly persons who reside in high-risk areas to manage their grocery shopping more safely. The Senior Safe Shopping Program involves local grocery store chains, which provide vans or buses to transport seniors on regularly scheduled shopping trips.

## Community Triad Model





Telephone reassurance programs also play a part in some Triads. Older persons may fear that a fall, a stroke, or a break-in could render them unable to obtain assistance. In order to increase the seniors' sense of security, a number of Triads have begun or expanded telephone reassurance programs that already exist in some law enforcement agencies.

In Triad telephone programs, retired volunteers receive daily check-in calls from seniors or place daily calls to those who request this service. This simple program serves as a lifeline to fearful homebound persons and as a source of satisfaction to the volunteers.

## CONCLUSION

The essence of Triad is cooperation. This program allows the service providers—law enforcement—to work together with the consumers—senior citizens. Through positive programs that affect safety and quality of life, mutual respect and appreciation evolves between the law enforcement community and citizens. This is, after all, what law enforcement agencies nationwide strive for—a successful program that meets the needs of all involved in the search for a safer America. ♦

### Endnote

*Crime and the Elderly*, American Association of Retired Persons Criminal Justice Services, International Association of Chiefs of Police, and the National Sheriffs' Association.

For more information on Triad, contact AARP Criminal Justice Services, 601 E Street, N.W., Washington, DC 20003, 202-434-2222, or Triad at NSA, 1450 Duke Street, Alexandria, Virginia 22314, 800-424-7827.

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# Point of View

## Elder Abuse A National Tragedy

By  
Mel E. Weith

**S**everal years ago, officers of the Austin, Texas, Police Department discovered the partially clothed body of a 68-year-old woman in an apartment she shared with her son. The woman wore a diaper fashioned from a vacuum cleaner bag and was found on the kitchen floor in the fetal position. Police later discovered that the victim did not die of any aggressive action—she died of starvation.

Law enforcement officers across the Nation often face similar scenes during their careers. They may even ask themselves whether a crime has been committed.

Unfortunately, many officers may not know the answer to that question. They may not recognize the warning signs of elder abuse until it is too late.

### Increase in Abuse

Elder abuse is increasingly being recognized as a national tragedy. In 1989, hearings before the Subcommittee on Human Services of the House Select Committee on Aging indicated that 1 out of every 25 Americans over the age of 65 suffers from some form of abuse, neglect, or exploitation.<sup>1</sup>

Furthermore, the elder population is increasing. In 1989, persons 65 years of age and older numbered 31 million, representing 12.5 percent of the total population. Since 1980, the number of older Americans has increased by 5.3 million, or 21 percent.<sup>2</sup> By the year 2030, an estimated 66 million persons will be over age 65, representing 21.8 percent of the total population.<sup>3</sup> As our elder population increases, we can logically expect that incidents of elder abuse will also increase, if all other variables remain constant.

### Failure to Report

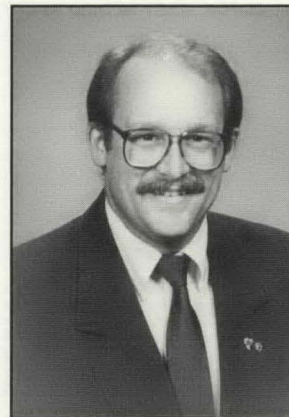
While incidents of elder abuse in domestic settings are estimated at 1.5 million cases per year, only one out of eight cases comes to the attention of

State elder abuse reporting systems.<sup>4</sup> Because many older persons wish to maintain their privacy, they either do not report the abuse and neglect, or they tell practitioners that they do not wish to take any action against the abuser.

Such was the case of an 81-year-old woman who received treatment in a hospital emergency room twice in one month for serious wounds and abrasions. The woman admitted that her two sisters beat her. Although hospital officials counseled her on filing criminal charges, she refused. The woman died a month later. The coroner's inquest found that the victim had died from "unnatural causes due to the intentional and unlawful conduct of...her sisters."<sup>5</sup>

This incident illustrates the dilemma elderly victims face when they consider reporting abuse to the authorities. They must choose between not reporting incidents and receiving no help, or reporting the abuse by their children or caregivers and risking retaliation or at least jeopardizing their levels of care and their relationships with caregivers.

Indeed, the thought of public exposure and the embarrassment at having a family member—especially a child—hurt them this way is a tremendous blow to older persons' self-esteem. As a result, they prefer to suffer in silence rather than share their plight with others outside the family circle. Elder abuse



*Captain Weith serves in the St. Clair County Sheriff's Department, Belleville, Illinois.*



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victims often fear rejection, which may be even more intolerable than the abusive relationship itself. Older female victims with a history of unassertive behavior find it especially difficult to report abuse.<sup>6</sup>

### Law Enforcement's Role

Law enforcement officers are often the first line of defense for victims of neglect and abuse. They must recognize the signs of mistreatment in households of elderly residents. Officers who are unfamiliar with at-risk settings may overlook the life-threatening signs of abuse. To avoid this, agencies must educate their officers so that they recognize the warning signs of elder abuse.

Training must first improve at the academy level. While most police academies address victimization in their programs, these courses emphasize battered women, abused children, and sexual assault victims. They often neglect issues that are unique to the elderly.

Veteran officers also need more complete training. Most inservice training deals with first-aid, firearms, defensive tactics, weapon retention, and physical skills and abilities. Very few, if any, police inservice programs deal with crimes involving elders, including abuse, neglect, theft, and con games.<sup>7</sup> Training should also include the aging process and sensory loss characteristics, communication with the elderly, and characteristics of the potential perpetrator.

Providing training on the issues of aging would increase awareness and sensitivity of law enforcement officers and service providers. This increased awareness would lead to increased reporting of crimes, better investigative techniques, and consequently, higher arrest and conviction rates for the perpetrators of such acts. Furthermore, older citizens would feel less emotionally isolated and more secure within their homes, knowing that others within the community have an understanding of the aging issues and that society will not tolerate their further mistreatment.

### Learning from the Past

For many years, young victims of sexual abuse believed that no one understood their dilemma or felt concern for their well-being. However, attitudes toward child abuse have changed. We convinced our children that we care about their health and well-being and encouraged them to talk about their victimization. Law enforcement officials learned to recognize the characteristics of pedophiles and child molesters.

In addition, major campaigns educated the public regarding the safety and welfare of children. As a result, the reporting, investigation, arrest, and conviction of individuals who victimized children rose. Increased public awareness also allowed law enforcement to create additional prevention programs and to

establish the National Center for Missing and Exploited Children. Law enforcement then employed the same techniques to increase public awareness concerning rape and spousal abuse which, in turn, led to national centers to deal with advocacy, education and prevention programs, counseling, referrals, and hotlines.

But where are the advocates for the abused and neglected elderly? Where is the first line of defense for this forgotten segment of society? As we did for our youth and other abuse victims, we should

follow the same path and bring additional awareness to the law enforcement community for our elders.

Some cities have begun to attack this pressing problem. In 1980, the Milwaukee, Wisconsin, Police Department created the Senior Citizen Assault Prevention Unit, commonly referred to as the "Gray Squad."<sup>8</sup> The unit works closely with the senior population to improve police-community relations, increase crime prevention awareness, and instruct elders on how to better identify and/or deter would-be assailants. Although the squad does not specialize in domestic abuse cases, it is working toward preventing such cases. Moreover, it produces positive effects for a nominal amount of agency resources.

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”**



As the Gray Squad demonstrates, the most successful prevention efforts eliminate the probability of mistreatment. This level of protection, referred to as primary prevention, is possible only when the causes of a specific type of mistreatment are clearly understood and predictable. Prevention programs can educate and sensitize the public, help potential victims establish methods of self-protection, reduce the opportunities for abuse, and intervene when mistreatment does occur.

### Conclusion

In short, proper training regarding basic gerontology and the problems that face our elders on a daily basis is greatly needed. If it is not provided, we are failing to address the issues that concern a large segment of our "at risk" population. According to a leading gerontologist, "Our older population's greatest fear is not death, but is the fear of the quality of life in their later years."<sup>9</sup> Through education of law enforcement personnel, we have the potential to eliminate this fear and guarantee that the elder population does more than just survive. ♦

### Endnotes

<sup>1</sup> U.S. Congress, House Subcommittee on Human Services, Select Committee on Aging, *Elder Abuse: An Assessment of the Federal Response*, 101st Cong., 1st Sess., June 7, 1989.

<sup>2</sup> American Association of Retired Persons, *A Profile of Older Americans*, Program Resource Department, Washington, DC, 1990.

<sup>3</sup> Ibid.

<sup>4</sup> D. Quirk, "An Agenda for the Nineties and Beyond," *Generations*, 15, no. 3, 1991, 25.

<sup>5</sup> Douglas A. Campbell, "Elder Abuse: The Needless Death of Cassandra Life," *50 Plus*, 1988, 18-19.

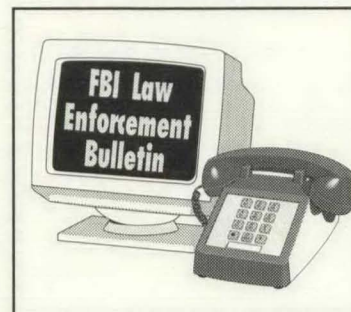
<sup>6</sup> Robert Hawkins and Anthony Trazler, "Elder Abuse and Communication," in *Human Communication and the Aging Process*, ed. C.W. Carmichael, C.H. Botan, and R. Hawkins (Prospect Heights, IL: Waveland Press, 1988), 221-34.

<sup>7</sup> Jewett W. Bennett, Southwestern Illinois Law Enforcement Commission Annual Report, SILEC, Belleville, IL, 1991.

<sup>8</sup> Richard Q. Zevitz and Dennis M. Marlock, "Senior Citizen Assault Prevention Unit," *FBI Law Enforcement Bulletin*, March 1989, 10-13.

<sup>9</sup> David Paulsmeyer, gerontology interview/lecture at Southern Illinois University, Edwardsville, IL, 1991.

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# The "Plain Feel" Doctrine

By  
A. LOUIS DIPIETRO, J.D.

**I** imagine that while on routine patrol in a marked squad car, you and your partner observe a 23-year-old man walking out of an apartment building that you consider to be a notorious "crack house." Your perception stems from the number of complaints of drug sales in the building's hallways, which you previously investigated, as well as your prior execution of several search warrants on the premises.

The man begins walking toward you, but upon spotting the patrol car and making eye contact, he abruptly halts and begins to walk in the opposite direction. Suddenly, he turns

and enters an alley on the other side of the apartment building. Now, your suspicions are aroused.

You follow the man into the alley, where he complies with your command to stop. Then, based on a reasonable fear that he could be armed, you conduct a patdown search for weapons. Although no weapon is found, you do feel a small lump in the front pocket of his nylon jacket. When you examine it with your fingers, the lump slides and feels like crack cocaine in cellophane. You then reach into the man's pocket and retrieve a small plastic bag that contains 1/5 gram of

crack cocaine. Is the seizure of the cocaine lawful under the so-called "plain feel" doctrine?

Based on these very facts, the Supreme Court recently answered "no" to that question in *Minnesota v. Dickerson*.<sup>1</sup> Yet, while the Court invalidated the search that occurred in that particular case, all nine Justices nevertheless agreed that under certain conditions, police may lawfully seize nonthreatening contraband detected through the sense of touch during a protective patdown search.<sup>2</sup>

Officers facing similar circumstances need to understand why the





Special Agent DiPietro is a legal instructor at the FBI Academy.

**“...under certain conditions, police may lawfully seize nonthreatening contraband detected through the sense of touch during a protective patdown search.”**

Court concluded that the search in *Dickerson* violated the fourth amendment. The following four questions illustrate the reasoning process the Court used to resolve this issue and are instructive for guiding officer conduct.

1. Does the officer have articulable facts demonstrating an objectively reasonable suspicion that the person is presently armed with a potential weapon?
2. Is the protective frisk conducted by the officer strictly limited in scope to actions necessary for the discovery of weapons?
3. Does the officer reasonably believe that an object detected during the limited frisk could be a weapon?
4. During the limited frisk for weapons, does the officer see and/or feel an object that is immediately recognized as evidence or contraband?

This article examines court decisions involving investigative scenarios that raise these questions and discusses various investigative responses permitted by the fourth amendment.

#### **Justifying a Frisk—Articulable Reasonable Suspicion**

In order to justify a frisk for weapons under the Supreme Court's decision in *Terry v. Ohio*,<sup>3</sup> officers must be able to clearly articulate facts that demonstrate an objectively reasonable suspicion that the defendant is presently armed with a potential instrument of assault.<sup>4</sup> Absent such facts, the evidence seized pursuant to the patdown will be suppressed.<sup>5</sup> In cases where a detainee is suspected of engaging in a crime like drug trafficking or where past police experience suggests a high likelihood that the suspect is armed, some courts take judicial notice that officers can reasonably suspect such suspects to be armed and dangerous, thereby justifying the frisk.<sup>6</sup>

#### **Frisks Strictly Limited in Scope**

A protective frisk is not designed to discover evidence of crime. Rather, it is strictly limited to those actions necessary to discover weapons so that officers can pursue investigations without fear of violence. Once they determine by touch that a particular object is not a weapon, officers cannot continue to feel that object.

When a protective frisk goes beyond what is necessary to determine if a suspect is armed, it is no longer a valid *Terry* frisk.<sup>7</sup> Courts carefully scrutinize the scope of a frisk to determine whether an officer's stated concern for safety was legitimate or a pretext to seize evidence.

For example, in *United States v. Winter*,<sup>8</sup> a Federal district court suppressed \$12,500 in serialized currency seized during a *Terry* frisk — \$9,000 of which had been previously furnished to a confidential informant to buy drugs. At the suppression hearing, the trooper testified that one purpose for conducting the patdown frisk of the defendant was to find the serialized currency. He also testified that he decided beforehand to seize the money wherever it was.

Although the trooper stated he was concerned about a weapon, he admitted that when he took a brown bag out of the defendant's jacket, he “obviously” knew the bag did not contain a weapon. Whatever else the bulge might be, the trooper knew that it was not a weapon.

The court concluded that the trooper should have terminated the frisk as soon as he ascertained that the defendant was not carrying any



weapons and that the seizure and search of the bag was illegal. The court also reaffirmed that the sole justification for a frisk is to protect the officer and others and that the scope of a frisk does not include the right to search for evidence to prevent its disappearance or destruction.<sup>9</sup> Therefore, once an officer determines by the sense of touch that an object is not a weapon, the frisk must stop.

#### **Justifying a Seizure— Reasonable Belief Object Could Be a Weapon**

If, during a lawful limited patdown for weapons, officers feel an object that they reasonably believe could be a weapon, they may seize it.<sup>10</sup> Even if the object turns out in retrospect to be contraband or evidence, its seizure does not offend the fourth amendment, as long as the officers' belief that it was a weapon is objectively reasonable.

In determining what objects might be a weapon, consideration must be given to the setting of the particular case.<sup>11</sup> In *United States v. El-Gabrowni*,<sup>12</sup> officers conducting a lawful patdown frisk of a suspect in the bombing of the World Trade Center felt a rectangular object, which they thought could be plastic explosives. Before the officers could remove the object, the suspect struck the officers who were controlling him. After securing the defendant, the officers removed the rectangular object from the suspect's pocket.

Although the rectangular object turned out not to be explosives, a Federal district court ruled that the officers had two independent legal justifications for seizing the object.

First, it was reasonable for the officers to fear that the rectangular object was a potential source of danger and seize it under the rationale of a *Terry* frisk. Second, once the suspect assaulted the officers, it was lawful to arrest him for that assault and to then conduct a full search of his person incident to that arrest. Therefore, the fruits of a lawful frisk can, alone or together with other suspicious circumstances, ripen into probable cause to arrest, thereby justifying a more extensive search incident to arrest.

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In another example, a U.S. Court of Appeals reviewed a case wherein officers saw a noticeable bulge in the defendant's pants pocket and had other facts suggesting that he had been involved in an armed robbery.<sup>13</sup> During the ensuing patdown for weapons, one of the officers recognized the outline of a gun and pulled a loaded pistol out of the defendant's pocket. The officer placed the defendant under arrest for carrying a concealed firearm and then searched him incident to the arrest, finding cocaine in the other pants pocket. Although the officer did not immediately recognize the

cocaine during the initial patdown, which would have been necessary to justify its seizure under the “plain feel” doctrine, the court nonetheless held the contraband was reasonably seized incident to a lawful arrest.

#### **“Plain Feel” Seizures of Immediately Recognizable Evidence**

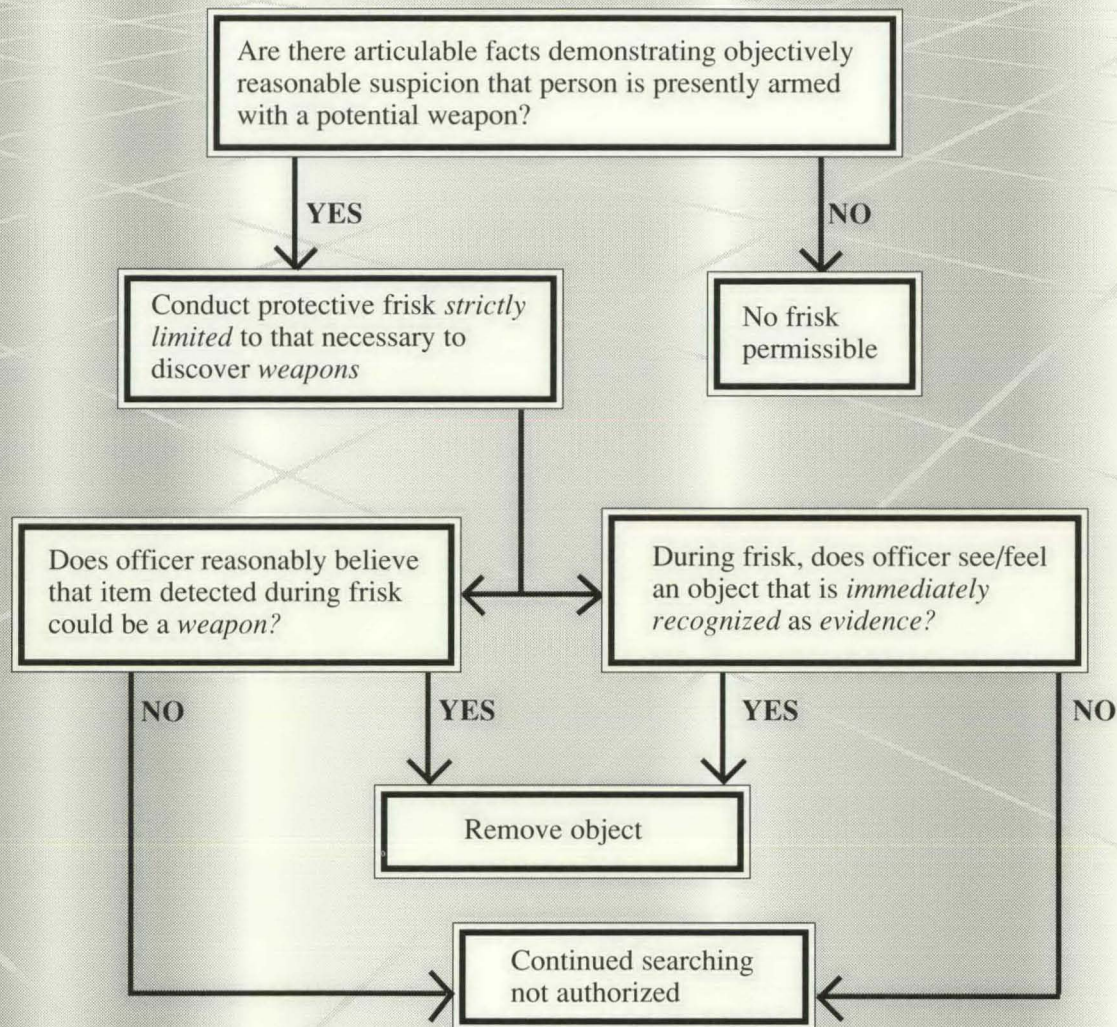
Totally separate from the *Terry* frisk rationale, officers may have an independent justification to seize objects under a variation of the Plain View Doctrine,<sup>14</sup> which is often referred to as the “plain feel” doctrine when applied to tactile searches. Under this rationale, if officers conducting a lawful weapons frisk feel an object that they immediately recognize as evidence or contraband, they may lawfully seize that object under this so-called “plain feel” doctrine.

To be seizable, the incriminating nature of the evidence must be immediately apparent to the searching officer to the level of probable cause.<sup>15</sup> A recent decision by a Pennsylvania Superior court illustrates the importance of officers being able to articulate in detail the specific nature and basis for their perceptions. In that case, an officer's testimony concerning his frisk of a suspect in a drug case was paraphrased as follows:

“[He] felt something ‘crunchy’ or ‘granular’ in Johnson's crotch that did not feel like anything that, physiologically, was supposed to be there....that 50 times over the last four years he had felt something ‘crunchy’ or ‘granular’ during a frisk of a crotch area that turned out to



## Frisks: To Seize or Not to Seize



be a controlled substance.... that in conducting frisks he 'feel[s] a lot of guys' crotches' and that what he felt on this occasion 'did not feel like anyone's testicle.' <sup>16</sup>

Based on the officer's detailed explanation for his "plain feel" seizure, the court held that his tactile

impression of the consistency and location of the package, combined with his years of experience and surrounding circumstances, made the illegal nature of the object immediately apparent, thereby justifying its seizure.

The importance of officers' being able to clearly articulate

probable cause for believing the object is or contains evidence or contraband is illustrated by the decision in *United States v. Ross*,<sup>17</sup> where a Federal district court found that the incriminating character of the suspected contraband was not "immediately apparent." In that case, an officer conducted a patdown search



of a suspected drug dealer and felt a matchbox in the defendant's groin area, which felt hollow when the officer hit it. The officer testified that he suspected the matchbox contained contraband because drug traffickers commonly carry contraband in matchboxes. The officer also stated that in his years of experience, he had found contraband concealed in small matchboxes tucked in the groin area 50 to 100 times.

Although the officer testified that he believed the item to be a matchbox, the court nonetheless held that his suspicion that the matchbox contained contraband did not satisfy the "immediately apparent" requirement.<sup>18</sup> The court explained that the result might have been different if the defendant had been carrying the cocaine in a plastic baggy in his pelvic area through which the contours or mass of contraband could be sensed by the officer conducting the frisk. In *Ross*, the court concluded that the fourth amendment required the officer to have probable cause to believe the matchbox contained contraband *before* seizing it.

Because the officer's suspicion that the matchbox contained cocaine did not rise to the level of probable cause, his removal of the box to verify his suspicion exceeded the legitimate bounds of a "plain feel" seizure. Where officers lack probable cause to believe that an object they feel during a frisk is contraband or evidence, because its incriminating nature is not "immediately apparent" without conducting some further search of the object, the "plain feel" doctrine does not permit either its seizure or a further search of the object.<sup>19</sup>

## Conclusion

The Supreme Court decision in *Dickerson* discussed at the beginning of this article ruled that the patdown frisk of the suspect's jacket was justified because the officer had a reasonable suspicion that he was armed. The scope of that frisk would permit the officer to place his hands on the suspect's jacket and feel the lump in the pocket. However, once the officer determined the object was not a weapon, no further search was permissible, unless the officer had probable cause to believe it was evidence to justify its seizure under the "plain feel" doctrine.<sup>20</sup> Thus, the

**Courts carefully scrutinize the scope of a frisk to determine whether an officer's stated concern for safety was legitimate....**

continued sliding and squeezing of the object exceeded the scope of a legitimate *Terry* frisk.

Although the officer in *Dickerson* contended that he immediately recognized the feel of crack cocaine before conducting the expanded manipulation of the object in *Dickerson's* pocket,<sup>21</sup> the Supreme Court apparently agreed with the Minnesota Supreme Court's conclusion set forth below that the officer's contention was not credible:

"We are led to surmise that the officer's sense of touch must compare with that of the fabled princess who couldn't sleep when a pea was hidden beneath her pile of mattresses."<sup>22</sup>

Three important principles can be drawn from an analysis of *Dickerson*:

1. An officer may rely on the sense of touch to develop probable cause to make a "plain feel" seizure.
2. The probable cause requirement to make a "plain feel" seizure has not been diminished.
3. The "plain feel" doctrine does not enlarge the scope of a *Terry* frisk. ♦

## Endnotes

<sup>1</sup> 113 S.Ct. 2130 (1993).

<sup>2</sup> *Id.* at 2136.

<sup>3</sup> *Terry v. Ohio*, 392 U.S. 1 (1968) (A protective frisk may be conducted if a reasonably prudent person under the circumstances would be warranted to believe that his safety or that of others was in danger.)

<sup>4</sup> *United States v. Ross*, 827 F.Supp. 711 (1993).

<sup>5</sup> *Id.* In response to leading questions by prosecutor, the officer testified that the matchbox he felt during frisk might have contained a razor blade; however, the court found that the officer was not really concerned about a razor blade but that the removal of the box was part of deliberate and focused search for drugs.

<sup>6</sup> *State v. Evans*, 618 N.E.2d 162 (Ohio 1993); *Commonwealth v. Patterson*, 591 A.2d 1075, 1078 (Pa. Super. 1991); *Commonwealth v. Johnson*, 54 Cr.L. 1054 (Pa. Super. 1993).

<sup>7</sup> *Minnesota v. Dickerson*, 113 S.Ct. 2130, 2136 (1993).

<sup>8</sup> 826 F.Supp. 33 (D. Mass. 1993).

<sup>9</sup> *Id.* at 37. See also, *United States v. Taylor*, 997 F.2d 1551 (D.C. Cir. 1993) (A second frisk of defendant's pocket fell outside the bounds of



a lawful *Terry* search because it was not aimed at, let alone limited to, the discovery of weapons.)

<sup>10</sup> *State v. Evans*, 618 N.E.2d 162 (Ohio 1993). See also, *United States v. Oates*, 560 F.2d 45 (1977).

<sup>11</sup> 3 LaFave, *Search and Seizure* 522, Section 9.4(c) (2d Ed. 1987).

<sup>12</sup> 825 F.Supp. 38 (S.D.N.Y. 1993).

<sup>13</sup> *United States v. Brooks*, 2 F.3d 838 (8th Cir. 1993).

<sup>14</sup> Under the "Plain View" Doctrine, if officers are lawfully in a position from which they view an object, if its incriminating character is immediately apparent, and if the officers have a lawful right of access to the object, they may seize it without a warrant. *Horton v. California*, 496 U.S. 128, 136-137

(1990); *Minnesota v. Dickerson*, 113 S.Ct. 2130, 2136-37 (1993).

<sup>15</sup> *Arizona v. Hicks*, 480 U.S. 321, 326 (1987); *United States v. Naugle*, 997 F.2d 819 (10th Cir. 1993).

<sup>16</sup> *Commonwealth v. Johnson*, 54 Cr.L. 1054, 1055 (Pa. Super. 1993).

<sup>17</sup> *United States v. Ross*, 827 F.Supp. 711 (1993).

<sup>18</sup> The court in *Ross* stated that "It would strain credulity to conclude that by his sensing of the box the presence of cocaine therein was 'immediately apparent.'" *Id.* at 719 n. 16.

<sup>19</sup> *Arizona v. Hicks*, 480 U.S. 321 (1987); *Minnesota v. Dickerson*, 113 S.Ct. 2130, 2137 (1993).

<sup>20</sup> "[A]n officer who satisfies himself while conducting a *Terry* check that no weapon is

present in a container is not free to continue to manipulate it in an attempt to discern the contents." *United States v. Williams*, 822 F.2d 1174, 1184 (D.C. Cir. 1987).

<sup>21</sup> In *Dickerson*, the officer never believed nor made any claim that he suspected the lump to be a weapon.

<sup>22</sup> *State v. Dickerson*, 481 N.W.2d 840, 844 (Minn. 1992).

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

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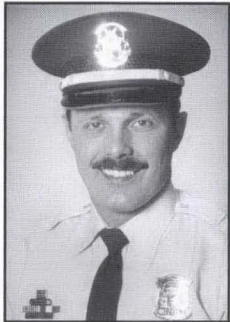
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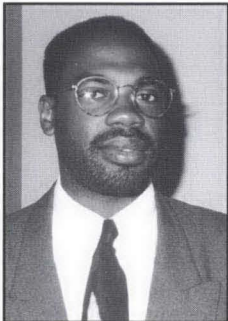
## The Bulletin Notes

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



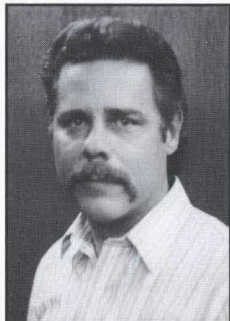
Officer Jennings

Officer Steven Jennings of the Ferndale, Michigan, Police Department responded to a "trouble with customer" call at a local fabric store. Upon arrival, he was informed that two female employees had accompanied a male subject into a back room and were not responding to calls to come out. As Officer Jennings approached the room with his gun drawn, the man suddenly appeared, partially hidden by the door, wearing a cape and concealing his hands in a duffel bag. After ignoring repeated commands to display his hands, the subject produced a semiautomatic pistol and pointed it at the officer's face. Only 1 foot from the subject, Officer Jennings acted instinctively, pushing the door toward the subject and firing multiple shots. When backup units arrived, they found the two employees, who had been beaten, bound, gagged, and blindfolded, in the back room. The assailant was mortally wounded by Officer Jennings.



Officer McCree

As Florida State Probation and Parole Officer Sheldon McCree left the home of a probationer, he heard the screams of a woman whose second-story apartment was on fire. Officer McCree quickly ran to the ground below the woman's window and calmly directed her to drop her 4-year-old son to him. After quickly moving the child to safety, Officer McCree then joined two other men, one of whom was the probationer he had just visited, and instructed the woman to jump into their arms. After doing so safely, the woman warned that another individual may be in the apartment. At great personal risk, Officer McCree entered the burning apartment to make sure no one else remained inside.



Officer Davis

In the early morning hours, Officer Forrest Davis of the Box Elder, South Dakota, Police Department received a request to assist a woman in labor. Officer Davis arrived as the woman gave birth, but took control when the newborn failed to start breathing. He cleared the airway and had to stimulate the child twice, as the baby stopped breathing after taking only a few breaths. Officer Davis kept the newborn breathing until an emergency medical team arrived and took the mother and child to an area hospital.



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ISSN 0014-5688

Washington, D.C. 20535

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## Patch Call



The dragon and background colors on the Uwchlan, Pennsylvania, Police Department patch are derived from the flag of Wales in Great Britain. Early settlers in the area, which became a township in 1712, were Welsh Quakers.

The patch of the Puerto Rico Police Department symbolizes the department's determination to serve the Puerto Rican people. The department's motto, "Protection and Integrity," appears at the bottom.